

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 22 NOVEMBER, 2004**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00pm.

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

Mayor Robert Rowell (Chairperson)
Cr Daniel Cunningham
Cr Arthur Furlong
Cr Peter Jeanes
Cr Kevin Morgan
Cr William Robertson
Cr Anthony Sheppard
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Stephen Sullivan	Manager Development Services
Ms Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Cr Bryan Miller

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the last meeting of Council a number of questions were raised by Mr D Dillon in relation to a submission made on the draft Town Planning Scheme No. 3 Workshop Outcomes. The questions were taken on notice and the following answers provided.

- (a) *Who was responsible for answering the Action Group's formal response and, more particularly, answering the series of questions asked by the Action Group? Why has no answer been given? If an answer is to be given when will the answer be received?*

Answer: Unless otherwise resolved, it is not the custom or practice of the Town of Cottesloe to respond to individual submissions.

(b) *In considering the Forrest Street proposal further, ratepayers ask Council the following questions:*

(i) *Will Council take into account the views of ratepayers as reflected in the Action Group's response.*

Answer: It has taken the Action Group's submission into account and will continue to do so subject to any fresh submissions from the Action Group and ratepayers.

(ii) *Will Council take into account that it is the clear instruction from effected ratepayers that the proposal is not to be pursued.*

Answer: This question assumes that Council is bound to act on the instruction of certain members of the Cottesloe community however Council is under no obligation to do so.

Council has a mandate to serve the interests of the broader community and this sometimes runs at odds with the interests of special interest groups within the community.

(iii) *Will Council take into account that ratepayers have no interest in Cottesloe being the subject of a further major arterial road dividing up and making the suburb less safe for its residents.*

Answer: Yes subject to confirmation of community views and it being demonstrated that there is no nett benefit to be gained in making Forrest Street a through road.

(iv) *Will Council take into account that the Workshop paper does not explain the benefit to residents of delivering into Cottesloe vast amounts of more random vehicular traffic and non-residents and, in the absence of any benefit to ratepayers, the proposal should not be pursued.*

Answer: Yes subject to confirmation of community views and it being demonstrated that there is no nett benefit to be gained in making Forrest Street a through road.

(v) *Will Council take into account that previously Council was, with ratepayers support, working towards the reduction of vehicular traffic in the suburb but the Forrest Street proposal appears to increase vehicular traffic without any apparent benefit to the existing ratepayers.*

Answer: Yes subject to confirmation of community views and it being demonstrated that there is no nett benefit to be gained in making Forrest Street a through road.

(vi) *More particularly, will Council take into account that it was previous policy, which policy ratepayers supported, to "calm and disperse"*

traffic flow through the suburb, not increase traffic flow from non-resident's vehicles, and to reduce traffic flow into the suburb.

Answer: The policy and its context is not readily apparent to me. I would be happy to receive your further advice on the origins of the policy and acquaint Council with same.

(vii) Will Council please explain why a unanimous decision of the Planning Committee to abandon the Forrest Street proposal was reversed by Council and, more particularly, if the Forrest Street proposal does not have ratepayer or Planning Committee support why are ratepayers funds being wasted on pursuing that proposal.

Answer: It was felt that the Forrest Street through road proposal deserved further consideration and should not be summarily dismissed without further community consultation.

4 PUBLIC QUESTION TIME

Dr J Salmon, 7 Federal Street

(a) Is it still policy to use McLeods Lawyers to prosecute ratepayers for any infringement regardless of plea?

Answer: For the prosecution of certain matters such as dog attacks, it is current administrative practice to engage McLeods Lawyers where court proceedings are involved.

(b) Who is benefiting from this policy? Rationale, ethics and costs of this policy.

Answer: The Town of Cottesloe has a statutory obligation to administer and enforce the provisions of the Dog Act.

To the extent that proper legal advice and representation enables the Town of Cottesloe to carry out its statutory obligations efficiently and effectively, the Town of Cottesloe benefits in the first instance and the broader community in the second.

Costs have never figured as a major consideration. I am advised by the Manager of Corporate Services that only two dog attacks have been prosecuted in the past six years.

(c) Is it still policy to subvert ratepayers efforts to have one say in court to ensure McLeods costs fall onto the ratepayer?

Answer: The Town of Cottesloe does not have a specific policy or practice of the type referred to.

Where a prosecution is successful, it is customary to seek costs so that ratepayers, as a whole, do not bear the full expense of court proceedings.

The amount and awarding of costs is determined by the court and is usually less than that charged by our legal representatives.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Morgan

The Minutes of the Ordinary Meeting of Council held on Monday, 25 October, 2004 be confirmed.

Carried 10/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Cottesloe has received funding of \$13,800 from the Perth bicycle network grants.

8 PUBLIC STATEMENT TIME

Dr J Salmon, 7 Federal Street

Dr Salmon said that the responses he received did not answer his questions. Who is benefiting using lawyers to prosecute a ratepayer in a minor event? Is this ethical behaviour for Council and employees to use layers in this fashion? Dr Salmon spoke in relation to the coaching of the ranger by the lawyers and asked Councillors if they think that the Council behaved in an ethical manner.

The Mayor replied that in the situation the Council had an obligation to use a lawyer. He suggested that Dr Salmon address any further questions to the Department of Local Government.

Mr D Manton, 5 Deane Street – Item 11.1.4, No. 5 (Lot 2) Deane Street – Proposed Balcony Addition to an Existing Grouped Dwelling

On 15 December, 2004 the Development Services Committee agreed to recommend passing the plans for the balcony addition. The plans were conditionally approved with an increased setback from 4 metres to 5 metres. Unfortunately the staff comments with regard to existing setbacks in Deane Street provided to the Development Services Committee were highly inaccurate ie; it was claimed that 13 Deane Street (new) had a setback of 5.5 metres when in fact it has a setback of 3.1 metres. The house at 13 Deane Street has an elevated balcony comparable in dimensions to the balcony in his planning application at the 3.1 metre setback. It is also claimed in the staff comments that the minimum setback in Deane Street is 4.5 metres, whereas 10 Deane Street (new) has a setback of 0.5 metres. The two houses opposite (6 and 8 Deane Street have a 4.5 metre setback, one (6) with a 10 metre wide first floor balcony (open aspect). There are in fact four residences fronting Deane Street with 4.0 metre or less setbacks. I trust the Council will see the logic of my argument and reach approval of the 4.0 metre setback. I accept that this may need to be referred back to the Development Services

Committee because of inaccuracies in the Council staff comments. I hope that this is into the case. Another possibility may be the approval of the 4.5 metre setback. In the interests of equity and fairness, I trust the Council will reach a decision that recognises same.

Mr B Reinecke, 15 Pennell Road, Claremont – Item 11.1.3, No 24 (Lot 15) Princes Street - Aged and Dependent Persons Accommodation/Multiple Dwellings

Mr Reinecke is the Director of the company which owns and proposes to redevelop the property at 24 Princes Street. The flats currently house a floating population of between 22-30 people, the redevelopment would reduce this number, along with a reduction in vehicle use. Secure, quality apartments of the size proposed are strongly demanded in Cottesloe for people over 55 years of age. Mr Reinecke advised that it is intended to comply with all height and setback requirements applicable to the site, full working drawings will demonstrate compliance with all standards applicable to this type of accommodation. The streetscape has been softened in line with comments received. Mr Reinecke requested that Council support the recommendation to defer the item until the December round of meetings to allow all Councillors to view the scale model.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 15 NOVEMBER 2004****11.1 PLANNING****11.1.1 NO 14 (LOT 8 AND PART LOT 7) STATION STREET - PROPOSED ADDITIONS - PROPOSED ADDITIONS AND ALTERATIONS TO SHOP AND ALTERATIONS TO SHOP**

File No: No. 14 Station Street
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 8 November, 2004
Senior Officer: Mr Stephen Tindale

Property Owner: Mrs B Gregory

Applicant: Justin Ramshaw Architect
Date of Application: 5 August 2004

Zoning: Town Centre
Use: AA - A use that is not permitted unless special approval is granted by the Council

Density: R100
Lot Area: 607m²
M.R.S. Reservation: N/A

SUMMARY

The draft Town Planning Scheme Amendment No. 36 has been prepared and is submitted for consideration. It is recommended that Council adopt the draft Town Planning Scheme amendment.

This will change the planning controls for a certain section of the northern side of Station Street.

PROPOSAL

The proposal was to extend the existing premises. However, Council records indicate that there has been no approval for the conversion of the premises from showroom to retail.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

- Vehicle Parking Requirements Policy No 001
-

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
3.4.2 - Car Parking	**	**

Town Planning Scheme Policy/Policies

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

If Council proceeds with an amendment the Town Planning Scheme, it is anticipated that there would be costs associated with an amendment of between \$1500 to \$2,000.

Council direction is sought in terms of whether the costs should be borne by the applicant or Council.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

No submissions were received.

BACKGROUND

At its October 2004 meeting, Council resolved as follows:

That Council:

- (1) Not take any action in relation to the unauthorised change in land use at present;*
- (2) Request the staff to prepare a Town Planning Scheme amendment that will change the preferred use of the northern section of Station Street in Appendix I – Town Centre Zone Development Policy Plan from “showroom, offices, restaurants, service stations” to “retail uses”.*
- (3) Request staff to review the minutes of Council meetings during the period between 1988 and 1992 and report back to the November meeting of Council; and*
- (4) Support in principle the proposed development and expedite a Building Licence approval.*

STAFF COMMENT

In response to Part (2), attached to these minutes is a copy of proposed Scheme Amendment No. 36 which will have the effect of changing the preferred uses for the privately owned properties on the northern side of Station Street.

The amendment seeks to change the preferred land uses for the northern side of Station Street to permit retail uses. The effect of the amendment is to:

- allow retail uses to operate in a section of the northern side of Station Street, in addition to the existing preferred uses; and
- allow Council to support a change in land use to the preferred land uses, without the need to provide additional parking, if Council is satisfied that the planning matters in clause 3.4.2(c)(i) are satisfied.

The amendment will require Appendix 1 – Town Centre Zone Development Policy Plan to be amended to reflect the change in the preferred use for the northern side of Station Street.

In response to Part (3), staff have reviewed Council minutes between 1987 and 1992 and have not found reference to any approvals for this site during that period. The last reference to No. 14 Station Street in the Council minutes during the identified period was in August 1987. An extract from those minutes are part of the attachments to the MINUTES (Refer to resolutions Nos. 527 – 529).

Proposed Amendment No. 36 is submitted for adoption by Council to allow the commencement of the statutory advertising process.

In the meantime, the applicant is required to wait for the amendment to be gazetted before Council can considered formally with dealing with the change in land use from Showroom to Shop.

CONCLUSION

The draft amendment is submitted for adoption by Council. Council is required to determine whether the costs of the Town Planning Scheme amendment should be borne by the applicant or Council.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

1. **Council in pursuance of Section 7 of the Town Planning and Development Act (as amended) hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 insofar as it affects Appendix 1 – Town Centre Zone Development Policy Plan by:**
 - a) **adding a new category of uses in the legend, which permits “Showrooms, Offices, Restaurants, Service Industries and Retail uses”;** and
 - b) **amending Appendix 1 – Town Centre Zone Development Policy Plan by:**
 - (i) **removing the existing stippled highlighting for Nos. 10 (Lot 10 Station Street) through to and including No. 16 (Part lot 7 and lot 6) Station Street; and**
 - (ii) **including those properties identified in Part b)(i) in the newly created category of uses identified in Part a).**
2. **Adopt the Draft Amendment No. 36 of the Town of Cottesloe Town Planning Scheme No. 2 attached to and forming part of these minutes.**
3. **Refer the proposed amendment to the Department of Environment for comment prior to advertising.**
4. **Subject to the response received from the Department of Environment, advertise the draft Town Planning Scheme amendment for public comment for a period of 42 days by:**
 - a) **Placing a copy of the notice:**
 - (i) **in The Post Newspaper;**
 - (ii) **on the Council notice board at the Council Offices and the Town Centre;**
 - (ii) **in the library; and**
 - b) **Placing a copy of the draft amendment on display at the:**

- (i) Council offices; and
 - (ii) Cottesloe/Peppermint Grove Library.
- c) Notify in writing:
 - (i) the property owners and occupiers of those properties in Station Street and the southern side of Forrest Street; and
 - (ii) Cottesloe Business Traders Association.
- 5. Provide the Western Australian Planning Commission with a copy of draft Town Planning Scheme Amendment No. 36.

Carried 10/0

11.1.2 NO 17 (LOT 83) HAWKSTONE STREET - ADDITIONS/ALTERATIONS TO EXISTING SINGLE RESIDENCE

File No:	No 17 Hawkstone Street
Author:	Ms Lilia Palermo
Author Disclosure of Interest:	Nil
Report Date:	2 November, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Peter & Sally Woods
Applicant:	P & S Woods
Date of Application:	2 November, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	670m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for additions to the existing single residence which includes the following: modifications to the existing single residence; conversion of the existing carport into a garage and a construction of a habitable room within the loft space above the garage.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. No submissions were received.

STAFF COMMENTProposed Computer/Sitting Room

The applicant is proposing to use the loft area at the rear of the house as a computer room and a bedroom. During a site inspection carried out by the Council's Planning and Building Officer, it was noted that the loft area and the dormer window already exist. The application proposes the use of the existing loft area for habitable purposes.

The original proposal showed a window to the computer/sitting room on the western side. On the amended plans dated 10th September 2004, the window was deleted and only the highlight window to the computer/sitting room remained.

As indicated by the Building Surveyor, there might be a problem with the light and ventilation for that room under the Building Codes requirements and the applicant would be required to demonstrate that adequate light and ventilation is achievable.

Proposed Garage/Loft

The proposed garage at the rear has a habitable room above and therefore does not comply with the definition of an outbuilding under the Residential Design Codes.

The applicant stated in the letter dated 21st September 2004 that the purpose of the loft above the garage is to provide extra bedroom space for the applicant's children when they are visiting.

The proposed garage/loft would classify as an extension to the existing residence. The garage/loft is proposed to be connected to the existing single residence via a deck/walkway. The proposed loft would not be classified as a self-contained accommodation as it does not have separate kitchen/food storage facilities.

The proposed garage has two walls with a nil setback to the southern and eastern boundaries with the following walls heights:

- 4.2m on the southern side;
- 3.8m on the eastern side.

The proposed wall heights of the proposed boundary walls do not comply with the required 2.7m average height under the acceptable development standards Clause 3.3.2 – "Buildings on Boundaries". As the application includes walls of the proposed garage being built up to two boundaries, the application would be required to be accessed under the relevant performance criteria.

The Performance Criteria of this clause states the following:

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

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

The applicant stated in the letter submitted with the application that the widening of the garage, which results in a nil setback to the rear and side (eastern) boundary would allow additional space for storage of tools and equipment.

The proposed boundary walls do not affect the privacy and access to direct sun of the adjoining properties. The adjoining property to the east is owned by the same owners as No 17 Hawkstone Street (the subject of this application). The proposed boundary wall to the garage/loft abuts a garden area at the rear of No 19 Hawkstone Street.

The rear boundary wall of the garage/loft abuts the ROW and therefore the shadow cast would fall on the area of the ROW and would not negatively impact on the adjoining property the rear. It is considered that the proposal satisfies the above performance criteria.

The roof pitch and the materials of the proposed garage/loft will match the existing roof of the existing residence. The height of the top of the roof of the new garage/loft would be approximately 400mm higher than the roof of the existing residence. It is considered that the proposed garage/loft at the rear would not have any negative impact on the streetscape or the amenity of the adjoining residents.

Deck/Walkway

The proposed deck/walkway connecting the rear of the house with the proposed garage/loft would be classified as a balcony and therefore, would be required to have a privacy setback of 7.5m in accordance with the acceptable development standards of the Clause 3.8.1 (A1) of the R-Codes.

The proposed setback from deck/walkway to the western boundary is 6.6m and therefore there will be minor overlooking onto the adjoining property to the west - No 15 Hawkstone Street. During the site inspection carried out by the Planning Officer and the Building Surveyor, it was noted that the area on No 15 Hawkstone Street being the subject of overlooking is merely a rear garden area. There was no objection received from the owners of No 15 Hawkstone Street.

It is considered that the proposed reduced setback from the deck/walkway would satisfy the performance criteria of the Clause 3.8.1.

Patio

A patio is also proposed as part of the application. It is recommended to include a condition of approval requiring a side setback being a minimum of 500mm to ensure the development compliance with the requirement under the Building Code of Australia in regards to fire separation.

CONCLUSION

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

VOTING

Simple Majority

DECLARATION OF IMPARTIALITY

Cr Walsh made a declaration of impartiality with respect to having a close association with the applicants.

COMMITTEE COMMENT

Remove from the recommendation:

- (7) The existing crossover on Hawkstone Street being removed and the kerbing, verge and the footpath being reinstated to the satisfaction of the manager of Engineering Services;

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Additions/Alterations to Existing Single Residence at No 17 (Lot 83) Hawkstone Street, Cottesloe in accordance with the plans submitted on 10 September 2004, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
- (7) The existing crossover on Hawkstone Street being removed and the kerbing, verge and the footpath being reinstated to the satisfaction of the manager of Engineering Services;
- (8) Revised plans being submitted for approval by the Manager, Development Services, showing the setback to the patio is being increased to 0.5m minimum.
- (9) The existing and proposed development being used as a single house as defined in the Residential Design Codes.

AMENDMENT

Moved Cr Morgan, seconded Cr Utting

That (7) from the Officer recommendation, as follows:

- (7) The existing crossover on Hawkstone Street being removed and the kerbing, verge and the footpath being reinstated to the satisfaction of the manager of Engineering Services;

be reinserted into the Committee Recommendation.

Lost 6/4

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for the Additions/Alterations to Existing Single Residence at No 17 (Lot 83) Hawkstone Street, Cottesloe in accordance with the plans submitted on 10 September 2004, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
- (7) Revised plans being submitted for approval by the Manager, Development Services, showing the setback to the patio is being increased to 0.5m minimum.
- (8) The existing and proposed development being used as a single house as defined in the Residential Design Codes.

Carried 9/1

11.1.3 NO 24 (LOT 15) PRINCES STREET - AGED AND DEPENDENT PERSONS ACCOMODATION/MULTIPLE DWELLINGS

File No: No 24 Princes Street
Author: Ms Lilia Palermo
Author Disclosure of Interest: Nil
Report Date: 9 November, 2004
Senior Officer: Mr Stephen Sullivan

Property Owner: Seaside Properties P/L

Applicant: Greg Rowe and Associates
Date of Application: 9 November, 2004

Zoning: Residential
Use: AA - A use that is not permitted unless special approval is granted by the Council

Density: R30
Lot Area: 1702m²
M.R.S. Reservation: N/A

SUMMARY

Council received an application for 8 Aged and Dependent Persons Units. The proposal is for a two storey development with 4 units on the ground floor and 4 units on the upper floor, which would also mean that it should be assessed under the requirements for multiple dwellings in addition to the requirements of the R-Codes for aged and dependents persons' dwellings. The proposal also includes a basement parking of vehicles and storage areas.

The subject property is zoned Residential with the density coding of R30. Multiple Dwellings is an "AA" use in the residential zone, which means that the use is not permitted unless special approval is granted by Council.

Acceptable development standards under the Clause 3.1.3 of the Residential Design Codes allow a variation to the minimum site area requirement in the case of Aged or Dependent Persons Dwellings. The site area may be reduced by up to one third.

Without the 1/3 site area concession the subject property could only accommodate 5 dwellings.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 (c) – Building Heights	6.0m wall height	6.4m
Clause 5.1.1 (c) – Building Heights	8.5m top of the roof height	8.9m

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3.3.1 – Boundary Setbacks	Required Setback (metres)	Proposed Setback (metres)	Clause No – P(No)
East basement (whole)	1.5	1.2 – 3.7	Clause 3.3.1 – P1
West basement (whole)	1.5	1.2 – 3.7	Clause 3.3.1 – P1
North Upper (whole)	7.0	6.7	Clause 3.3.1 – P1
West Upper (Master Suite, Dining, Living)	2.2	1.3 – 2.4	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Sign on Site
- Letter to Adjoining Property Owners

Submissions

There were 43 letters sent out. There were 6 submissions received, of which 6 were objections. Summary of the points raised in the submission are provided below:

- The excessive size of the units;
- The property is not easily accessible to public transport and shopping facilities;
- Concerns regarding the proposed crossover position;
- Difficulty to access and egress the proposed visitor parking bays;
- Visitor parking bays should be located towards the western side of the block;
- The existing peppermint trees on the property should remain;
- The proposed plans are more in line with the R50 density;
- An increase of 24 vehicles using the rear ROW for access would create a dangerous situation;
- None of the units appear to comply with the Australian Standard for aged persons dwellings;
- This application is just an attempt to maximise the development potential of the site;
- This development would have an adverse effect on the adjoining properties;
- The existing driveway to the western end of the property should be kept as an entry and exit point for visitors parking;
- If the proposed crossover is kept on the eastern side the properties across the street would be affected by vehicle head lights due to the topography of the site;

Design Advisory Panel

The application was referred to the Design Advisory Panel for Comment. The following comments were made:

- *Floor areas of the units are well in excess of the required size of 80m²;*
- *Site coverage is massive in comparison with what's there at present;*
- *ROW is too narrow to accommodate 24 extra vehicles;*
- *The proposed units appear to be 3 bedroom luxury apartments;*
- *If Council wants this type of development in the area the Town Planning Scheme should be appropriately amended;*
- *The proposed development is massive; bulk is much larger than that of the existing building;*

- *The proposal does not comply with the specified Australian standard for adaptable housing;*
- *Hard edge of the building is higher than the adjoining properties, which will affect streetscape;*

STAFF COMMENT

Multiple Dwellings in R30 Density

The proposal is for 8 multiple dwellings, as four units on the first floor are located vertically above the other four units on the ground floor.

Multiple Dwellings is specified as an "AA" – discretionary use in the Residential Zone in the TPS 2 zoning table. This means that the use is not permitted unless special approval of Council is granted.

The Residential Design Codes do not specify any development standards for multiple dwellings in R30 density.

Site Area Requirements of the R-Codes

The subject property is zoned Residential R30. The site area requirements under the R-Codes for Single Houses and Grouped Dwellings are: 270 m² minimum lot size and 300 m² average lot size.

Clause 3.1.3 A3 (i) of the R-Codes states:

For the purposes of an Aged or Dependent Persons' dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third, in accordance with Section 4.1.2 and 4.1.3.

The applicant is using the above site area concession of the Codes, which increases the development potential of the subject property by additional 3 units.

Specific Acceptable Development Standards for Aged and/or Dependent Persons Dwellings under the R-Codes (Clause 4.1.2) are as follows:

Dwellings for the purposes of the aged and dependent persons that comply with the following:

- I. A maximum plot ratio area of:*
 - *In case of Single Houses or Grouped Dwellings – 100m²*
 - *In the case of Multiple Dwellings – 80m²;*
- II. A minimum number of five dwellings within any single development;*
- III. All dwellings to incorporate the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House class B standard*
- IV. At least one wheelchair-accessible parking space for the exclusive use of each wheelchair – accessible dwelling provided;*
- V. Visitors' car spaces at the rate of one per four dwellings, with a minimum of one space; and*
- VI. At least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such person, and the owner of the land*

agrees to enter into a legal agreement, binding the owner, his heirs and successors in title requiring that this provision be maintained.

The proposal does not comply with a number of the above acceptable standards. The size of the units is considerably larger than the required 80m².

The applicants were requested to submit additional information in regards to compliance of the development with the AS 4299 (Adaptable Housing), which was received on 2nd November 2004. This information was checked by the Council's Building Surveyor. The applicant did not sufficiently demonstrate that any of the units are fully compliant with the AS 4299 (Adaptable Housing).

In regards to the requirement No. V referred to above, the applicant stated that *two internal lifts would provide wheelchair access from the parking area to each of the proposed dwellings, meaning that each dwelling is wheelchair-accessible.*

In relation to the acceptable Standard VI above the following was stated by the applicant in the report dated 4th August 2004:

"With respect to Acceptable Development provision 4.1.2 A2(vi), the Applicant acknowledges that at least one occupant of each of the proposed Aged Persons' Dwellings is to be a disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person."

Performance Criteria

As the proposed development does not meet all the acceptable development standards of the Clause 4.1.2 the proposal would be also required to be assessed under the following performance criteria:

Dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place" taking into account:

- *The proportion of dwellings designed to meet Australian Standards for Dependent Persons Dwellings;*
- *The location of the site in relation to public transport and convenience shopping;*
- *The topography of the locality in which the site is located; and*
- *The demand for aged and dependent persons' accommodation.*

The applicants discussed some of the above performance criteria in the report supplied with the application. (Please see report dated 5 August 2004 attached).

In regards to the first criterion above, the applicant submitted additional information which was checked by the Building Surveyor to verify compliance with the AS 4299.

The applicant's architect signed off on all of the essential features showing that the development complied with the AS4299. There was not enough detail submitted by the applicant to verify compliance with certain features of the AS 4299 and in many cases of a number of essential features.

As a result none of the proposed units are fully compliant with the Australian Standard 4299 (Adaptable Housing) and therefore it is considered that the proposed development does not satisfy this performance criterion.

It is considered that there is no convenience shopping within reasonable walking distance from the subject site. The owners/occupiers of the units would have to rely on the available public transport to access the available shopping facilities.

The applicant's report states that the subject site is in close proximity to public transport and in particular to the following Transperth bus stops:

- *Marine Parade before Princess Street (a distance of 234m from subject site)*
- *Marine Parade after Salvado Street (a distance of 300m from the subject site);*
- *Mosman Park Train Station (a distance of 348m from the subject site)*
- *Salvado Street before Broome Street (a distance of 375m from the subject site); and*
- *Broome Street before Salvado Street (a distance of 390m from the subject site).*

To access the Mosman Park Train Station and Mosman Park shopping precinct along Stirling Hwy pedestrians would be required to cross Curtin Ave, which could present a difficulty for aged or dependent persons due to the very busy nature of the highway.

There is no median island on Curtin Avenue at the Princess Street intersection, which would have to be constructed by Council to provide safe access for aged and dependent persons to the train station.

It also should be noted that a section of footpath would be required to be constructed by Council on the northern side of Princes Street.

If Council is of the opinion that the application should be approved it is recommended that the applicant should provide contribution for the construction of the footpath, median island or any other works required to be carried out by Council due to the proposed development.

The bus stops on Marine Parade referred to above would not be accessible to aged or dependent persons due to the topography of the locality. Princes Street slopes down dramatically between Avonmore Terrace and Marine Parade.

This leaves only the bus stops on Broome Street and on Salvado Street referred to above within the distance between 375 and 390m, which is a considerable distance for aged or dependant persons. The level of the footpath is 1.1m lower than the level at the front boundary of the property. Also the footpath slopes down towards Broome Street considerably from the eastern property boundary to Broome Street (grade of 1:11) which could present difficulty for aged or dependent pedestrians. In accordance with the BCA requirements a grade of 1:14 is acceptable.

Also the grade of the footpath leading to the Salvado Street bus stop was checked by the planning officer and the GIS officer, which was determined to be 1:12. This grade along the Salvado Street footpath could also present difficulty for aged and dependent persons when accessing Salvado Street bus stop.

It is considered that the changing levels and considerably steep grades in the locality would present a difficulty to the aged and dependent persons when trying to access available public transport facilities.

Taking all of the above issues into account it could be concluded that the proposed development does not satisfy the Performance Criteria of the Clause 4.1.2 (P2) – “Aged or dependent Persons’ Dwellings” of the R-Codes.

The explanatory text of the R-Codes (4.1 – “Special Purpose Dwellings) states:

Because Aged or Dependent Persons’ Dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the Codes under Clause 3.1.3 allow the reduction of the site area by one third... To prevent these concessions from being abused – for example as a back door way of increasing density for standard housing without re-coding an area – the concessions are subject to three constraints:

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

Taking into account the above quote it is considered that the proposal does not satisfy the intention behind of the R-Codes to encourage the development of small scale specialised housing.

Building Height

The applicants’ reports dated 5th August 2004 and 7th September 2004 did not fully address the compliance of the proposal with the height restrictions under the Town of Cottesloe Town Planning Scheme (TPS2).

The reports stated that the proposal complied with the required heights as no portion of the building protruded above 8.5m above natural ground level. Clause 5.1.1(c) of the TPS2 states:

“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>6.0metres</i>
<i>Two Storey</i>	<i>Wall height</i>	<i>6.0metres</i>

Roof Height	8.5metres
Subsequent Storeys	Wall Height 6.0 metres plus; 3.0 metres per storey
Roof Height	8.5 metres plus; 3.0 metres per storey

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

The Natural Ground Level at the centre of the site was determined to be RL 10.0 m.

The required wall height limit under the TPS2 would be RL16.0 m.

The originally proposed wall height was RL17.0m (plans dated 7th September 2004), which exceeded the requirement by 1.0m.

The applicant was requested to address the wall height issue.

Comments offered by the Design Advisory Panel indicated that the increased height of the development combined with the flat roof design would exacerbate the impact of the “hard edge” of the building on the existing streetscape and the adjoining properties.

The applicant provided revised plans on 11 November 2004. The wall height was lowered to RL 16.4m, which still exceeds the statutory height limit by 0.4m.

The roof design of the building was changed with the portions of the building on the eastern and western side having pitched roofs. The height of the pitched portions of the roof is now RL 18.9m, which exceeds the required height of RL 18.5m by 0.4m.

The applicants verbally indicated that the wall height and the roof ridge height could be further lowered to comply with the statutory height restrictions.

It is considered that the topography of the site does not warrant a variation to the statutory height requirements in this case. If the Council is of the opinion to approve the application it would be recommended that the applicant be required to further lower the wall and roof height of the building in order to comply with the statutory height requirements.

Side Boundary Setbacks

The following side boundary setbacks don't comply with the acceptable development standards of the R-Codes and would be assessed under the relevant Performance Criteria:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
East basement	Whole	0.5	26.5	No	1.5	1.2 – 3.7
West basement	whole	0.3	26.5	No	1.5	1.2 – 3.7
North Upper	Whole	7.0	34.3	Yes	7.0	6.7
West Upper	Master Suite, Dining, Living	6.5	17.8	No	2.2	1.3 – 2.4

Performance Criteria under the Clause 3.3.1 P1 are as follows:

Buildings setback from boundaries so as to:

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

The building bulk of the proposed development is considerably larger than that of the existing building on the site. Although the existing building on 24 Princess Street is three storeys, a combination of greater setbacks, reduced floor area and a vast amount of open space around the perimeter of the site, reduces the impact of the existing building bulk on the adjoining properties and the streetscape when compared with the proposed development.

With the building design being such that the upper floor has the same setbacks as the lower level, and some of the proposed side setbacks not complying with the acceptable standards, the impact of the proposed building bulk is further exacerbated.

Parking of Vehicles

The proposal includes undercroft parking with 3 parking bays per unit resulting in total of 24 bays. Council received comments from the adjoining property owners regarding the negative impact of the considerable increase in the number of vehicles using the ROW at the rear of the property for access.

The applicant is also proposing two visitor parking bays at the front of the property.

There were objections received from the adjoining property owners regarding the location of the visitor bays, which pointed out that due to the topography of the site and the existing on-street parking situation on Princes Street, it would be extremely difficult to excess and egress the proposed visitor parking.

In response to the objections from the adjoining property owners the applicants submitted amended plans showing the proposed visitors' parking bays being relocated to the lower front section (western side) of the property.

CONCLUSION

It is recommended that the application be refused for the following reasons:

- (1) The proposal exceeds the statutory height requirements for wall and roof ridge height under the Clause 5.1.1 (c) of the TPS 2;
- (2) The topography of the site does not warrant a variation to the height requirements and the amenity of the neighbouring area would be unreasonably diminished if the variation is granted;

- (3) The proposal does not comply with the maximum plot ratio of 80 m² required under the acceptable development standard A2 (i) Clause 4.1.2 of the R-Codes, which results in the excessive building bulk;
- (4) The amenity of the adjoining properties and the streetscape would be negatively affected due to the proposed building bulk;
- (5) The proposal does not comply with the Acceptable Development Standard A2 (iii) and the Performance Criteria P2 Clause 4.1.2 of the R-Codes, as none of the 8 units fully comply with the AS 4299 (Adaptable Housing) to the adaptable House class B standard;
- (6) Convenience shopping and public transport are not easily accessible from the subject site;
- (7) The topography of the locality would present difficulty for aged or dependent persons.
- (8) The proposal does not satisfy the intention of the R-Codes to encourage the development of small scale specialised housing.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Development Services advised Councillors of a report that was tabled at the meeting.

The Building Surveyor has advised non-compliance with Australian Standards. The Engineering department has concerns relating to the grade of the access to the properties via and along the Princes Street footpath.

The Mayor said that the codes aren't keeping up to date with the latest reports on today's aging profile.

Cr Jeanes expressed some concerns with the development application.

There was concern by some members of the committee that there was insufficient time to consider the report tabled at the meeting. Therefore, the majority of Councillors sought deferral of the application to the December meeting of Council.

OFFICER RECOMMENDATION

That Council:

- (1) Determines the natural ground level at the centre of the site to be RL 10.0m for the purposes of Clause 5.1.1 of the Town Planning Scheme text.
- (2) REFUSE its Approval to Commence Development for the Aged and Dependent Persons Accommodation/Multiple Dwellings at No 24 (Lot 15) Princes Street, Cottesloe in accordance with the plans submitted on 11 November 2004, as Council is of the opinion that:
 - (a) The proposal exceeds the statutory height requirements for wall and roof ridge height under the Clause 5.1.1 (c) of the TPS 2;

- (b) The topography of the site does not warrant a variation to the height requirements and the amenity of the neighbouring area would be unreasonably diminished if the variation is granted;
 - (c) The proposal does not comply with the maximum plot ratio of 80 m² required under the acceptable development standard A2 (i) Clause 4.1.2 of the R-Codes, which results in the excessive building bulk;
 - (d) The amenity of the adjoining properties and the streetscape would be negatively affected due to the proposed building bulk;
 - (e) The proposal does not comply with the Acceptable Development Standard A2 (iii) and the Performance Criteria P2 Clause 4.1.2 of the R-Codes, as none of the 8 units fully comply with the AS 4299 (Adaptable Housing) to the adaptable House class B standard;
 - (f) Convenience shopping and public transport are not easily accessible from the subject site;
 - (g) The topography of the locality would present difficulty for aged or dependent persons.
- (2) Advise the submitters of Council's decision.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That further consideration of the application for the proposed development of eight Aged and Dependent Persons Accommodation on No. 24 (Lot 15) Princes Street be deferred to the December round of meetings.

Carried 9/1

11.1.4 NO 5 (LOT 2) DEANE STREET – PROPOSED BALCONY ADDITION TO AN EXISTING GROUPED DWELLING

File No: No 5 Deane Street
 Author: Ms Lilia Palermo
 Author Disclosure of Interest: Nil
 Report Date: 1 November, 2004
 Senior Officer: Mr Stephen Sullivan

Property Owner: Denis Manton

Applicant: Denis Manton
 Date of Application: 1 November, 2004

Zoning: Residential
 Use: P - A use that is permitted under this Scheme
 Density: R30
 Lot Area: 731m²
 M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for balcony additions to the existing front grouped dwelling on the subject property.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

All the adjoining property owners signed the plans to certify that they have no objections to the proposed development.

BACKGROUND

Council approved an application for a two-storey residence on the adjoining property 3A Deane Street in December 2003. The proposal incorporated a reduced front setback to the balcony being 5.0m.

The owner of 5 Deane Street objected to the proposed reduced front setback due to the negative impact on westerly views from the 5 Deane Street.

The officer's report to the December 2003 round of meetings regarding the application on No 3A Deane Street recommended approval subject to conditions. One of the recommended conditions was to require the applicant to submit revised plans showing the front boundary setback being increased to 6.0m.

The section of the officer's report entitled "Front Setback" pointed out that the proposed reduced setback on 3A Deane Street would affect the westerly views of the adjoining property and would potentially create a precedent for similar applications in the future.

The Development Services Committee adopted by simple majority an amendment to the officer's recommendation, which deleted the recommended conditions of approval.

Council's final decision was to approve the application with the proposed 5.0m front setback subject to standard conditions.

STAFF COMMENT

The subject property is zoned Residential R30. The proposal incorporates a proposed front setback of 4.0m to balcony with pillars being setback 5.0m.

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

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

"When assessing applications for Development Approval, Council will:

(a) generally insist on:

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

Council however did not insist on a 6.0m front setback on 3A Deane Street and approved the proposal for the two-storey single residence with a reduced setback of 5.0m.

The Development Services Committee comments (Council minutes December 2003) stated that *"the majority of Council supported the proposed 5.0m setback based on the setback of other buildings in the street"*.

Although the author of this report believes that a 6.0m front setback should have been maintained on Deane Street in order to protect the amenity of the street and maintain the existing westerly views, in the case of the current application on 5 Deane Street the equitable and fair recommendation would be to allow the same variation to the front setback as for No 3A Deane Street being 5.0m.

The adjoining neighbours including the adjoining property to the east supported the application. No 7 Deane Street has a front setback of 6.0m to the porch and 8.0m to the house. No 11 Deane Street has a large front setback of approximately 19.0m. No 13 Deane Street has a front setback of approximately 5.5m. No 15 Deane Street has its primary frontage to Avonmore Terrace with a setback of 1.5m to Dean Street.

The properties on the southern side of Deane Street between Avonmore Terrace and Broome Street have front setbacks ranging from 4.5m to 17.0m.

Allowing a reduced setback of 4.0m would create further precedent in the locality as in case of the previous approval on 3A Deane Street. The proposed balcony with the privacy screen panel on the eastern side having a reduced front setback of 4.0m could affect the views of the properties to the east.

It is recommended that a setback of 5.0m be approved with an open aspect ballustrading within the 6.0m front setback to ensure that the views of the properties to the east are not affected. The open aspect ballustrading aspect would have to be discussed with the adjoining property owner to the east No 7 Deane Street due to a possible impact on privacy of this property.

CONCLUSION

It is recommended that the application be approved subject to general standards conditions and a specific conditions requiring the front setback being increased to 5.0m and the balcony balustrading being of an open aspect design, subject to discussions with the owners No 7 Deane Street.

VOTING

Simple Majority

DISCLOSURE OF PROXIMITY INTEREST

Cr Strzina declared a proximity interest insofar as he owns and resides at No. 3B Deane Street and left the meeting at 7.30pm.

COMMITTEE COMMENT

The committee was advised by the Manager Development Services that the generally accepted setback for new sites is 6 meters to the building and 5 metres to the balcony.

OFFICER AND COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Balcony Addition to the existing grouped dwelling at No 5 (Lot 2) Deane Street, Cottesloe in accordance with the plans submitted on 23 September 2004 subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Revised plans being submitted for approval by the Manager, Development Services, such plans showing:
 - (i) the front setback to the balcony being 5.0m from Deane Street; and
 - (ii) subject to part (6), the type of balcony balustrade on the eastern side within the 6.0m front setback area being to the satisfaction of the Manager of Development Services.
- (6) Prior to making a decision in relation to part (5)(ii), the Manager of Development Services is to ascertain the opinion of the owner of No. 7 Deane Street in relation to the type of balcony balustrading to be provided forward of the 6.0m building line.

AMENDMENT

Moved Cr Furlong, seconded Cr Morgan

That the item be deferred until the December round of meetings.

Carried 8/1

11.1.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That the item be deferred until the December round of meetings.

Carried 8/1

Cr Strzina returned to the meeting at 7.31pm.

11.1.5 NO. 14 (LOTS 50 AND 51) EDWARD STREET - PROPOSED DEMOLITION OF CHURCH - LISTED ON TOWN PLANNING SCHEME POLICY NO. 12

File No: No. 14 Edward Street
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 8 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council considered the request for demolition at its October 2004 meeting and requested further explanation of the summary contained in the Consultant's report. The revised report will be circulated for consideration when it is received.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

The property is listed on Town Planning Scheme Policy No. 12 and is seen as an important building to the District. The study will help inform Council whether or not that classification is correct and whether demolition approval should be granted or not.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The anticipated cost is approximately \$3000.

BACKGROUND

At its October 2004 meeting, Council resolved as follows:

That Council:

- (1) *Defer consideration of this item to the November 2004 round of meetings;*
- (2) *Request the Consultants to provide additional information regarding the information contained in the Summary section of the Consultant's report.*

STAFF COMMENT

The consultants have been requested to provide additional information in relation to the summary section of the report. The revised report will be circulated once it is received.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee generally agreed that the church building is seen as having some heritage value to the district.

OFFICER RECOMMENDATION

For further consideration following receipt of the revised report.

11.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its approval to Commence Development for the demolition of the vestry and hall at No. 14 (Lots 50 and 51) Edward Street, subject to the following conditions:**
 - (a) A photographic record of the existing buildings being submitted to Council prior to a Building/Demolition Licence being issued; and**
 - (b) The site being levelled and stabilised to the satisfaction of the Manager Development Services.**
- (2) Invite the applicants to submit a proposal for consideration by Council for the church to be converted into residential units, prior to considering a request for an amendment to the existing town planning scheme.**

Carried 10/0

11.1.6 NO. 29A (LOT 106) ERIC STREET - NON-COMPLIANCE WITH THE APPROVED PLANS

File No: 29A Eric Street
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

This matter was considered by Council at its October 2004 meeting. A request was received from the owner of the property for Council to defer consideration of this matter until the November meeting of council.

A meeting is to be held with the owner of the property on Friday 12 November to discuss this matter further.

The Manager of Development Services will make further comments on this matter at the November meeting of the Development Services Committee.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2
Town Planning and Development Act

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council may be required to take legal action to enforce its Town Planning Scheme or defend its decision in the Town Planning Appeal Tribunal, depending upon the course of action it takes. Costs in undertaking these actions will be involved.

BACKGROUND

Council resolved as follows at its October 2004 meeting:

That Council:

- (1) Defer consideration of this matter to the November round of meetings; and*
- (2) The owners of No. 29A Eric Street and Nos. 147 and 149 Broome Street be advised of Council's decision.*

This was in response to a request from the owner of No.29A Eric street.

STAFF COMMENT

A meeting has been arranged with the owner of the property and the Manager of Development Services to discuss this matter further. The meeting has been scheduled for 2:00pm on Friday the 12 November 2004. Due to the lateness of the meeting, the Manager of Development Services will provide a verbal report to the November meeting of the Development Services Committee.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Development Services understood that the owners intended to request, in writing, a deferral. However no correspondence has been received from the owner.

Three Councillors advised that they have received this correspondence.

There was a general feeling that Council write to the owner instructing that the options are screening, obscure glass or legal action and provide a time limit to comply.

OFFICER RECOMMENDATION

A verbal report will be made to the November meeting of the Development Services Committee on this matter by the Manager of Development Services.

11.1.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council write to the owner advising that the conditions of development approval must be complied within 60 days failing which legal action will be taken or, alternatively, the owner must provide within 60 days some other form of screening that satisfies their neighbours' concerns.

Carried 10/0

**11.1.7 PROPOSED AMENDMENT TO THE METROPOLITAN REGION SCHEME -
LEIGHTON BEACH AND ENVIRONS**

File No: D2.7
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

At its October 2004 meeting, council requested a representative from the Department for Planning and Infrastructure to brief Council on the proposed amendment. A presentation will be made at the November Development Services Committee meeting on this item.

The October 2004 recommendation of staff is re-submitted for consideration by Council following the presentation.

STATUTORY ENVIRONMENT

Metropolitan Region scheme
Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If the proposed Metropolitan Region Scheme amendment reaches finalisation, Council is required to amend its current Town Planning Scheme to reflect the changes to the Metropolitan Region Scheme as a consequence of this amendment.

Costs will be associated with the presentation for the documentation and the carrying out the necessary advertising process to amend the current Town Planning Scheme.

BACKGROUND

At its October 2004 meeting, Council resolved as follows:

That Council:

- (1) *Defer consideration of the proposed Metropolitan Region Scheme Amendment to the November 2004 round of meetings; and*
- (2) *Request administration to invite a representative from the Department for Planning and Infrastructure to attend the November Committee meeting to clarify some points regarding the proposed Metropolitan Region Scheme Amendment.*

STAFF COMMENT

The October 2004 recommendation presented by staff to the Development Services Committee is submitted for consideration following the presentation by the representative from the Department for Planning and Infrastructure.

VOTING

Simple Majority

11.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) Advise the Western Australian Planning Commission that it holds no objection to the proposed changes to the Metropolitan Region Scheme outlined in proposed Amendment No. 1074/33 to the Metropolitan Region Scheme that are located within the Town of Cottesloe; and**
- (2) Request staff to prepare a draft Town Planning Scheme amendment to address changes required to the Town of Cottesloe Town Planning Scheme No. 2 when the proposed Metropolitan Region Scheme amendment is finalised.**

Carried 10/0

11.2 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**11.2.1 NO. 42 JARRAD STREET – UNAUTHORISED WORKS – PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING SHOPS**

The Manager Development Services reported to the committee that he gave permission to replace the roof. Further works have commenced on the site without planning approval. The issues relate to increased floor area, parking, enclosing the walkway, loss of shop front. He advised that an agenda item was to be presented to the December round of meetings, to enable the Councillors to discuss the matter, as he is not prepared to deal with it under delegated authority.

The Mayor advised that he drew the Building Surveyor's attention to the works that were being undertaken and explained the proposal. He sought the Committee's support for approving the proposal.

The majority of Councillors believed that the application should be the subject of a report by staff and considered at the December round of meetings.

COMMITTEE RECOMMENDATION

That a report be provided to Council in the December round of meetings.

AMENDMENT

Moved Cr Cunningham, seconded Cr Furlong

That Council grant approval for the development subject to increased parking requirements.

Lost 7/3

11.2.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That a report be provided to Council in the December round of meetings.

Carried 10/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 16 NOVEMBER 2004**12.1 ADMINISTRATION****12.1.1 SPECIAL COUNCIL MEETING - PROXIMITY INTERESTS – CR SHEPPARD**

File No: X4.10
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

In order to straighten the record, a recommendation is made to rescind a Council decision relating to the proposed density of “Lots between Napier Street & Warnham Road.”

The recommendation is made in response to a complaint received by the CEO concerning an undeclared proximity interest by Councillor Sheppard who participated in the decision making at the time.

A further recommendation is made to take a fresh vote on the same matter subject to the declaration of the proximity interest - assuming Cr Sheppard is present at this round of meetings.

STATUTORY ENVIRONMENT

The relevant section of the Local Government Act reads as follows:

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
 - (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.

- (2) In this section, land (“the proposal land”) adjoins a person’s land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person’s land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person’s land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person’s land.

- (3) In this section a reference to a person’s land is a reference to any land owned by the person or in which the person has any estate or interest.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the September 6th Special Meeting of Council it was

Moved: Cr Cunningham, seconded Cr Morgan

That Council:

- (1) Support the residential density provisions outlined on the attached draft map as amended by the Council resolutions shown individually above and Request staff to accordingly:
 - (a) prepare a revised Draft Town Planning Scheme No. 3 Map; and
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed density provisions;
 - (ii) include recommended Town Planning Scheme provisions.
- (2) Support the inclusion of Precincts to define the unique Neighbourhood, Town Centre and Beach character;
- (3) Prepare Residential Design Guidelines as required to provide additional development standards.

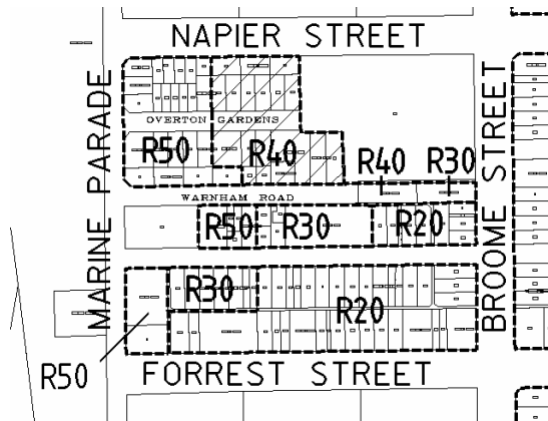
Carried 8/3

To recap, the minutes of the special Council meeting record the following:

Lots between Napier Street & Warnham Road

An assessment of the existing built density on lots between Napier Street and Warnham Road has shown that:

- The density ranges from R160 to R20;
- The majority of lots within this area are developed to a density of over R80; and
- The area predominantly contains multiple dwellings;



As a result of this assessment it is considered that the density coding in this area should be varied from R40 to R60 for the following reasons:

- The area should reflect the R60 density proposed in TPS No.3 for the remainder of the those streets;
- A coding of R60 would reflect the density of the majority of lots in this area;
- Previous precinct community consultation supported increasing densities back from Marine Parade except in areas which were predominantly single residential;
- Demographics analysis highlights that 34% of all households are lone person households and that this is expected to increase in the future with 44% of all population growth in the 65 years and over age group;
- The Local Planning Strategy recommends that a wide range and distribution of residential densities be provided to accommodate a variety of housing types.

A density coding of R60 would result in the following changes to development control provisions:

- Multiple Dwelling Lot sizes would change from 250m² to 166m²;
- Average single house lot sizes would change from 200m² to 160m²;
- Residential plot ratio would change from 0.60 to 0.70;
- Minimum communal open space would change from 20m² to 16m²;
- Typical subdivision on lots of 559m² would result in 3 units instead of 2 units as permitted under the current scheme.

It is considered that these changes will have a minimal impact as most of the lots are already developed at or above this coding.

Design guidelines for this area should be developed to control the design of buildings to ensure that the existing character is maintained.

It is therefore recommended to change the coding in this area from R40 to R60 and prepare design guidelines for the beach area.

Implicit within part (1) of the resolution was a proposal to change the density coding of "Lots between Napier Street & Warnham Road" from R40 to R60.

The CEO received a complaint that Councillor Sheppard should have declared a proximity interest at the time of debating and voting on the agenda item on the basis that Councillor Sheppard is an owner of property at 116 Marine Parade.

116 Marine Parade lies immediately across the road from 118 Marine Parade and 5A Overton Gardens and as a result a proximity interest arises for Councillor Sheppard.

The minutes show that officer's recommendation ultimately adopted by Council 8 votes to 3. There is therefore no dispute as to whether Cr Sheppard was present during deliberations or not.

CONSULTATION

The CEO has spoken to the complainant and Councillor Sheppard. Advice was also sought from the Department of Local Government and Regional Development on how best to address the complaint.

STAFF COMMENT

After contacting Councillor Sheppard and receiving an explanation I am of the view that Councillor Sheppard did not deliberately set out to hide a proximity interest.

It appears that a combination of factors may have acted to desensitise Councillor Sheppard to the need to declare a proximity interest. The strata unit he owns at 116 Marine Parade is somewhat distant from the adjoining land.

With the benefit of hindsight, the all-encompassing nature of the final resolution which covered almost the whole of the residential district probably served to obscure the specific detail of the changes being proposed - which was no fault of Councillor Sheppard's.

Council will also recall that it had some difficulties conducting the business of the agenda item because the recommendations were scattered throughout and not reproduced in their entirety at the end of the agenda item.

As the final resolution has yet to be acted upon (in terms of presenting a draft scheme map to the community) it would seem prudent to revisit the specific agenda item so that there can be no later accusation that due process has not been followed.

VOTING

Absolute Majority for Part 1 of the recommendation.

DECLARATION OF INTEREST

Cr Sheppard declared a proximity interest and left the meeting at 7.52pm.

COUNCIL COMMENT

Cr Utting stated his concern that Councillors could become complicit in the proposal, following on a complaint from a member of the public to the CEO. Telephone advice from the Department of Local Government is that the minutes should not be altered in this manner. Council should seek legal advice on behalf of and distribute to Councillors.

DECLARATION OF INTEREST

Cr Furlong declared a financial interest and left the meeting at 7.53pm.

AMENDMENT

Moved Cr Utting, seconded Cr Walsh

That Council obtain legal advice on behalf of Councillors. The advice to be distributed to all Councillors.

Lost 6/2

Cr Furlong returned to the meeting at 8.00pm.

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, Cr Morgan

That Council:

- (1) **Rescind its September 6th Council resolution insofar as it relates to increasing densities for “Lots between Napier Street & Warnham Road” from R40 to R60.**

Carried by Absolute Majority 8/1

The vote was recorded:

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Utting
Cr Cunningham	
Cr Furlong	
Cr Jeanes	
Cr Morgan	
Cr Robertson	
Cr Strzina	
Cr Walsh	

- (2) **Support the proposed increase in densities for “Lots between Napier Street & Warnham Road” from R40 to R60.**

Carried 6/3

The vote was recorded

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Morgan
Cr Cunningham	Cr Utting
Cr Furlong	Cr Walsh
Cr Jeanes	
Cr Robertson	
Cr Strzina	

Cr Sheppard returned to the meeting at 8.05pm.

12.1.2 SPECIAL COUNCIL MEETING - PROXIMITY INTEREST – CR FURLONG

File No: X4.10
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

In order to straighten the record, a recommendation is made to rescind a Council decision relating to the proposed density of lots “Not Fronting onto Marine Parade”.

The recommendation is made in response to a complaint received by the CEO concerning an undeclared proximity interest by Councillor Furlong who participated in the decision making at the time.

A further recommendation is made to take a fresh vote on the same matter subject to the declaration of the proximity interest - assuming Cr Furlong is present at this round of meetings.

STATUTORY ENVIRONMENT

The relevant section of the Local Government Act reads as follows:

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
 - (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.
- (2) In this section, land (“the proposal land”) adjoins a person’s land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person’s land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person’s land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person’s land.
- (3) In this section a reference to a person’s land is a reference to any land owned by the person or in which the person has any estate or interest.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the September 6th Special Meeting of Council it was

Moved: Cr Cunningham, seconded Cr Morgan

That Council:

- (1) Support the residential density provisions outlined on the attached draft map as amended by the Council resolutions shown individually above and request staff to accordingly:
 - (a) prepare a revised Draft Town Planning Scheme No. 3 Map; and
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed density provisions;
 - (ii) include recommended Town Planning Scheme provisions.
- (2) Support the inclusion of Precincts to define the unique Neighbourhood, Town Centre and Beach character;
- (3) Prepare Residential Design Guidelines as required to provide additional development standards.

Carried 8/3

To recap, the minutes of the special council meeting record the following:

Foreshore Centre Zone

The foreshore centre zone can be broken into two sub groups:

- Those lots fronting onto Marine Parade; and
- Those lots not fronting onto Marine Parade.

Lots Fronting onto Marine Parade

The density of this area will be reviewed in further detail after the Beachfront Objectives are finalised by staff.

It is therefore recommended that no change occur to these areas at this stage.

Lots not Fronting onto Marine Parade

An assessment of lots not fronting onto Marine Parade has revealed that:

- The existing built densities range between R160 and R20;
- The average density coding is around R60; and
- There is an equal mix of single residential and multiple dwelling buildings in this area.

As a result of the assessment it is considered that the density coding for this area should be varied from R50 to R60 for the following reasons:

- A coding of R60 would reflect the existing built density of the majority of lots in this area;
- Changing the coding from R50 to R60 does not change the lot sizes for single houses;
- The Local Planning Strategy recommends that selected areas of Marine Parade, particularly near Cottesloe Beach should have higher densities to accommodate small households and single person households;
- It would provide a consistent density for all lots on these streets, which currently have between 2 and 4 different densities; and
- Draft TPS No. 3 proposes to introduce a new clause which would enable existing multiple dwelling developments to be redeveloped to the same density that currently exists.

This would result in the following changes to development control provisions:

- Multiple Dwelling lot sizes would change from 200m² to 166m²;
- Residential plot ratio would change from 0.60 to 0.65; and
- Subdivision on a typical lot of 559m² would result in 3 units instead of 2 units as permitted under the current scheme.

The majority of development control provisions would not change including open space, setbacks, privacy, overshadowing, building heights and lot sizes for single houses and grouped dwellings.

Comprehensive Design Guidelines for the beach area should be developed to ensure that the character and amenity is maintained.

It is therefore recommended that the density coding in this area be changed from R50 to R60 and that development guidelines be developed for the beach front area.

As can be seen, implicit within part (1) of the September resolution was a proposal to change the density coding of "Lots not Fronting onto Marine Parade" from R50 to R60.

The CEO received a complaint that Cr Furlong should have declared a proximity interest at the time of debating and voting on the matter on the basis that Cr Furlong is an owner of property at 134 Marine Parade.

134 Marine Parade adjoins a "lot not fronting onto Marine Parade" namely 1 Eileen Street and as a result a proximity interest arises for Councillor Furlong. A proximity interest also arises for Nos. 2 and 2A Eileen Street which are immediately across the street from 134 Marine Parade.

The minutes show that officer's recommendation was ultimately adopted by Council 8 votes to 3. There is therefore no dispute as to whether Cr Furlong was present during deliberations or not.

CONSULTATION

The CEO has spoken to the complainant and Councillor Furlong. Advice was also sought from the Department of Local Government and Regional Development on how best to address the complaint.

STAFF COMMENT

After contacting Councillor Furlong and receiving an explanation I am of the view that Councillor Furlong did not deliberately set out to hide a proximity interest.

It appears that a combination of factors may have acted to desensitise Councillor Furlong to the need to declare a proximity interest. The strata unit he owns at 134 Marine Parade is somewhat distant from the adjoining land.

With the benefit of hindsight, the all-encompassing nature of the final resolution which covered almost the whole of the residential district probably served to obscure the specific detail of the changes being proposed - which was no fault of Councillor Furlong's.

Council will also recall that it had some difficulties conducting the business of the agenda item because the recommendations were scattered throughout and not reproduced in the entirety at the end of the agenda item.

As the final resolution has yet to be acted upon (in terms of presenting a draft scheme map to the community) it would seem prudent to revisit the specific agenda item so that there can be no later accusation that due process has not been followed.

VOTING

Absolute Majority for part (1) of the recommendation.

DECLARATION OF INTEREST

Cr Furlong made a declaration of interest and left the meeting at 7.05pm.

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council:

- (1) Rescind its September 6th Council resolution insofar as it relates to increasing densities for "Lots not Fronting onto Marine Parade" from R50 to R60.
- (2) Support the proposed increase in densities for "Lots not Fronting onto Marine Parade" from R50 to R60.

COMMITTEE RECOMMENDATION

That, in the absence of an absolute majority, the matter be referred to Council.

12.1.2 COUNCIL RESOLUTION

Moved Mayor Rowell, Cr Morgan

That Council:

- (1) Rescind its September 6th Council resolution insofar as it relates to increasing densities for "Lots not Fronting onto Marine Parade" from R50 to R60.**

Carried by Absolute Majority 8/1

The vote was recorded:

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Utting
Cr Cunningham	
Cr Jeanes	
Cr Morgan	
Cr Robertson	
Cr Sheppard	

Cr Strzina
Cr Walsh

- (2) Support the proposed increase in densities for “Lots not Fronting onto Marine Parade” from R50 to R60.**

Carried 6/3

The vote was recorded

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Morgan
Cr Cunningham	Cr Utting
Cr Jeanes	Cr Walsh
Cr Robertson	
Cr Sheppard	
Cr Strzina	

Cr Furlong returned to the meeting at 8.07pm.

12.1.3 ANNUAL ELECTORS MEETING - ACCEPTANCE OF ANNUAL REPORT

File No: C 7. 1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 8 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to accept the annual report for the 2003/04 financial year and to call the annual electors meeting for Tuesday, 14 December, 2004.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council is required to hold a general meeting of electors once in each financial year and this meeting is to be held not more than 56 days after Council accepts the annual report.

The Annual Report is to be accepted by the Council no later than 31 December following the close of the financial year to which it relates, unless the Auditor's Report is not available at that time, in which case the annual report is to be accepted by Council no later than two months following receipt of the auditor's report (Section 5.54).

CONSULTATION

N/A

STAFF COMMENT

The Annual Report is made up of a number of documents that include reports from the Mayor and CEO, reports on principal activities, auditor's report, financial report and other reports and information as may be prescribed (Section 5.53).

The auditor's report (unqualified) is to hand and is presented along with the Annual Financial Statements.

Council held the last Annual General Meeting of Electors on 10 December, 2003.

Assuming that Council accepts the Annual Report at its November meeting, the earliest suitable date to hold the electors meeting will be Tuesday, 14 December, 2004. It is suggested that this date be selected.

The recommendation is made on the basis that the completed Annual Report will be with Councillors prior to the November Council meeting.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, Cr Morgan

That Council:

- (1) Accept the Annual Report for the 2003/04 Financial Year as tabled at the November 2004 Council meeting; and**
- (2) Call the Annual Meeting of Electors, to be held in the War Memorial Town Hall, Cottesloe Civic Centre, on Tuesday, 14 December, 2004 commencing at 7.00pm.**

Carried 10/0

12.1.4 THE AGED SUPPORT SERVICES INC (TAPSS) - CONSTITUTION AMENDMENT

File No: C16.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 8 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to ratify the changes to the TAPSS constitution that were made at the Annual General Meeting on 13 October 2004.

STATUTORY ENVIRONMENT

Clauses 18(a) and (c) of the TAPSS constitution state that changes can be made at the Annual General Meeting of TAPSS but the changes do not come into effect until there is unanimous approval of the Councils (that is the Towns of Cottesloe, Claremont and Mosman Park and the Shire of Peppermint Grove).

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Aged Support Service (for The Combined Councils) (Incorporated) was formed by the Towns of Cottesloe, Claremont and Mosman Park and the Shire of Peppermint Grove to undertake or arrange charitable assistance for aged persons (persons over the age of 55) who are residents in the areas of the Councils. TAPSS was formed in 1980 as the result of a Town of Cottesloe initiative and became an incorporated body in July 1981.

The Constitution provides for the formation of a management committee. This committee may make changes to the constitution however the changes do not come into effect until they have been approved unanimously by the Councils.

At the recently held AGM a motion was passed to increase the membership donation from a minimum of \$1.00 per annum to \$5.00 per annum.

Clause 5(b) of the constitution prescribes the donation amount (a donation of not less than \$1.00). The constitution does not explain the reason for the \$1.00 minimum.

CONSULTATION

The Town of Claremont and Shire of Peppermint Grove were contacted and they are putting similar items to Council this month.

STAFF COMMENT

It is suggested that an increase in the minimum donation to \$5.00 per annum for members would still be considered to be a nominal amount.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, Cr Morgan

That Council approve The Aged Persons Support Service Inc's changes to clause 5(b) of its constitution to increase the minimum donation level for membership from \$1.00 per annum to \$5.00 per annum.

Carried 10/0

12.1.5 AUSTRALIAN COLLEGE OF DERMATOLOGISTS UV INDEX BEACH SIGNAGE PROPOSAL

File No: E2.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the Australian College of Dermatologists' proposal for UV index signage to be erected at Cottesloe Beach, and to recommend that Council give its approval.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

S2i Communications, on behalf of the Australian College of Dermatologists (ACD), emailed a request for permission to erect one permanent sign on Cottesloe Beach to remind Australian's of the risk of skin cancer. The proposal is for a sign that will indicate the day's UV index in terms of moderate, high and extremely high with an arrow that points to the appropriate level (similar to the bush fire hazard indication signs in rural areas). The sign would have an ACD logo and a Town of Cottesloe logo or crest.

The plan is for signs to be located at the five "icon" beaches nationally (Bondi, Melbourne Port, Glenelg, the Gold Coast and Cottesloe). ACD will pay for the signage but Council will be asked to arrange to indicator arrow on the sign moved to the appropriate UV rating each day.

The proposal is to have the signage in place by 1 December, 2004, and that an ACD Fellow and the Mayor would unveil the sign at a ceremony. The promotion launch will include full media notification and invitations.

The applicant did not provide any details of the size of the proposed sign and suggested that the size of the sign would be in keeping with other signage at the beach and be set by agreement with Council.

CONSULTATION

Nil, other than with the applicant's representative.

STAFF COMMENT

It is suggested that such a sign may provide a worthwhile public service. There is no up front cost for Council.

Looking to arguments against the proposal, it has been put a number of times that there is too much signage at the beach now. Also Council will be responsible for adjusting the sign's arrow to indicate the appropriate level of UV. The sign may be subject to vandalism.

Any concerns that may arise regarding the size, specific location and wording on the sign may be overcome by making any approval conditional on the CEO approving these aspects.

VOTING

Simple majority

COMMITTEE COMMENT

Concern was raised in relation to the change of the UV rating throughout the day. Ensure that wording on the signage clearly states that the rating is for the day and not an hour rating. The Committee also requested a disclaimer to be written on the sign.

The Committee agreed to the signage on a trial basis.

OFFICER RECOMMENDATION

That Council agree to the Australian College of Dermatologists proposal to locate a UV rating sign on Cottesloe Beach provided there is no cost to Council regarding the purchase or installation of the sign and subject to the CEO approving the size, location and wording on the sign.

12.1.5 COMMITTEE RECOMMENDATION

That Council agree to trial the Australian College of Dermatologists proposal to locate a UV rating sign on Cottesloe Beach provided there is no cost to Council regarding the purchase or installation of the sign and subject to the CEO approving the size, location and wording on the sign.

Carried 10/0

12.1.6 COUNCIL MEETING DATES FOR 2005

File No: X 4. 3
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 2 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

A resolution setting the ordinary Council meeting dates for 2005 is required.

STATUTORY ENVIRONMENT

Regulation 12 of the Local Government (Administration) Regulations applies.

Public notice of council or committee meetings – s. 5.25(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council has established a practice of not calling an ordinary Council meeting in January and the December meeting is normally advanced to avoid meeting close to Christmas Eve.

CONSULTATION

Nil.

STAFF COMMENT

Nil.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.6 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Rowell, Cr Morgan

That Council:

- (1) Observe a recess in January 2005, with no ordinary meeting of Council being held;**
- (2) Advertise the ordinary Council meeting dates for 2005 as the fourth Monday in the month commencing at 7.00 pm with the exceptions of March when the meeting is to be held on Tuesday, 29th, April when the meeting is to be held on Tuesday, 26th and December when the meeting is to be advanced to 12th December;**
- (3) Advertise the Development Services Committee meeting dates for 2005 as the third Monday in the month commencing at 6.00 pm with the exception of December when the meeting is to be advanced to 5th December; and**
- (4) Advertise the Works & Corporate Services Committee meeting dates for 2005 as being held on the day after the Development Services Committee meeting commencing at 7.00 pm.**

Carried 10/0

12.2 ENGINEERING

12.2.1 FORREST STREET, COTTESLOE - RETENTION OF CROSSOVER

File No: 14 Forrest Street
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 2 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has a 'Residential Parking' policy which generally requires the removal of old or previously approved crossovers when a property redevelopment takes place and permanent alternative access is provided from a rear laneway.

The owners of 14 Forrest Street have access from a rear laneway, with a double width access built to a double garage under their new house.

An old asphalt crossover exists from the north side kerblines of Forrest Street to the property boundary. This was recently closed off with the gap in the kerblines being kerbed.

The request is for a mountable kerb to be installed and redevelopment of the old crossover to be approved to allow short term access and parking plus a pedestrian path to 14 Forrest Street and landscaping to reduce the asphalt area.

This report recommends approval of a form of redevelopment of this crossover to allow short term access/parking, plus changes to the Residential Parking policy to cover this form of redevelopment.

STATUTORY ENVIRONMENT

The Local Government Act vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" local law gives Council sufficient powers to prevent, allow and control activities on the road reserve, including all verge areas.

POLICY IMPLICATIONS

Council's Residential Parking policy applies.

STRATEGIC IMPLICATIONS

Council's Strategic Plan deals with this matter under a number of headings:

Vision: A safe, clean and attractive town.

Mission: To preserve and approve the unique village and coastal character of Cottesloe by using sustainable strategies in consultation with the community.

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

District Development:

- *Environment – Parks and Reserves:* Maximum use of available reserve land for a balance of public recreation and revegetation with local species. Provide clean, safe, sustainably managed areas using 'user pays' principles.
- *Environment – Streetscape:* Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.
- *Town Planning - Sustainability:* Promote the use of sustainable materials, energy and resource conservation and green open space.

FINANCIAL IMPLICATIONS

There are no financial implications for Council in this matter.

BACKGROUND

14 and 14A Forrest Street were subdivided from one original property, originally receiving vehicle access from Forrest Street. The original house was demolished and replaced with one new house, each, on 14 and 14A. Both houses have access from the rear laneway, with No. 14 using a steep 'down' slope to a double garage under the house. The front of the house is approximately level with one part of the verge on Forrest Street.

The owners of No. 14 were informed by staff in May, 2004 that the existing crossover from Forrest Street should be removed and the verge reinstated in line with Council's Residential Parking policy.

In June, 2004 the owners requested a reconsideration of their request to upgrade and retain the existing crossover, detailing a range of reasons supporting their case.

The staff reply was based on the provisions of the policy, particularly section 4.2:

In the event of any redevelopment, any verge parking area approved in accordance with this policy, or by any previous decision of Council, or any vehicle crossing place made obsolete, is to be removed and the verge reinstated at no cost to Council.

and section 4.4:

Council reserves the right to order the removal of any verge parking area which is not built, used, or maintained to the satisfaction of Council.

The staff response again refused the submission and again requested the removal of the old crossover.

The owners of 12 and 14A Forrest Street, at this time, provided various comments regarding the crossover and supporting its removal.

At the end of September, a kerbing contractor was in Cottesloe to undertake a range of small kerbing jobs. Due to a concern with an erosion gully starting to form in the kerb gap at the crossover entry to No. 14, the contractor was directed to install a kerbed closure to remove the crossover entry and prevent the drainage erosion causing further concerns.

The owners of 14 Forrest Street were informed of this proposed action. The owners supplied a redevelopment plan for the crossover which included a reduction in the asphalt surface area and some landscaping.

The request was made for this matter to be put to Council, to reconsider policy application in this matter. A meeting was held on site to discuss this issue with the applicants.

CONSULTATION

Discussions have been held with the owners of 12, 14 and 14A Forrest Street and the Town of Cottesloe Rangers and other staff on this matter.

STAFF COMMENT

Council's existing "Parking – Residential" policy treats verge parking and old or replaced crossovers in the following way:

(3) *Issues*

Continuous or regular parking on verges can cause serious damage to the verge surface, creating dust problems in summer and mud problems in winter. Paving verges continues the extension of hardstanding areas which may contribute to an ongoing drainage problem, as well as difficulties for the healthy growth of street trees and other nearby plants. Verge parking on a regular basis should be discouraged and should not contribute to drainage responsibilities of Council, or significantly disadvantage local plant life.

The general provisions of this policy will apply to all existing verge parking areas including crossovers made obsolete by redevelopment, or the construction of walls, or other obstructions.

(4) *Policy*

4.2 *In the event of any redevelopment, any verge parking area approved in accordance with this policy, or by any previous decision of Council, or any vehicle crossing place made obsolete, is to be removed and the verge reinstated at no cost to Council.*

4.3 *Applications for a verge parking area should detail the special circumstances which currently prevent vehicle access onto private property.*

4.4 *Council reserves the right to order the removal of any verge parking area which is not built, used, or maintained to the satisfaction of Council.*

Points made in submissions by the owners of 14 Forrest Street, in support of their request for a modified retention of the existing Forrest Street crossover are:

1. Certain statements made by neighbours, who do not support the retention of the existing crossover are not all correct or factual.
2. Drainage – the reduction of the asphalt surface area and the increase of absorbent landscaped garden plus the completion of a drainage pipe from the verge into a soak pit within No. 14 will greatly improve the drainage problem in No. 12.
3. The crossover is an original surface from the old house site, not a new construction.
4. The original development approval for No. 14 did not include a condition to remove the old crossover, with the owners of No. 14 always intending to use the crossover to give access for delivery of shopping and access by aged or disabled visitors.
5. Council's policy does not provide well for the elderly or disabled, on sites which are not flat.
6. The crossover serving No. 12 is used for parking by the owner of 14A Forrest Street. No. 12 does not have rear ROW access.
7. Access by trades people, postal deliveries and heavy object delivery is a problem.
8. The rear access is on an extreme slope and there are a number of steps leading up to the house level from the garage floor.

A number of the factors being used to justify the retention of the old crossover are similar to other properties in the Town of Cottesloe. Any approval given in this case would have to apply to such similar situations elsewhere.

The particular factors applying to this site are:

1. The old crossover area is being converted to a 6m x 2.1m vehicle 'set-down' area, a pedestrian pathway varying in width down to 1.2m and an area of native vegetation.
2. Drainage absorption or removal of water will occur with the increased vegetation area and the direction of water from the old crossover surface at the property boundary into an internal soak pit.
3. The steep slope of the rear ROW access plus the step up from the rear garage level prevents ease of access for the infirm and disabled, heavy goods delivery, mail deliveries and unplanned visits.
4. This section of Forrest Street experiences major problems with parking in the peak summer months and vehicles are prohibited from kerbside parking on the north side kerblines. The owners of 14A have solved this problem by arranging parking on the crossover serving No. 12.
5. The proposal for conversion of this crossover does not occupy over one third of the verge area – a requirement of the Residential Verge Policy.
6. Signage for this section of Forrest Street forbids the parking of vehicles on the kerbside and the verge. This prohibition, coupled with the extreme demands for parking in the Forrest Street carparking area (south side verge) makes visitor parking on the north side, in the summer months, difficult.

Therefore, the following addition is proposed to Council's existing "Parking – Residential" policy, where Council believes there are special circumstances applying:

- "4.7 Paved set down areas will be considered in special circumstances for approval on road verges where the following applies:
- (a) The set down area will be limited to one bay, 6m long by 2.7m wide, at a right angle to the kerbline and immediately behind the kerbline.
 - (b) A footpath from the set down area to the private property, maximum width 1.2 metres, may be approved.
 - (c) If the surface of an original crossover is being converted to this use, then the remainder of the crossover is to be removed and replaced with indigenous native plant species in a non-lawn setting.
 - (d) Wherever possible, drainage water from the verge, in this situation, is to be controlled and directed into a private soak pit.
 - (e) Where existing parking restrictions are compromised by this approval, the applicants will fund the change of signage necessary to allow "Authorised Vehicles Only" signs for the set down area plus any other required sign changes.
 - (f) This approval, if given, for a set down area, does not grant the right for full time long term parking. Its use is restricted to short term visits, mail and other forms of deliveries, and to aid the infirm and disabled to access private properties as visitors.
 - (g) Applicants for the approval of "Set Down Areas" must demonstrate the difficulties in the normal form of access from rear ROW or parking areas on adjacent streets or formal parking bays. Other factors would include narrow laneway widths, extreme level changes on existing vehicle ROW accesses and problems of access for the frail or disabled."

VOTING

Simple Majority

COMMITTEE COMMENT

It was suggested that community consultation should be undertaken on this proposed change.

OFFICER RECOMMENDATION

That Council:

- (1) Approve the installation of "Set Down Areas" on road verges as part of the policy on Residential Parking, with an additional point 4.7 (a) to (g) to be added to this policy, as follows:

- (a) Paved set down areas will be considered in special circumstances for approval on road verges where the following applies:
 - (b) The set down area will be limited to one bay, 6m long by 2.7m wide, at a right angle to the kerbline and immediately behind the kerbline.
 - (c) A footpath from the set down area to the private property, maximum width 1.2 metres, may be approved.
 - (d) If the surface of an original crossover is being converted to this use, then the remainder of the crossover is to be removed and replaced with indigenous native plant species in a non-lawn setting.
 - (e) Wherever possible, drainage water from the verge, in this situation, is to be controlled and directed into a private soak pit.
 - (f) Where existing parking restrictions are compromised by this approval, the applicants will find the change of signage necessary to allow "Authorised Vehicles Only" signs for the set down area plus any other required sign changes.
 - (g) This approval, if given, for a set down area, does not grant the right for full time long term parking. Its use is restricted to short term visits, mail and other forms of deliveries, and to aid the infirm and disabled to access private properties as visitors.
 - (h) Applicants for the approval of "Set Down Areas" must demonstrate the difficulties in the normal form of access from rear ROW or parking areas on adjacent streets or formal parking bays. Other factors would include narrow laneway widths, extreme level changes on existing vehicle ROW accesses and problems of access for the frail or disabled.
- (2) Agree to inform the owners of No. 12, 14 and 14A Forrest Street, Cottesloe of Council's decision on this matter.

12.2.1 COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

- (1) That Council approve the installation of a "Set Down Area" on the road verge at 14 Forrest Street, in conformity with the proposed policy on residential parking; and**
- (2) That Council seek public comment on the proposed change to the Residential Parking policy.**

Carried 9/1

The vote was recorded:

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Walsh
Cr Cunningham	
Cr Furlong	

Cr Jeanes
Cr Morgan
Cr Robertson
Cr Sheppard
Cr Strzina
Cr Utting

12.2.2 DRAINAGE SUMP DEVELOPMENT - LOT 14 (NO. 103) ERIC STREET, COTTESLOE

File No: E15. 4
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 22 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in August, 2004 Council resolved:

“to have the Manager Engineering Services investigate practical alternatives to open drainage sumps existing on Lot 8 Lyons Street, Lot 14 Eric Street and Pt Lot 43 Margaret Street”

This report provides a practical alternative to the open drainage sump at Lot 14 (No. 103) Eric Street, which would remove all drainage water entering this property and allow its redevelopment.

STATUTORY ENVIRONMENT

Council owns this property as private land and is legally entitled to sell or redevelop it, always ensuring that all relevant sections of the Local Government Act are complied with.

The major restriction is to ensure that the existing drainage function is solved or relocated, so that no common law liabilities occur or are created, with the flooding of adjacent properties.

POLICY IMPLICATIONS

This matter does not involve any existing Council policies.

STRATEGIC IMPLICATIONS

If the drainage function of the block is removed, then the property is available for Council to consider for redevelopment, alternative uses, lease or sale.

The proposed engineering solution is simple, with the estimated cost being small when compared to the value of the property.

The existing sump, in the middle of a residential area, constitutes a public liability concern, has poor aesthetics and has the potential of flooding in an extreme rainfall event and causing damage to adjacent properties.

The Town of Cottesloe Strategic Plan provides for the Governance perspective, under:

- *Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.*

- *Management – Innovation/Improvement: We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.*
- *District Development – Financial Reserves: Create financial reserves associated with each major asset to provide for long term maintenance and replacement.*

This proposal would provide an opportunity to create a financial reserve aimed at sustainable replacement of the town's built infrastructure.

FINANCIAL IMPLICATIONS

The estimated cost to implement an engineering solution is low compared with the property value. Apart from the potential of substantial income from the sale of the property, other potential financial benefits are removal of any property maintenance costs, removal of public liability concerns and income from the rating of the property if privately redeveloped.

BACKGROUND

The existing limestone walled and landscaped drainage sump on the north side of Eric Street receives road surface drainage from Eric Street, part of Stirling Highway, Mann Street and parts of Boreham Street and Gordon Street.

Mann Street is being reconstructed this year and will receive a number of kerb-side soak pits. In due course, soak pits will be installed in Boreham Street and Gordon Street. Main Roads WA will be requested to improve the Stirling Highway drainage to stop flow into Eric Street.

All of these actions will reduce the water arriving at the sump on the north side of Eric Street. However, an extreme, lengthy rainfall event may still cause this sump to overflow.

This overflow would then drain to the open sump located on Lot 14 Eric Street. Such an occurrence does not happen annually, and with decreasing annual rainfall, will occur even less often in future.

However, no guarantees can be given, currently, that Lot 14 will never flood over into neighbouring properties.

A long term solution to this possibility is therefore proposed, which will also render the current drainage sump use of this property un-necessary.

CONSULTATION

No public consultation has occurred on this matter.

STAFF COMMENT

The solution proposed to remove all drainage water flow into Lot 14 Eric Street, is a drainage pipeline on the south side verge of Eric Street, commencing opposite the north side sump and ending to the Railway Street road reserve approximately 200 metres south of Eric Street.

This pipeline, proposed at 1/100 grade, 375mm diameter, could be in the form of a reverse subsoil system – designed to leak out of the pipes. Slotted aluminium pipes are available which, if geotextile wrapped, would not block up, due to sand infiltration.

All existing drainage pits on this section of Eric Street would be connected to the pipeline. The outlet on the west side verge of Railway Street would enter a small buffer tank type system, with a ‘bubble up’ outlet at the lower end in ultra-extreme situations. This would create a 200 metre long soakage pipeline, ending in a buffer tank soak pit (a small version of the Broome Street installation) on a road reserve.

Initial estimates of the cost of this system total \$120,000. Additional funding would be required (approximately \$20,000) to sand fill the Lot 14 sump and compact in layers.

The major queries to the viability of this proposal are the positions of all underground infrastructure on the Eric Street south side road verge and the existence of any solid rock in the same area. The pipeline alignment on this verge would mean a short section of trench approaching 4 metres in depth, requiring protective shoring of that section.

Investigations have been undertaken regarding service line locations using plans provided by the ‘dial before you dig system’. There are several service lines in this verge but the generous width allows a clear line to be chosen for a drainage pipeline from Lot 14 to Railway Street.

With regards to possible rock underground, test holes have been drilled up to 3.3 metres deep in three locations of this road verge. The drilling provided no concerns for a rock-free pipeline installation.

A full construction design is now required and quotations for installation, if Council wishes to proceed with this proposal.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council obtain construction/design plans and installation quotations prepared for consideration by Council at a future meeting, to install a drainage pipeline on the south side of Eric Street from the frontage of Lot 14 to the west side road verge of Railway Street, south of Eric Street, to allow the removal of the drainage sump function of Lot 14 Eric Street.

Carried 10/0

12.2.3 DRAINAGE SUMP DEVELOPMENT - LOT 8 LYONS STREET, COTTESLOE

File No: E15. 6
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 22 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in August, 2004 Council resolved:

“to have the Manager Engineering Services investigate practical alternatives to open drainage sumps existing on Lot 8 Lyons Street, Lot 14 Eric Street and Pt Lot 43 Margaret Street”

This report provides a practical alternative to the open drainage sump at Lot 8 Lyons Street, which would remove all drainage water entering this property and allow its redevelopment.

STATUTORY ENVIRONMENT

Council owns this property as private land and is legally entitled to sell or redevelop it, always ensuring that all relevant sections of the Local Government Act are complied with.

The major restriction is to ensure that the existing drainage function is solved or relocated, so that no common law liabilities occur or are created, with the flooding of adjacent properties.

POLICY IMPLICATIONS

This matter does not involve any existing Council policies.

STRATEGIC IMPLICATIONS

If the drainage function of the block is removed, then the property is available for Council to consider for redevelopment, alternative uses, lease or sale.

The proposed engineering solution is simple, with the estimated cost being small when compared to the value of the property.

The existing sump, in the middle of a residential area, constitutes a public liability concern, has poor aesthetics and has the potential of flooding in an extreme rainfall event and causing damage to adjacent properties.

The Town of Cottesloe Strategic Plan provides for the Governance perspective, under:

- *Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.*
 - *Management – Innovation/Improvement: We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.*
-

- *District Development – Financial Reserves: Create financial reserves associated with each major asset to provide for long term maintenance and replacement.*

This proposal would provide an opportunity to create a financial reserve aimed at sustainable replacement of the town's built infrastructure.

FINANCIAL IMPLICATIONS

The estimated cost to implement an engineering solution is low compared with the property value. Apart from the potential of substantial income from the sale of the property, other potential financial benefits are removal of any property maintenance costs removal of public liability concerns and income from the rating of the property if privately redeveloped.

BACKGROUND

The disposal of drainage water, mostly from road and street surfaces, in the Town of Cottesloe, can take a number of forms, and is not restricted to open soakage sumps. These take up large surface areas, create safety risks in residential areas, are not aesthetically pleasing, are subject to erosion and weed growth and are concentration sites for the various types of pollutants carried in piped drainage systems which drain into these sumps.

The best designed and built drainage system using pipes and pits will be inadequate if routine maintenance is not a main aim of Council and staff.

The following actions/changes are being implemented within the normal drainage maintenance functions:

- Regular gully education of all pits and sumps, to remove the annual build up of debris, leaves etc.
- Road sweeping to remove surface debris prior to it entering the drainage system.
- Removal of leaves and other debris building up on grated entry pits. This requires all maintenance staff to be aware of this need in their general inspection duties. The problem is reducing as grated pits are replaced with side entry pits during the road upgrading process.
- Ensure the base of soak pits are regularly cleaned of any build up of oils, chemicals etc that will reduce the absorbitivity of the soak pit. This is normally done with the gully education treatment.
- Ensure all pipelines and connecting pipes are clear of obstructions. This is improved with the creation of silt storage capacity in every manhole not used as a soak pit.

With the Lyons Street drainage and this drainage sump property, a study of historical complaints and drainage problems has indicated that lack of maintenance has been a major issue resulting in flooding during a major storm event. In January, 2000 photos and measurements were taken during a major rainfall event, and this drainage sump was measured at 25% full. This was before additional side entry pits and soak pits were installed within that drainage catchment.

Previous determination of the catchment area has stopped at North Street. The catchment actually extends into the City of Nedlands, with a potential for water to drain south, over North Street, then down Lyons Street to the Council sump property. A request has been made for the City of Nedlands to include in its 2005/06 drainage program a number of soak pits on its portion of North Street and Lyons Street, to remove this drainage problem across a municipal boundary.

With this type of analysis, the use of drainage and contour plans showing the catchment area, and knowledge that every new building now approved must install soak pits to retain private drainage water on site, it is possible to have a high level of confidence that kerb edge soak pits on road surfaces in the catchment can be located to replace the full use of this open sump/soakage area on lot 8 Lyons Street.

CONSULTATION

No public consultation has occurred on this matter.

STAFF COMMENT

A number of simple actions can be undertaken to remove the need for this sump property:

1. Water currently runs down the surface and kerb lines of Grant Street into Brighton Street and Lyons Street. This water can be absorbed into a series of soak pits in Grant Street. This, in turn, will reduce the water running down the main pipeline from Broome Street through Brighton and Lyons Streets to the Marmion Street sump.
2. Water currently runs down North Street surface and kerb lines and into Brighton Street and Lyons Street. This water can be absorbed into a series of soak pits in North Street. This then reduces the water draining to the inlet pits on Brighton and Lyons Streets and then to lot 8.
3. The City of Nedlands has been requested to install soak pits on their section of Lyons Street, which extends north of North Street, to prevent drainage from Nedlands flowing over North Street south into Lyons Street. This reduces the catchment area draining into the Town of Cottesloe.
4. In the past two years, Broome Street from Grant Street to North Street has been reconstructed, with the works also including the reshaping to a 'one-way' crossfall draining to the west side. A series of new soak pits has greatly reduced the drainage from the Broome Street road surface draining into the main pipeline, south to the Marmion Street main sump. Therefore there is 'spare' capacity in this pipeline.
5. This spare capacity can be used to reduce the catchment drainage currently running into the Lyons Street sump on lot 8. Short pipelines can be installed on Brighton Street and Lyons Street running north from the main Broome Street to Marmion Street pipeline, to locations in both streets where surface water can drain back in the pipeline to the main Broome Street/Marmion Street pipeline. This further reduces, permanently, the drainage catchment for lot 8. The pipelines would also be installed and designed to 'leak' its capacity into the water table ie slotted aluminium pipes in a drainage crushed metal bed, thus further increasing the storage and soakage capacity.
6. Soak pits would be installed at regular intervals on the south kerb line of North Street, both sides of Lyons Street and Brighton Street, plus 2 soak pits in the

laneway behind lot 8. The capacity (total) of these installations would be designed for a one in ten year storm and be equivalent to that same capacity required if the sump in lot 8 was retained.

The basis of drainage design for this project is the same adopted by Council's consultants when a major drainage study was completed for the total town area in 1995. The same design standards were used in 2001 for a study of the Broome Street sump catchment area, to design the 'buffer tank' capacity requirements.

The basis of design is:

1. The R20 Zoning for the catchment area does not change.
2. A one in ten year storm is the design storm re-occurrence interval.
3. A storage capacity using the road reserve area is valid.

Council's consultant calculated the design requirement, in 1992, of this sump to be 205m³ storage, with 1.21Ha of road reserve area contributing. The area has been recently recalculated and found to be accurate.

In January, 2000 a major rainfall event affecting this area caused water to drain into this sump. Filed records indicate only 25% of the sump capacity was used, with a calculated need of 191m³ for a one in ten year storm and 508m³ for a one in 100 year storm.

With 'clean out' operations occurring in most sumps every one or two years, this sump has been progressively expanded, to a computed/surveyed capacity now of 679m³. This is greatly in excess of any computed required volume.

The file contents on this sump property lists a number of concerns over approximately 12 years. Some are listed in a letter from Council's Consultant dated December, 1997.

Drainage Characteristics

A not unusual occurrence in Cottesloe is to have the drainage system interrupted by an accumulation of leaves and debris at grates and gullies. When this happens minor local flooding occurs.

Concerns

We recommend that Council seek an indemnity from the adjoining landowner to cover the following concerns:

- **Seepage/Dampness**
When the water level in the sump is high, water will percolate through the sides of the sump. The horizontal distance the water will travel before moving vertically is unknown without substantial flow net calculations. The possibility of water seeping into the below ground garage should not be ignored. Tanking may be required.
- **Flooding**
In the event that a storm of greater frequency occur and/or that local flooding occurs the stormwater may well find its way into the below ground garage across the verge. Provision should therefore be made to minimise the risk (a raised lip at the gutter line) and for the removal of water after a flood.
- **Founding Level of Footings**

Ordinarily it is sufficient to found footings in sand soils 300 below ground level. In this instance the south boundary retaining wall will be adjacent the sump. We think it prudent to lower the founding depth of the footings to 500 or thereabouts as a precaution against erosion of the ground in the sump.

An earlier recommendation (May, 1994) was also received:

Retaining Wall to 41 Lyon Street

We confirm that the retaining wall design does not appear to be adequate to support likely surcharge loads, ie laden trucks, travelling the adjacent laneway.

The design engineer should be asked to provide a redesign to take account of possible laneway loadings.

In October, 1993 the following resolution was adopted by Council:

That Council's Consulting Engineers be requested to advise Council on the possibility and cost involved in arresting the erosion to the sides of the drainage basin and to provide a front wall set as far back as possible from the footpath alignment to permit the setback to be landscaped.

Inspections recently, on site, have shown that the front-fence and access gates were upgraded, but that no effective works had taken place to prevent or reduce erosion on the walls of the sump. The rear wall, adjacent to the back Right of Way is also of concern if heavily laden trucks (for house construction purposes) used the Right of Way, in terms of wall collapse.

These concerns can only increase as the excavation depth increases due to 'clean out' operations. Filling of the sump excavation would remove this potential liability.

The main proposal to replace the capacity of this sump excavation in lot 8 Lyons Street, apart from ensuring that the City of Nedlands provides for the control of its drainage water on the north side of North Street and the area of the northern extension of Lyons Street into the City of Nedlands, is the installation of 35 soak pits at regular intervals on North Street, Lyons Street and Brighton Street.

Staff have recent quotations available from a private contractor and the Town of Mosman Park, for soak pit installation. A 1.8m diameter soak pit, 2.4m deep, provides a storage capacity of 6.1m³. Thirty-five pits would provide 213.5m³. Each pit will work to dissipate this water into the sub-soil water table, spread out over three road reserves rather than concentrated in one site.

Each pit is estimated to cost \$3,200 installed. Therefore, 35 pits x \$3,200 each = \$112,000.

In addition, once these works were completed, the existing inlets and pits connecting to lot 8 would need to be removed and the excavated area filled and compacted in layers.

In Council's Five Year Local Road Rehabilitation Program, the surface of Lyons Street is planned for replacement in year three (2006/07) and Brighton Street is scheduled for year five (2008/09).

The installation of these soak pits require no specialist designs or construction plans. Staff can proceed, if Council requires it, with these works at any time, once approval of a budget allocation is provided.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Inform affected residents of North Street, Lyons Street and Brighton Street, by letter drop, of the proposed installation of a soak pit system in all three streets, to replace the Town of Cottesloe drainage sump on lot 8 Lyons Street, giving a background and benefits of this proposal; and**
- (2) Schedule the installation of 35 soak pits, to provide a total storage capacity of over 200m³, in North Street, Lyons Street and Brighton Street, with all works to be completed in the 2004/05 financial year, for an estimated installation cost of \$120,000.**

Carried 10/0

12.2.4 DRAINAGE SUMP DEVELOPMENT - PT LOT 43 MARGARET STREET, COTTESLOE

File No: E15. 7
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 29 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in August, 2004 Council resolved:

“to have the Manager Engineering Services investigate practical alternatives to open drainage sumps existing on Lot 8 Lyons Street, Lot 14 Eric Street and Pt Lot 43 Margaret Street”

This report provides a practical alternative to the open drainage sump at Pt Lot 43 Margaret Street, which would remove all drainage water entering this property and allow its redevelopment.

STATUTORY ENVIRONMENT

Council owns this property as private land and is legally entitled to sell or redevelop it, always ensuring that all relevant sections of the Local Government Act are complied with.

The major restriction is to ensure that the existing drainage function is solved or relocated, so that no common law liabilities occur or are created, with the flooding of adjacent properties.

POLICY IMPLICATIONS

This matter does not involve any existing Council policies.

STRATEGIC IMPLICATIONS

If the drainage function of the block is removed, then the property is available for Council to consider for redevelopment, alternative uses, lease or sale.

The proposed engineering solution is simple, with the estimated cost being small when compared to the value of the property.

The existing sump, in the middle of a residential area, constitutes a public liability concern, has poor aesthetics and has the potential of flooding in an extreme rainfall event and causing damage to adjacent properties.

The Town of Cottesloe Strategic Plan provides for the Governance perspective, under:

- *Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.*

- *Management – Innovation/Improvement: We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.*
- *District Development – Financial Reserves: Create financial reserves associated with each major asset to provide for long term maintenance and replacement.*

This proposal would provide an opportunity to create a financial reserve aimed at sustainable replacement of the town's built infrastructure.

FINANCIAL IMPLICATIONS

The estimated cost to implement an engineering solution is low compared with the property value. Apart from the potential of substantial income from the sale of the property, other potential financial benefits are removal of any property maintenance costs, removal of public liability concerns and income from the rating of the property if privately redeveloped.

BACKGROUND

The disposal of drainage water, mostly from road and street surfaces, in the Town of Cottesloe, can take a number of forms, and is not restricted to open soakage sumps. These take up large surface areas, create safety risks in residential areas, are not aesthetically pleasing, are subject to erosion and weed growth and are concentration sites for the various types of pollutants carried in piped drainage systems which drain into these sumps.

The best designed and built drainage system using pipes and pits will be inadequate if routine maintenance is not a main aim of Council and staff.

The following actions/changes are being implemented within the normal drainage maintenance functions:

- Regular gully eduction of all pits and sumps, to remove the annual build up of debris, leaves etc.
- Road sweeping to remove surface debris prior to it entering the drainage system.
- Removal of leaves and other debris building up on grated entry pits. This requires all maintenance staff to be aware of this need in their general inspection duties. The problem is reducing as grated pits are replaced with side entry pits during the road upgrading process.
- Ensure the base of soak pits are regularly cleaned of any build up of oils, chemicals etc that will reduce the absorbitivity of the soak pit. This is normally done with the gully eduction treatment.
- Ensure all pipelines and connecting pipes are clear of obstructions. This is improved with the creation of silt storage capacity in every manhole not used as a soak pit.

This sump property (Pt Lot 43 Margaret Street) receives road surface drainage water from a catchment bounded by Broome Street, North Street, Grant Street and Marine Parade.

Apart from five soak pits installed in Margaret Street in 2000 and some minor soakage capacity installed on Broome Street in 2002/2003, all drainage water, in a heavy rainfall event, drains to this property.

A number of observations can be made regarding this 'system':

- (1) Grant Street – road surface drainage water runs down the northern carriageway from Broome Street to the west. A large proportion of this water turns into both Ozone Parade and Margaret Street. The water on Ozone Parade then runs north until it enters one of two pits which connect to pipelines running through private property down to Margaret Street. These pipelines then deliver water into the Council owned sump property.

The water entering Margaret Street from Grant Street also drains into the sump property.

- (2) The two pipelines through private properties from Ozone Parade to Margaret Street appear not to be covered by legal drainage easements. This also appears to be the case with another pipeline from Vera View Parade under a house into the sump property. To legally start to or continue to drain road drainage water through any private property, a legal drainage easement agreement is required between Council and the property owner.
- (3) Broome Street – this street was rebuilt in 2002/2003 and also reshaped to achieve a 'one-way crossfall' to the west. This has meant that the 100 metre length section on the north side of the Ozone Parade intersection tends to drain down Ozone Street in an extreme rainfall event. This water can arrive at the Margaret Street sump. This water can be directed into kerbside/side entry soak pits on Ozone Parade, at the Broome Street intersection.
- (4) North Street from its crest west of Broome Street to the roundabout at the Marine Parade intersection has only one drainage pit to receive all water, at the intersection. This is insufficient and therefore water drains south along Marine Parade, to a single entry pit on the east side then through a pipeline into the beach edge sand dune area.

Two pits on the west side kerb line also direct water towards the beach. Council's consultant advised in 1995 that these 225mm diameter pipes needed to be enlarged to 300mm diameter, to cope with a 1 in 10 year storm.

Soak pits on Marine Parade would remove the need for the ocean outfalls. They would also reduce the possibility of flooding into the properties on the eastern side of Marine Parade.

- (5) Little Marine Parade all drains to one small poorly maintained soak 'hole' near its northern end on the west side. A long duration but not extreme rainfall event may overflow this open pit, with water then flooding to the east, through private properties towards Margaret Street. Soak pits at intervals on Little Marine Parade would remove another open soak pit and reduce any flooding potential from Little Marine Parade into the Margaret Street sump property.

- (6) Margaret Street, from North Street to Ozone Parade and Ozone Parade from Broome Street to Margaret Street have no drainage pits or structures. This water all drains down Margaret Street towards Vera View Parade. Soak pits at intervals in both of these streets would reduce the movement of this water.

Also, the road verge at the intersection of Ozone Parade and Margaret Street provides a triangular shaped area capable of taking the installation of a 'buffer tank' type soak pit which would absorb a significant water volume.

- (7) Ozone Parade from Grant Street to Margaret Street has only three side entry pits on the west side, which drain water into the 2 x 225mm pipelines through private properties (without drainage easements). Council's consultant in 1995 proposed that these pipelines needed enlarging to cope with a 1 in 10 year storm. This has not occurred. Also one of those properties has had the house demolished ready for new construction, including the removal of portion of this pipeline. Therefore Ozone Parade urgently needs soak pits as an alternative drainage system.
- (8) Vera View Parade has one side entry pit near the Margaret Street intersection. This pit drains through another drainage pipeline, under a house, to the Council sump property. The pipeline appears to have no easement agreement.
- (9) Margaret Street from Grant Street to the Ozone Street intersection received six new side entry/soak pits in 2000, after a major rainfall event in January 2000, which caused minor flooding at the sump property. These soak pits improved the storage and soakage of drainage water off Margaret Street but additional capacity is required.
- (10) The actual volume of the drainage sump on Pt Lot 43 Margaret Street, as recently surveyed, is 174 cubic metres. In January, 2000 a heavy rainfall event, rated at a 1 in 100 year storm, caused the area to be slightly flooded.

Not much extra capacity could be developed at this site without a large investment, and would involve vertical storage tanks at the base of the existing sump. The defined edge of this sump is a vertical crib wall construction. Once this pit is filled, surrounding properties would start to be flooded.

CONSULTATION

Discussions have been held with two property owners on this item. No general consultation has occurred with property owners in this catchment area.

STAFF COMMENT

This drainage storage/soakage facility on Pt Lot 43 Margaret Street has defined vertical concrete curb wall sections, and is as developed as it can be unless concrete tanks are vertically installed at its base for extra storage.

Its current storage volume is 174m³ which would (according to data provided by Council's consultant engineers in 1995) cope with a 1 in 10 year storm duration of 10

to 15 minutes. For a peak need of storage for a 1 in 10 year storm, the volume required is 322m³. This rises to over 800m³ for a 1 in 100 year storm.

In January, 2000, in a storm determined as 1 in 100, of unknown duration, the sump slightly flooded.

With this background, the following basis of design for an alternative drainage 'system' is adopted:

1. The existing R20 land zoning is not proposed to change.
2. A 1 in 10 year storm is the design storm reoccurrence interval.
3. A storage capacity using the road reserve area is valid.
4. The total storage volume to be created in the new system, for the catchment area, is to be higher than 174m³.

Council's consultants originally computed the surface area of the road reserves of this catchment, not including Grant Street, Little Marine Parade, Marine Parade, North Street and the asphalt surfacing of Broome Street.

The area included the 0.7ha area of the lawn verge of Broome Street west of the western kerb line. There is little likelihood, even in a heavy storm, of drainage water reaching the Margaret Street sump from this area. This reduces the contributing road reserve catchment to 2.08ha, from 2.8ha.

With this previously covered background, the following actions and expected affects are proposed:

- (a) Install eight soak pits in Ozone Parade, between Grant Street and the Ozone Parade/Margaret Street intersection. This will allow the disconnection of two drainage pipelines through private properties into Margaret Street. One of these pipelines is now un-usable due to the demolition of an old house and is about to be redeveloped. Both pipelines have no protective drainage easements.
- (b) Install six soak pits on Grant Street, between Broome Street and Margaret Street on the northern carriageway. This will remove the water flow into Margaret Street and Ozone Parade from Grant Street. It will also increase the safety and capacity of the main Grant Street sump near Marine Parade.
- (c) Install six soak pits on Ozone Parade between Broome Street and Margaret Street. This will stop water flowing from Broome Street to Margaret Street and from this section of Ozone Parade into Margaret Street.
- (d) Install four soak pits in Margaret Street between North Street and Ozone Parade, plus either a short 'buffer' tank or soak pit/tank farm on the large verge area available at the Margaret Street/Ozone Parade intersection. This will remove water flowing from this road section into the Margaret Street sump and provide a 'last defence' against major water flow from Broome Street and the two sections of road (Margaret and Ozone) draining to this location.

- (e) Install a total of 11 extra soak pits on Margaret Street and on Vera View Parade, between Grant Street and Ozone Parade. This allows the closure of the pipeline across the private property on the Vera View Parade/Margaret Street intersection into the sump property, as well as greatly reducing the drainage flow into the sump property.
- (f) Install soak pits on Marine Parade at regular intervals, from Grant Street to North Street and approximately 100m up North Street from Marine Parade, on the southern kerb line. This will remove one ocean outfall, long lengths of kerblin drainage flow and the threat of overland flooding from Marine Parade into this sump property.
- (g) Little Marine Parade – install six soak pits at regular intervals to expand the soak and storage capacity of this street and prevent overland flooding to the sump property.

These installations would provide 268m³ of soak pit storage in the immediate catchment area, at an estimated cost of \$140,800. An additional 61m³ of storage would be created on Marine Parade and North Street, at a cost of \$32,000, which would flood into the catchment in extreme rainfall events.

The total installation has an estimated cost of \$173,000 and would provide storage in soak pits totalling 330m³.

The benefits are:

- (1) The availability of one building block, for sale or redevelopment after having the sump filled and compacted.
- (2) The removal of three illegal drainage pipelines off private properties (pipelines without drainage easements).
- (3) Removal of one ocean outfall.
- (4) Provision of 330m³ of drainage water soakage/storage to replace an existing 174m³ storage.
- (5) Reduced maintenance costs for drainage sump properties.

No further designs are required. This proposal uses standard, easily available drainage sections.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Inform affected residents of North Street, Broome Street, Grant Street, Marine Parade, Little Marine Parade, Margaret Street and Ozone Parade by letter drop of the proposed installation of a soak pit system in all streets of the catchment to replace the Town of Cottesloe drainage sump on Pt Lot 43 Margaret Street, giving a background and benefits of this project; and**
- (2) Have staff schedule, for inclusion in the 2005/2006 draft budget, all expenditure and income estimates regarding the replacement of the sump on Pt Lot 43 Margaret Street, Cottesloe with a soak pit system and the sale of that property once the alternative drainage system is in place.**

Carried 9/1

12.2.5 CONDITION OF COTTESLOE BEACH GROYNE

File No: E 2.15
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 10 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has previously resolved to fund the update of the original 1998 report on the safety and structural integrity of the Cottesloe Groyne. After a full inspection and survey, the update is now to hand.

A recommendation is made to enter into urgent discussions with the Department of Planning and Infrastructure regarding the future of the Cottesloe Groyne.

STATUTORY ENVIRONMENT

Council is vested with the maintenance and management responsibilities of the Groyne. The State Planning Commission must be informed of any changes to the site.

POLICY IMPLICATIONS

There are no existing policies relating to this matter.

STRATEGIC IMPLICATIONS

Within Council's Strategic Plan, under the heading 'Governance', Long Term Vision applies to this topic, with decisions being based on the best available advice in the long term interests of the whole community. Under 'District Development', the heading 'Environment' also applies. "Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

The Cottesloe Beach Groyne is a Council asset. Under 'Asset Management', the heading 'Appropriate Planning' applies. "Produce and implement a realistic five year plan for the maintenance of all major assets."

FINANCIAL IMPLICATIONS

The original consultant's report in 1998 estimated a total cost of \$300,000 for all public liability and structural repair works. The new report has provided estimates in excess of \$800,000.

BACKGROUND

Council received a consultant's report in 1998, recommending urgent works to improve public safety provision at the Cottesloe Groyne, estimated to cost \$140,000. In addition, another \$160,000 was estimated as the cost to bring the structural integrity of the structure up to a reasonable level.

Council's records do not show any major works having occurred since the original 1998 report.

In September, 2004 Council agreed to accept a quotation from Port and Harbour Consultants (a division of Worley) for the updating of the 1998 study, at a cost of \$7,730.

A letter was sent to the Coastal Facilities section of the Department of Planning and Infrastructure regarding financial help to fund the study and possible future repair works. A response has yet to be received.

CONSULTATION

No community consultation has occurred on this matter.

STAFF COMMENT

The Cottesloe Groyne was built in 1960. At that time, much less was known about the design of groyne type structures, the force of ocean waves, the hydraulic effects of uncontrolled water movement etc. As a result, the groyne was not built to current standards.

The proposed works, as covered by the consultant, regarding structural integrity and planning for the future, are not to return the structure to good quality 1960's standards, but to repair and improve the structure to current best practice. In addition, the public safety issues should be addressed.

The public safety repairs recommended in 1998 (\$140,000) have increased to \$210,000 while the structural integrity works have increased from \$160,000 to approximately \$600,000.

There is little likelihood of the Town of Cottesloe finding \$800,000 on its own (the least cost option) for this work.

The structure protects a metropolitan regional beach asset, with the main bulk of users, particularly in the heavy-use season, being metropolitan, non-Cottesloe residents.

State Parliament has, by regulation, stopped the Town of Cottesloe from charging for parking west of Broome Street and has therefore limited the potential to obtain funds for beach works directly from beach users. For a large portion of the year, the heaviest use of parking is from non-Cottesloe residents visiting Cottesloe beach for a swim. That swim is made possible by the existence of the Cottesloe Groyne.

The public safety issue can be handled on several alternative levels:

1. Install more signs indicating the danger of leaving the central concrete walkway and 'climbing on the rocks is dangerous'.
2. Use a jackhammer on an excavator to break through the concrete layer over any obvious 'cave' areas. Re-pack these holes with large rock. Repour the concrete walkway. Also install signs as per No. 1.

3. Complete No's. 1 & 2. Install hand rail for full length of groyne, for pedestrian safety in other than flat sea situations.
4. Complete No's. 1, 2 & 3. Install security gate and fencing at the start of the groyne, for Rangers to close off pedestrian access in other than a situation judged to be safe for pedestrian access.
5. Permanently close off pedestrian access onto the groyne to ensure public safety. The groyne then continues to fulfil its main purpose of beach protection without a public safety risk.

This situation could be revisited when a reasonable funding situation has been negotiated with the State Government for the total works required to ensure public safety and structural integrity.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER & COMMITTEE RECOMMENDATION

That Council, as an urgent matter, provide, the Department of Planning and Infrastructure with a copy of the consultants report on the Cottesloe Groyne and request high level discussions on:

- (1) The contents of the report and the need to carry out works to ensure public safety and structural integrity;
- (2) The inability of the Town of Cottesloe to fund the scale of works recommended on its own given existing constraints; and
- (3) The potential for a State Government contribution given the broader community's use of Cottesloe Beach.

AMENDMENT

Moved Cr Cunningham, seconded Cr Furlong

That the following be added to the Committee Recommendation:

- (4) Immediately fence off groyne for public safety and that signage be included.

Lost 7/3

AMENDMENT

Moved Cr Morgan, seconded Cr

That the Committee Recommendation be amended to read:

- (1) That Council, as an urgent matter, provide, the Department of Planning and Infrastructure with a copy of the consultants report on the Cottesloe Groyne and request high level discussions on:
 - (a) The contents of the report and the need to carry out works to ensure public safety and structural integrity;

- (b) The inability of the Town of Cottesloe to fund the scale of works recommended on its own given existing constraints; and
 - (c) The potential for a State Government contribution given the broader community's use of Cottesloe Beach.
- (2) That the item be returned for consideration by the Council by March, 2005 to consider whether the groyne should thereafter be fenced from the public.

Carried 9/1

AMENDMENT

Moved Cr Sheppard, seconded Cr Furlong

That the amended Committee Recommendation be amended to include:

- (3) That Council:
- (a) Install more signs indicating the danger of leaving the central concrete walkway and climbing the risk is dangerous.
 - (b) Install handrails to the full length of the groyne for pedestrian safety.

Parts (3)(a) and (3)(b) were voted on separately.

That the amended Committee Recommendation be amended to include:

- (3) That Council:
- (a) Install more signs indicating the danger of leaving the central concrete walkway and climbing the risk is dangerous.

Carried 9/1

- (b) Install handrails to the full length of the groyne for pedestrian safety.

Lost 8/2

12.2.5 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

- (1) That Council, as an urgent matter, provide, the Department of Planning and Infrastructure with a copy of the consultants report on the Cottesloe Groyne and request high level discussions on:**
- (a) The contents of the report and the need to carry out works to ensure public safety and structural integrity;**
 - (b) The inability of the Town of Cottesloe to fund the scale of works recommended on its own given existing constraints; and**
 - (c) The potential for a State Government contribution given the broader community's use of Cottesloe Beach.**

- (2) That the item be returned for consideration by the Council by March, 2005 to consider whether the groyne should thereafter be fenced from the public; and
- (3) That Council install more signs indicating the danger of leaving the central concrete walkway and climbing the risk is dangerous.

Carried 8/2

The vote was recorded:

<i>For</i>	<i>Against</i>
Cr Cunningham	Mayor Rowell
Cr Jeanes	Cr Furlong
Cr Morgan	
Cr Robertson	
Cr Sheppard	
Cr Strzina	
Cr Utting	
Cr Walsh	

**12.2.6 VEHICLE ENTRY/EXIT - NO. 1 CARPARK, MARINE PARADE
COTTESLOE**

File No: E 9. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 4 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council staff have installed temporary barriers on the median area of Marine Parade opposite the entry/exit from the No. 1 Carpark, near Overton Gardens, for the last two summers. These barriers have made the entry/exit a 'left turn in, left turn out' arrangement, to improve the flow of vehicles out of the carpark on a busy day. Main Roads WA (MRWA) have requested that this arrangement be made formal, with proper signage and linemarking or the temporary barriers discontinued. This was in response to a complaint received from a resident in Napier Street.

The report recommends that the existing situation be monitored, without barrier installations, until the Parking Study has been completed by Council's consultants, which may propose changes to No. 1 or No. 2 carparking areas and the traffic flow on Marine Parade.

STATUTORY ENVIRONMENT

No. 1 Carpark is part of Reserve 13718, vested in Council for Recreation. Marine Parade is a gazetted road reserve also vested in the Town of Cottesloe.

Changes to this entry/exit involving No. 1 Carpark and Marine Parade would be Council's responsibility and cost, however MRWA would have to approve any line marking or signage issues involving Marine Parade.

POLICY IMPLICATIONS

There are no policy issues involved with this matter.

STRATEGIC IMPLICATIONS

Under the 'District Development' heading, the Strategic Plan provides for 'Environment' with the most appropriate clauses being:

Beach Precinct: A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs.

Streetscape: Provision of clean, safe sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

FINANCIAL IMPLICATIONS

There is no allocation in the 2004/2005 budget for any works in this area. Council has yet to receive a five year parking program on parking areas. Council has accepted a quote from a consultant for a parking study, previously discussed. Any funding approved for changes at this stage may be wasted if the consultant's report recommends alternative proposals affecting Marine Parade and/or No. 1 Carparking area.

BACKGROUND

Engineering and Ranger staff have experienced extreme vehicle movement problems into and out of this carpark into Marine Parade on a busy summer day. The median strip barriers, when used, have stopped access from the north or exit to the south, allowing only left in/left out as traffic movements. These have been temporary and never formalised with MRWA. MRWA now require a design for a permanent solution.

CONSULTATION

No community consultation has occurred regarding this matter.

STAFF COMMENT

The consultant undertaking the parking report will cover a number of areas, including the possible need for additional parking capacity in the Marine Parade precinct. This would include possible changes to No. 1 and No. 2 (Napier Street) Carparks.

Also included would be possible reductions, on Marine Parade, of 'through' vehicle movements for sections such as Napier Street to Forrest Street, to promote pedestrian use and access.

Such changes, if adopted by Council, would affect this entry/exit point and possibly require upgrading, closure or change of use.

If a formal kerbed island was installed in the centre of Marine Parade, to create a permanent 'left in/left out' entry/exit, this would create problems with the Marine Parade/Napier Street intersection and other side effects.

It is therefore proposed that this matter will be revisited once the results of the parking study have been considered by Council and any changes, in future, known, regarding Marine Parade and the affected carparks.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council resolve to have staff monitor the entry/exit point at the No. 1 Carpark on Marine Parade, opposite Overton Gardens, without temporary median barriers, until the results of the current parking study are known, in regards to the future of parking in this area.

Carried 9/1

12.2.7 RESIDENTIAL VERGE POLICY

File No: X 4.11
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 29 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

In September, 2004, Council resolved:

That Council:

- (1) Agree to apply the requirements of the draft Consultation Policy to inform ratepayers and residents of the contents of the draft Residential Verge Policy; and
- (2) Consider all comments and changes suggested from the outcomes of the consultation, for formal adoption of the final Residential Verge Policy content, at the November 2004 Council meeting.

This report covers the results of the public consultation process for this draft policy.

STATUTORY ENVIRONMENT

The Local Government Act vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" Local Law gives Council significant powers to prevent, allow and control activities on the road reserve.

POLICY IMPLICATIONS

There are no existing policies covering this matter. This report proposes adoption of a new policy.

STRATEGIC IMPLICATIONS

Council's Strategic Plan deals with this matter under a number of headings:

Vision: A safe clean and attractive town.

Mission: To preserve and approve the unique village and coastal character of Cottesloe by using sustainable strategies in consultation with the community.

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

District Development:

- *Environment – Parks and Reserves:* Maximum use of available reserve land for a balance of public recreation and revegetation with local species. Provide clean, safe, sustainably managed areas using 'user pays' principles.
 - *Environment – Streetscape:* Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.
-

- *Town Planning – Sustainability:* Promote the use of sustainable materials, energy and resource conservation and green open space.

FINANCIAL IMPLICATIONS

There are no immediate implications regarding the proposed policy.

BACKGROUND

This draft policy was provided to Council in September, 2004 with a resultant resolution supporting advertising of the proposal, in an effort to obtain public comments on the proposal. A small amount of comments were received.

CONSULTATION

Public consultation has involved a newspaper advert, inclusion in the web page plus letters to stakeholder groups.

STAFF COMMENT

There were two comments received from interested individuals and groups. Both comments supported the proposed new policy.

Cottesloe Coastcare have requested that the term “indigenous plant species” be changed to “plant species indigenous to Cottesloe”. This is to try to both retain and expand the range of locally occurring plant species.

In the draft policy under the heading ‘Species Selection’, the term “in particular indigenous plants (plants occurring within the Town of Cottesloe)” is included. This promotes the Coastcare group’s objective.

Under the heading “Landscape Design”, parts (xviii) and (ixx) deal with staff maintaining a list of suitable species and that advice will be given by Council staff.

It is now proposed that the plant list would have three sections: species indigenous to Cottesloe, general native/indigenous plants and exotics that are suitable which are not capable of becoming weeds and survive in a low water use environment.

Staff will point out the need to consider indigenous plants found in the Cottesloe area, as listed.

There is a problem in heavily promoting “indigenous plants” of the Cottesloe area because of the difficulty in finding some of these species in metropolitan plant nurseries. Work is required to establish the easy availability of such species through commercial outlets in the future.

The proposed recommended plant list will add or remove species which succeed or fail in local conditions, as well as local species which become available in future through commercial outlets.

The second comment on this policy was a short email of support.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Adopt the Residential Verge Policy, for inclusion in the formal Policy Manual; and**
- (2) Provide the recommended plant list in three sections, to cover species indigenous to Cottesloe, general/native indigenous plants and exotics which survive in a low water use environment and do not become invasive weeds, for general public use.**

Carried 8/2

The vote was recorded:

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Utting
Cr Cunningham	Cr Walsh
Cr Furlong	
Cr Jeanes	
Cr Morgan	
Cr Robertson	
Cr Sheppard	
Cr Strzina	

12.2.8 COASTWEST GRANT - SOUTH COTTESLOE FORESHORE

File No: E 2.10
Author: Mr Brett Dal Pozzo
Author Disclosure of Interest: Nil
Report Date: 11 November, 2004
Senior Officer: Mr Geoff Trigg

SUMMARY

The Town of Cottesloe and Cottesloe Coastcare Association have received a Coastwest grant of \$30,020, for the installation of two foreshore access boardwalks and revegetation of the Vlamingh foreshore. As per the 1:1 funding arrangement, Council is required to contribute \$29,760 cash to the project, plus in-kind contributions. As this amount is unbudgeted, it is recommended that Council make a budget amendment from the Coastal Management Strategic Fund and 04/05 Beach Maintenance budget to receive the Coastwest grant.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Two of Council's strategic objectives are

- (1) *A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs, and;*
- (2) *Address and rectify safety and liability issues.*

FINANCIAL IMPLICATIONS

If Council is to accept the Project Management Agreement, for Coastwest Project # 24046, then an absolute majority decision is required in order to approve unbudgeted expenditure of \$29,760.

Currently the Coastal Management Strategic Fund contains \$20,814. The current 04/05 Beach Maintenance budget is capable of funding the remaining maximum difference in costs of \$8,946.

BACKGROUND

In February 2004 the Town of Cottesloe, in conjunction with Cottesloe Coastcare Association, submitted an application to the Department of Planning and Infrastructure under the Coastwest funding program. The project proposal incorporated three components;

- (1) Replacement of the Warton St foreshore access path, with a wooden staircase to comply with current safety standards. This follows incidents with the public, resident complaints and a staff site inspection that identified the unsuitability of the current infrastructure.
- (2) Foreshore restoration project on coastal reserve adjoining the Vlamingh memorial. This aims to reduce damage caused by rabbit population, invasive weed establishment and inappropriate access.
- (3) Construction of a boardwalk, accessing the foreshore between Rosendo and Deane St, with the possibility of consolidating a number of beach access paths. Designed initially for use by Kitesurfers, the access ramp was intended to reduce recreational impacts on the dune system.

At its August 2004 meeting Council, based on the recommendation from the Kitesurfing Committee, resolved in part that:

- (1) All shore based activity conducted by WAKSA and/or members be restricted to beach areas between Rosendo St and the Town's southern boundary.

In light of this condition it is recommended the funding be subsequently used to implement a number of key recommendations of the Beach Safety Audit, 2004, to rationalise the foreshore access from the dual use path from Beach Street north and address access opposite Pearce St.

CONSULTATION

Consultation and site meetings have occurred with Cottesloe Coastcare Association and the West Australian Kitesurfing Association. Further consultation will occur with Cottesloe Coastcare.

The Department of Indigenous Affairs, and indigenous heritage specialist Ken Macintyre, have been contacted regarding proposed works. No further consultation is required for indigenous approval.

STAFF COMMENT

The Town of Cottesloe and Cottesloe Coastcare Association has received several State and Federal grants, over the last eight years, towards construction of wooden access ramps and stairs. The most recent example being at Isolators, South Cottesloe.

This infrastructure has received positive feedback from residents, significantly reduced Councils liability risk and required no maintenance costs from wear or vandalism to date.

The existing Warton St 'board and chain' style beach access path is unsafe, not user friendly and requires on-going maintenance. By Council approving the budget for the replacement of this ramp the Coastwest grant will provide an additional \$30,020 for improving the safety, aesthetics and environmental values of the South Cottesloe foreshore.

Additionally Council will received an estimated \$6,680 value for in-kind volunteer labour hours through Cottesloe Coastcare Association and Conservation Volunteers Australia.

By undertaking improvements in coastal infrastructure council will reduce access liability.

VOTING

Absolute Majority - unbudgeted expenditure

COMMITTEE COMMENT

Nil.

12.2.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Amend the 2004/05 Budget, from the Coastal Management Strategic Fund and Beach Maintenance section of the budget, to include provision of \$29,760 for Council contribution towards Coastwest grant; and**
- (2) Agree to staff signing the Project Management Agreement, for Coastwest Project # 24046 to;**
 - (a) replace the Warton St access path with a wooden staircase;**
 - (b) improve infrastructure for beach access between Rosendo and Beach Street; and**
 - (c) rehabilitation of natural vegetation on the foreshore reserve, adjacent to Vlamingh memorial.**

Carried 10/0

12.3 FINANCE

12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER, 2004

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 3 of the Financial Statements for October shows the change in net assets is \$308,719 more favourable than expected at this time. This is made up of expenditure being down \$202,254 and income being up \$106,465 on expectations. Whilst this result looks to be primarily attributable to timing differences, and so does not represent a true saving, some variances are expected to impact on the year end position.

The latter include:

- Revenue - Community Amenities, \$32,503 higher than expected at this time and includes recycling royalties that were not budgeted for, \$10,526, and \$18,613 of town planning fees more than expected at this time.
 - Revenue – Economic Services, \$15,929 higher than expected at this time. Building fees were \$16,350 more than expected to the end of October.
-

The audit process will have been completed by the time of the Committee meeting and based on financial statements to hand for the year ended 30 June 2004, the surplus from that year is \$43,444 higher than predicted in the 2004/05 budget.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.3.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October, 2004, as submitted to the November meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 OCTOBER, 2004

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 October, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 34 of the Financial Statements shows that \$3,829,083.90 was invested as at 31 October, 2004. Of this, \$545,737.01 was reserved and so restricted funds. Approximately fifty seven per cent of the funds were invested with the National Bank, thirty seven per cent with Home Building Society, and six per cent with Bankwest.

The Schedule of Loans on page 35 shows a balance of \$475,133.00 as at 31 October, 2004. Of this, an amount of \$57,147.56 represents a current liability to Council.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.3.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 October, 2004, as submitted to the November meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 OCTOBER, 2004

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 October, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 27 of the Financial Statements, brought to Council's attention, include:

- \$26,345 to Fuji Xerox for a new colour photocopier.
- \$15,000 to Cottesloe Primary School for contribution towards works.
- \$12,151.70 to Ian Maitland Consulting Engineer for fees relating to the Cottesloe Civic Centre conservation/maintenance project.
- \$10,448.07 to Austral Bricks for the supply of paving bricks for Station Street.
- \$33,844.02 to WA Local Government Super Scheme for employee superannuation contributions relating to three pay periods.
- \$24,687.00 to WA Hino Sales & Service for the net cost of a new truck (purchase price \$44,178, trade \$19,500).
- \$22,579.30 to Claremont Asphalt for various street repairs.
- \$16,170 to Interpave for laying paving bricks in Station and Jarrad Streets.
- \$21,494.72 to ATO for September BAS.
- \$11,022 to B&N Waste Pty Ltd for greenwaste verge collection September.

- \$10,994.50 to Fitzsimmons & Co for supply and installation of road drainage Marine Parade.
- \$81,566.10 to Shire of Peppermint Grove for quarterly contribution to combined library service.
- \$24,200.15 to WMRC for transfer station charges.
- \$34,139.38 to Wasteless for rubbish collection services in September.
- \$23,408.36 to Fremantle Toyota for the purchase of a passenger vehicle.
- \$50,029.40 and \$50,266.81 for October payroll.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the List of Accounts for the period ending 31 October, 2004, as submitted to the November meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 OCTOBER, 2004**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 October, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 32 to 33 of the Financial Statements shows a balance of \$112,241.52 of which \$94,027.01 relates to the current month. The majority of the current month debtors relate to a Main Roads grant (\$63,507.18) and a truck sold as a trade in against the purchase of a new truck (\$22,700). An amount of \$1,708.03 relates to sundry debtors older than 90 days and these debts have been referred to the recovery agent. The Property Debtors Report on page 31 of the Financial Statements shows a balance of \$1,591,659.73. Of this amount, \$964,705.80 relates to ratepayers who have opted to pay via instalments.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 October, 2004; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 October, 2004.**

Carried 10/0

12.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.4.1 CURTIN AGED PERSONS FOUNDATION - WINDING UP**

File No:	C16.2
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	15 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

Recommendations are made to:

1. Support the transfer of funds from Curtin Aged Persons Foundation (the Foundation) to Curtin Aged Persons Homes (CAPH).
2. Seek a general meeting of the Foundation to enable its voluntary winding up.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The four local governments of Claremont, Cottesloe, Mosman Park and Peppermint Grove together with the community have representatives on the board of management of CAPH.

CAPH has responsibility for the management of Wearne Hostel.

The Curtin Aged Persons Foundation is also a properly incorporated legal entity and acts largely as a fund raising arm of CAPH.

In recent years the four local governments have promoted changes in the structure of both organisations with the major issues being:

- 1 The introduction of a professional and commercial management team.
 - 2 Streamlining the governance of both CAPH and the Foundation so that there is only one board of management with local government and community representation.
-

- 3 Promoting the expansion of the Wearne Hostel facilities to ensure the long term viability of CAPH.
- 4 Reviewing the operations of Riversea with a view to improving the viability of that centre.
- 5 Obtaining the vesting order for the Wearne Hostel site to be held jointly in the names of the four local governments.
- 6 Resolving heritage issues at Wearne Hostel so that agreement can be reached without compromising current building needs.
- 7 Supporting the restoration of the old section of the Wearne Hostel.
- 8 Ensuring that any heritage responsibilities rest more appropriately with CAPH rather than the four local governments.

The current situation is that all of the issues are being acted upon. In particular:

- 1 The Foundation and its Trust have gained tax exemption status. The Foundation can now be wound up and the funds held transferred to CAPH.
- 2 The WA Heritage Council and CAPH have agreed to the detail of restoration works and provided the intended lessors (the four local governments) grant a reasonable long tenure of the site, the local governments will not have any ongoing restoration involvement or responsibility.
- 3 Negotiations have recommenced to transfer ownership of the site from the Health Department of WA to the four local governments. (Note: Claremont Town Council is expected to confirm its involvement at a meeting to be held on 16th November 2004. The other three local governments have already committed.)
- 4 A \$3 million expansion of the Wearne Hostel will be completed before the end of the year. Funds have been borrowed on a commercial basis and do not directly involve the local governments.

CONSULTATION

The CEO of the Shire of Peppermint Grove has spoken to the CEO of the Town of Cottesloe on the matter.

The CEO of the Shire of Peppermint has advised that the matter is urgent and must be concluded within three months (see attached).

It is understood that the Shire of Peppermint Grove will be considering similar recommendations at its meeting to be held on 15 November 2004.

STAFF COMMENT

The four local governments are required to support CAPH's request in writing to become the benefactor of the funds arising from the winding up of the Foundation.

A further requirement is that at least two of the five establishment members of the Foundation must sign a requisition notice on the Secretary of the Foundation to enable the calling of a meeting for the purpose of voluntarily winding up the Foundation.

VOTING

Simple Majority

DECLARATION OF IMPARTIALITY

Mayor Rowell and Cr Furlong made declarations of impartiality.

12.4.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) In its capacity as an establishment member of the Curtin Aged Persons Foundation Inc. (the Foundation):**
 - a) Support the funding request that the Foundation has received from Curtin Aged Persons Homes Inc. (CAPH) for \$425,000 being \$393,283 from the Foundation as trustee from the Curtin Aged Persons Foundation Trust and \$31,717 from the Foundation in its own right to assist with the major development programme for the Wearne Hostel; and**
 - b) Notify the Foundation in writing that the Council supports the grant of funds specified in (a) above to CAPH.**

- (2) In its capacity as establishment member of the Foundation and pursuant to Rule 13(1) of the Rules of the Foundation, request that the Secretary of the Foundation call a general meeting of the Foundation on its behalf no later than 20, December, 2004 for the purpose of voluntarily winding up the Foundation, and further, that the Secretary be authorised and directed to issue the notice of meeting to the following at least 14 days in advance of the meeting to:**
 - 1 the Clerk of Town of Claremont;**
 - 2 the Clerk of the Town of Cottesloe;**
 - 3 the Clerk of the Town of Mosman Park;**
 - 4 the Clerk of Shire of Peppermint Grove; and**
 - 5 Curtin Aged Persons Homes (Inc).**

Carried 10/0

13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 9 NOVEMBER 2004**13.1 GENERAL****13.1.1 SPECIAL DEVELOPMENT ZONE 'A'**

File No: D2.5
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 3 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

An alternative option for building heights for Special Development Zone "A", the Ocean Beach Hotel site is presented.

It is recommended that Council support a 12 metre height limitation for Special Development Zone 'A'.

BACKGROUND

Previous reports have recommended indicative heights, varying across the site from 2 storeys along the residential streets of Eileen and Gadsdon Streets, to 6/7 storeys in the centre of the site.

These heights were recommended subject to a further examination for overshadowing, plot ratio, open space, setbacks, parking requirements and any additional development standards for the site. However, specific options were not supported by Council at the special meeting of Council held on 6 September, 2004 on the basis that while the principal of a mixture of heights was supported, the actual height limits needed further examination.

A further report was presented by staff to the October round of meetings together with a recommendation which was essentially the same as that presented to the September special Council meeting. However the recommendation could not be supported by Council as it breached Council's Standing Orders.

The original staff recommendation is still seen as the most appropriate option in terms of good urban design practice as it enables tower elements, massing and the articulation of the facade along Marine Parade and Eric Street which would result in a high level of legibility.

However, a groundswell of opposition from the community in relation to building heights that exceed 12 metres on the beachfront suggests that a more pragmatic approach is now required. As a result, an alternative option based on a 12 metre height limitation is presented for Council's consideration.

CONSULTATION

To be undertaken in accordance with the proposal submitted by Estill & Associates.

STAFF COMMENT

As most Councillors know, community opposition to anything above 12 metres in height has been reinforced by the very vocal opposition to the Cottesloe Beach Hotel development application currently before Council.

However at this point in time the arguments in favour and against building developments above 12 metres in height have not been fully articulated and debated in a meaningful way - particularly in relation to the OBH site.

The debate certainly did not receive a proper airing during the initial community consultation phase conducted during 1994.

Rather than hold things up, it is therefore recommended that the community debate be rescheduled for the public consultation period scheduled for February and March, 2005.

By previous Council decisions, there is a general recognition that Special Development Zone "A" demands a comprehensive planning response. The agreed objectives of the Development Zone are to provide for future development, residential or other, as specified in the Scheme, and provide for a mix of uses that are compatible to the area. In the event that a 12 metre height limitation for Special Development Zone 'A' is supported, this will become a development provision within the draft Scheme for this Zone.

In addition, Council may require that a *Structure Plan* be prepared for the Zone.

Details that are typically contained in a *Structure Plan* are a site analysis, context analysis, integration with surrounding land, design rationale, commercial uses, traffic management, parking, public transport, open space, proposals for public utilities, vitality and viability assessment and development implementation programme. It is recommended that a clause requiring the owners of the site to provide a *Structure Plan*, be included in the draft Scheme.

Furthermore, local governments increasingly require contributions from developers for services and infrastructure. The scope and power to levy contributions is contained in the Town Planning and Development Act 1928 and should be provided for in the draft Town Planning Scheme. In this way, contributions are legally enforceable and help to minimise community concerns when it comes to negotiating elements of the development. The Western Australian planning Commission's policy for developer contributions outlines the forms of contributions:

- The ceding of land for roads, public open space, primary school sites, drainage and reserves.
- Construction of infrastructure works which are transferred to public authorities on completion.
- Monetary contributions to acquire land or undertake works by public authorities or others.

Conditions are generally imposed as a condition of subdivision by the Commission, however, enabling provisions in the Town Planning Scheme may contain

requirements specific to the locality and the potential for cost sharing of infrastructure provision. Whilst there is nothing to prevent private agreements being negotiated between the developer and the Council, it is recommended that the Commission be consulted and details of any such agreements be carefully documented. Provision for developer contributions can be included as part of the Structure Plan requirements or as a separate clause for developer contributions in the Town Planning Scheme.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's Strategic Plan has the following objective:

Finalise new TPS to incorporate all major strategies in relation to Heritage, sustainability, densities and redevelopment

FINANCIAL IMPLICATIONS

It is estimated that the cost of engaging a contractor to prepare models and other information material for presentation to the community will be in the vicinity of \$2,000. Sufficient funds are available in the current Development Services budget.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council:

- (1) Support a 12 metre height limitation for Special Development Zone 'A', for the purposes of developing draft Town planning Scheme No. 3 subject to further debate on height and planning control options being canvassed during the public consultation period; and
- (2) Engage a contractor/consultant to prepare models and other information material for presentation to the community.

COMMITTEE RECOMMENDATION

That Council:

- (1) Nominate a 12 metre height limitation for Special Development Zone 'A', for the purposes of developing draft Town planning Scheme No. 3 subject to further debate on height and planning control options being canvassed during the public consultation period;
- (2) Engage a contractor/consultant to prepare models and other information material for presentation to the community; and

- (3) Circulate the Special Development Zone Scheme Amendment Report to Elected Members.

DISCLOSURE OF PROXIMITY INTEREST

Cr Furlong declared a proximity interest insofar as he owns and resides at a nearby property and left the meeting at 8.54pm.

AMENDMENT

Moved Cr Morgan, seconded Cr Strzina

That the word 'Nominate' in (1) be changed to 'Support'.

Lost 5/4

The vote was recorded

<i>For</i>	<i>Against</i>
Cr Morgan	Mayor Rowell
Cr Strzina	Cr Cunningham
Cr Utting	Cr Jeanes
Cr Walsh	Cr Robertson
	Cr Sheppard

AMENDMENT

Moved Cr Utting, seconded Cr Walsh

That the three parts of the recommendation be voted on separately.

Lost 8/2

13.1.1 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Nominate a 12 metre height limitation for Special Development Zone 'A', for the purposes of developing draft Town planning Scheme No. 3 subject to further debate on height and planning control options being canvassed during the public consultation period;**
- (2) Engage a contractor/consultant to prepare models and other information material for presentation to the community; and**
- (3) Circulate the Special Development Zone Scheme Amendment Report to Elected Members.**

Carried 9/0

Cr Furlong returned to the meeting at 9.04pm.

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

Nil.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**15.1 COCA-COLA SUMMER BEACH ACTIVITY**

The organisers of the National Coke Summer Beach Activity would like to hold a Coke Luge event on Cottesloe Beach on 18 December, 2004. The activity is to promote recycling.

Concern was raised in relation to possible damage of the fragile dunes and coastline.

15.1 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Jeanes

That approval be granted for the Coca-Cola Summer Beach Activity to be held on Cottesloe Beach on 18 December, 2004, on the basis that the activity be restricted to the developed area of the beach.

Carried 9/1

The vote was recorded

<i>For</i>	<i>Against</i>
Mayor Rowell	Cr Utting
Cr Cunningham	
Cr Jeanes	
Cr Morgan	
Cr Robertson	
Cr Sheppard	
Cr Strzina	
Cr Walsh	

15.2 VOTE OF THANKS TO MR STEVE SULLIVAN

Mayor Rowell asked Cr Furlong to thank Mr Steve Sullivan, on behalf of the Council, in recognition of his 10 years working at Cottesloe Council. Cr Furlong thanked Mr Sullivan, on behalf of the Council and Community, in appreciation of the exceptional work that he has carried out in Cottesloe.

Carried by Acclamation

16 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.15pm.

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