

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 23 MAY, 2005**

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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 Kevin Morgan
Cr Patricia Carmichael
Cr Daniel Cunningham
Cr Jo Dawkins
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Victor Strzina
Cr John Utting
Cr Ian Woodhill
Cr Jack Walsh

Officers in Attendance

| | |
|--------------------|------------------------------|
| Mr Stephen Tindale | Chief Executive Officer |
| Mr Alan Lamb | Manager Corporate Services |
| Ms Jodie Peers | Executive Assistant |
| Mr Geoff Trigg | Manager Engineering Services |
| Mr Andrew Jackson | Manager Development Services |

Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Cunningham, seconded Cr Strzina

The Minutes of the Ordinary Meeting of Council held on Tuesday, 26 April, 2005 be confirmed.

Carried 11/0

Moved Cr Cunningham, seconded Cr Strzina

The Minutes of the Special Meeting of Council held on Monday, 9 May, 2005 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 7.1 The Council has a strong mandate to fight for height limits on Cottesloe Beach. Many other matters will also be dealt with and it is hoped that Council can pre-empt and address community concerns. The elected members provide a diversity of opinion and it is hoped that they can come together as a cohesive decision making body.
- 7.2 If the Council or community consider that the Mayor's raised seating platform should be dropped, quotations will be called for.
- 7.3 A new debating and voting procedure has been introduced to enable a more streamlined meeting process.
- 7.4 The State Government have confirmed that the Cott Cat will be funded on a 50/50 basis for the next three years.
- 7.5 The installation of a new lighting system has commenced in the Napier Street carpark.
- 7.6 The Minister for Planning and Infrastructure has released a paper on 'A Single Land Development and Renewal Authority'. Public consultation is currently underway and closes on 1 June, 2005. The WA Local Government Association is preparing a consolidated position on behalf of local governments, along with requesting an extension of the deadline.
- 7.7 Councillors Patricia Carmichael, Jo Dawkins and Ian Woodhill were welcomed to Council. Congratulations to Cr Bryan Miller and Cr John Utting on their re-election. Ex-Mayor Rob Rowell and ex-Councillors Bill Robertson and Tony Sheppard were thanked for their efforts on council.

8 PUBLIC STATEMENT TIMEMs R Leach, 10A Rosendo Street – Item 10.2.2

Ms Leach spoke on the impact to her home if the proposed two storey wall is approved. The existing neighbour to the west would not be affected and would continue to enjoy views. However the proposed development plans do not allow 10A either corridor or street views. Ms Leach thanked the Council for their consideration on this matter.

Ms L Goff, MGA Town Planners, 26 Mayfair Street, West Perth – Item 10.2.2

Ms Goff addressed Council on behalf of the owners of 10A Rosendo Street. Clause 5.1.2(a) gives Council the authority to restrict a new building to preserve or enhance a view. Therefore Council are required to consider the impact to the view from 10A Rosendo Street and instruct suitable changes to be made. Ms Goff requested the Council to support the committee recommendation.

Mr D Jack, 10 Rosendo Street – 10.2.2

The architect working on the proposed development has been in regular contact with the Council. The design complies with the R-Codes and no concessions have been requested. The neighbour's balcony is substantially higher than the proposed development's second level and this would restrict privacy to 10 Rosendo Street. The south west corner is the most significant intergral part of the design. He also noted the 2.4m setback on the eastern boundary. The two storey residence will not impact on neighbours views to the south west.

Mr M Turnbull, Greg Rowe & Associates, 24-26 Wickham Street, East Perth – Item 10.2.2

The Town Planning Scheme and R-Codes are read together and they are clear that if an acceptable development standard is met then the proponent has the right to receive Council approval. One of the few variable components is the front setback. The R-Codes state a default of 6 metres. In fairness if the minimum standards are met Council should give due approval. 10A Rosendo Street is higher than the proposed development at 10 Rosendo Street. Mr Turnbull requested that Council give consideration to the original officer recommendation.

Mr R Easton, 33 Fern Street, Swanbourne – Item 10.2.5

Mr Easton spoke on behalf of the owner of the property, Mr Oma. The committee recommendation is supported. Both the client and Council agree on the positive outcomes of this proposal and Mr Oma requests the continued support of Council.

Mr M Ivey, 64 John Street – Item 10.2.6

Mr Ivey spoke in relation to his property which has been classed as Category 2 in the Municipal Inventory. He has received an Architect's report stating that previous renovations to the original house have now made the house different to the description stated in the Municipal Inventory. A structural assessment on the property has concluded that the house is in poor condition, structurally

unsound, is not economically sustainable and not practical or desirable for a family to live in. Mr Ivey stated that his family have the right to build and live in a modern family home. He requested that Council consider the request to demolish the property.

Mrs F Ivey, 64 John Street – Item 10.2.6

Ms Ivey spoke of her family's long term plans to live in the area. She described the various safety hazards, unstable structures, leaks and rotten timber. It is unreasonable to expect a family to exist in such a property. The request for demolition has already been delayed while Council obtained a report, she sincerely hoped that common sense prevailed in this matter and that Council moves a motion to accept the proposal.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 CHIEF EXECUTIVE OFFICER****10.1.1 DESIGN ADVISORY PANEL - APPOINTMENT OF DEPUTY**

File No: D1.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 16 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A deputy member is required for the Design Advisory Panel.

BACKGROUND

The Design Advisory Panel consists of six community members (with four deputies) and the Mayor (or his/her nominee) and advises Council on matters of architecture, building, town planning, landscape architecture, environment and urban design.

A draft Design Advisory Panel policy to be presented to this meeting envisages that only one elected member of Council (which may or may not be the Mayor) is to be appointed to the Design Advisory Panel.

Further, that the appointee is to preside over meetings of the panel.

As is the case with all Council-sponsored meetings, it is open to all elected members to attend meetings of the Design Advisory Panel.

At the special meeting of Council held on 9th May 2005 it was resolved:

- (1) *That Council appoint the Chair of the Development Services Committee as Presiding Member of the Design Advisory Panel.*
- (2) *That the appointment of a deputy member of the Design Advisory Panel be deferred until the next ordinary full Council meeting*

In accordance with part 2 of the resolution, the appointment of a deputy member to the Design Advisory Panel is now required.

CONSULTATION

N/A.

STAFF COMMENT

At the first meeting of the Development Services Committee held on 16th May 2005, Cr Furlong was duly elected as Presiding Member of the Development Services Committee and as such is automatically appointed Presiding Member of the Design Advisory Panel.

Council may wish to appoint a deputy presiding member to the Design Advisory Panel drawing from one of the remaining members of the Development Services Committee namely Crs Carmichael, Dawkins, Jeanes, Strzina, Walsh and Woodhill.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

That Council appoint Cr as deputy presiding member of the design Advisory Panel.

10.1.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council appoint Cr Walsh as deputy presiding member of the design Advisory Panel.

Carried by Absolute Majority 1/0

**10.1.2 PROPOSED SPECIAL DEVELOPMENT ZONE 'A' – TPS NO.3 –
CLARIFICATION OF COUNCIL RESOLUTION**

File No: D2.5
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 16 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

It appears that different interpretations have been placed on the meaning and intent of Council's November 2005 resolution regarding height controls for the OBH site under proposed Town Planning Scheme No. 3 which was:

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.

Given recent election results and a desire for certainty regarding the Ocean Beach Hotel site, Council is asked to restate its position on a height limit for the Ocean Beach Hotel site.

This will:

1. clarify the Town's directions to the consultant whose work is underway,
2. assist the Town in conveying Council's attitude to any development application submitted in the interim,
3. make the Town's position known to the Western Australian Planning Commission which has indicated that it will be actively involved in any such development application, and
4. may have a bearing on broader coastal planning and development authority propositions being entertained by the Minister and Government.

BACKGROUND

Previous reports to Council 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 principle of a mixture of heights was supported, the actual height limits needed further examination.

A further report was presented by staff to the October 2004 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 considered by Council as it breached Council's Standing Orders.

In November 2004 a groundswell of opposition from the community in relation to building heights that exceeded 12 metres on the beachfront suggested that a more pragmatic approach was required. As a result, an alternative option based on a 12 metre height limitation was presented to the November 2004 meeting of Council.

The Officer Recommendation was:

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.*

The Committee Recommendation and Council Resolution was:

That Council:

- (1) Nominate [emphasis added] 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.*

Council staff took the view that the somewhat subtle change in wording enabled staff to prepare a brief for the contractor/consultant to examine and present various models that were not necessarily limited by the existing 12 metre height limit and that these would ultimately be put back to the community as part of the consultation process envisaged for Town Planning Scheme No.3.

Accordingly, the attached brief was given to Fred Zuideveld of Overman & Zuideveld Pty Ltd.

CONSULTATION

Consultation with the community has yet to occur specifically on the OBH site i.e. Special Development Zone 'A' pending the outcomes of the consultant's study and Council's consideration of the outcomes. Nonetheless the issue of height limits for both hotel sites was raised by community members and broadly discussed in the recently-held precinct workshops - which will be the subject of a future report to Council.

Consideration will be given to how best to conduct further consultation on this matter in both formulating the final draft TPS3 as well as during the official advertising of the scheme.

STAFF COMMENT

As has been said before, there is a general recognition that Special Development Zone 'A' demands a comprehensive planning response. As advised in the officer's report to Council in November 2004;

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.

If Council is now clearly of a mind not to countenance any development whatsoever above 12 metres on the OBH site then it would greatly assist staff, the consultant and potential developers of the site to confirm this position. This will remove the current high degree of uncertainty as to what may or may not occur on the site and considerably simplify the Town's dealings with various stakeholders on the matter (including the WAPC and Minister for Planning and Infrastructure).

If on the other hand there is a majority view on Council that some development of the site above the current 12 metre height limit may be appropriate, then two options would appear to present themselves.

The first is to allow the current brief to Overman & Zuideveld to stand with a view to providing the community with a range of options and explanations for developments both under and above the nominated 12 metre height limit when community consultation occurs.

The second is to focus solely on a range of options and explanations for developments under or at the nominated 12 metre height limit when public consultation occurs. It would then be left to the community to decide or drive any suggestion that Council should also examine options above the nominated 12 metre height limit.

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

The cost estimate for the overall foreshore and other site investigations and design guidelines arising from Council's various resolutions to examine in detail a range of sites, zones and planning parameters is in the order of \$60,000 (incl. GST).

To manage the project and contain the cost, implementation of the brief so far has been consolidated and the initial effort is to be concentrated on the key OBH and Cottesloe Hotel sites. A staged approach is intended, for preliminary findings to be presented and considered before proceeding to a final report.

The cost involved underlines the need to ensure that the brief to the consultants is exactly that which meets Council's requirements.

In conclusion, should Council wish to maintain a position of a 12m height limit, efforts can be focussed on justifying and elaborating that in TPS3. This would mean here would be little comparative analysis of height scenarios to defend this stance or understand the matter in context. However, the outcome would be definitive planning controls for the OBH site Special Development Zone 'A' provisions as a basis for TPS3 and a reference in dealing with any development application and the State authorities in the meantime.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Furlong made a declaration of interest in as much as his residence is adjacent to the proposed special development zone 'A', he left the meeting at 7.31pm and did not participate in the debate or vote.

OFFICER RECOMMENDATIONS

- (1) That Council revise the brief in relation to the Special Development Zone 'A' by limiting the work on height control parameters and implications to a maximum of 12 metres.

OR

That Council confirm the current brief given to the consultants.

- (2) That Council confirm that for the purposes of Town Planning Scheme No.2 the current 12 metre height limit applies to the OBH site.

10.1.2 COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

- (1) **That Council revise the brief in relation to the Special Development Zone 'A' by limiting the work on height control parameters and implications to a maximum of 12 metres.**
- (2) **That Council confirm that for the purposes of Town Planning Scheme No.2 the current 12 metre height limit applies to the OBH site.**

Carried 6/4

The vote was recorded:

For: Mayor Morgan, Crs Carmichael, Strzina, Utting, Walsh, Woodhill.

Against: Crs Cunningham, Dawkins, Jeanes, Miller.

Cr Furlong returned to the meeting at 7.57pm.

DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 16 MAY 2005

Items withdrawn for further discussion and dealt with in this order: 10.2.1, 10.2.2, 10.2.3, 10.2.6, 10.2.7, 10.2.8, 10.2.9.

Items adopted enbloc following the above: 10.2.4, 10.2.5.

10.2 PLANNING**10.2.1 NO 2/1 (LOT 71) PEARSE STREET - TWO STOREY ADDITIONS WITH LOFT**

File No: No 2/1 (Lot 71) Pearse Street

Author: Mr James Atkinson

Author Disclosure of Interest: Nil

Report Date: 7 April, 2005

Senior Officer: Mr Andrew Jackson

Property Owner: Mr K.J. Morgan

Applicant: Adrian Iredale: Iredale Pedersen Hook Architects

Date of Application: 7 April, 2005

Zoning: Residential

Use: P - A use that is permitted under this Scheme

Density: R30

Lot Area: 161m²

M.R.S. Reservation: N/A

SUMMARY

- Council is in receipt of an application for two storey additions with loft and alterations to an existing single storey rear strata dwelling.
- Council on 29 March 2005 deferred the proposal pending revised plans, which are the subject of this report. Indicative revisions were tabled and showed some merit, but more detail was considered necessary.
- The revised plans have undergone further refinement and also advertising, which has attracted several submissions.
- The applicant has provided additional information in support of the proposal and has responded to the issues involved.
- All of this input is presented in this report and the attachments.
- Given the assessment that has been undertaken the recommendation is to approve the application.

BACKGROUND

- The previous report, attached, was cautious about the proposal and recommended refusal of the application as initially proposed.
- However, guidance was given to Council about the discretionary clause involved to allow a loft within a third storey element.
- Council decided that consideration of the proposal be deferred pending revised plans to better address the Scheme requirements.
- This approach has been pursued and the revised proposal is further assessed as reported here.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Reflective Metal Roofing Material

Policy No 009

HERITAGE LISTING

The original building fronting Pearse Street is a Category 3 Heritage listed building in the Municipal Inventory. The strata lot the subject of this application is a separate parcel located at the rear of that dwelling on which the subject strata dwelling has been approved.

COMPLIANCE CONSIDERATIONS**Town of Cottesloe Town Planning Scheme No 2**

| Clause | Required | Provided |
|----------------|--|--|
| 5.1.1 (b) (ii) | Maximum of two storeys, may permit a third in the roof space, subject to criteria. | Loft proposed and requires assessment. |

Town Planning Scheme Policy

| Policy | Required |
|---------------------------|---|
| Reflective Roof Materials | Standard Condition – <i>“Owner shall treat the roof surface to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of the adjoining neighbour following completion of the development”.</i> |

CONSULTATION**Internal**

- Building – Fire separation to be maintained between strata units.
- Engineering – Standard conditions as relevant.

External

- The revised plans were advertised in the usual manner, which consisted of notification letters to adjoining property owners.

- The applicant provided written authorisation from the immediate surrounding strata owners, who indicated their support for the proposal.

Submissions

- There were 19 letters mailed and seven submissions were received, which were objections, all from Seaview Heights, being the large, three-storey block of 18 flats to the west.
- The submissions are summarised below and it should be noted that only matters relating to town planning have been listed.
- Copies of the submission are attachments to this report (except one marked confidential which is however summarised).

Mr M Fitzpatrick – Owner Unit 12 Seaview Heights, 86 Marine Parade

- *The balcony on the second floor would reduce the level of privacy that currently exists.*
- *The future development potential of the Seaview Heights car parking area would be compromised.*
- *The gap between the southern side of Seaview Heights and the next property would provide an ocean view from the proposed first floor balcony, whereby any future development of Seaview Heights may restrict that view and create grounds for objection from the proposed building, and a subsequent negative effect on the value of Seaview Heights.*

Mr T H Solomon, Barrister and Solicitor – Acting for the Owner Unit 9 Seaview Heights

- *The proposal may breach plot ratio.*
- *Site coverage may be breached.*
- *The proposal would interfere with the amenity, outlook and benefit and reduce the value of their property.*
- *The 'loft' is not a true loft and is not in accordance with the requirements of the Scheme.*
- *The application is not in accordance with the present or proposed planning Scheme.*

Mr J.E. McDonald – Owner Units 4 & 6; Mr A Lenegan – Owner Units 15, 16 & 18; Mr P Meloche – Owner Unit 10; Mr O Clare – Owner Unit 1; Mrs A Cooke – Owner Unit 14.

These owners submitted a standard letter as follows:

- *The building is three storeys and breaches Scheme requirements.*
- *The west-facing window on the top storey breaches Scheme requirements in relation to privacy and amenity.*
- *The building may be over height.*
- *The applicant failed to give notice to adjoining neighbours.*
- *The application has already been approved.*

A longer précis of the submissions with comments on the points raised is attached.

FURTHER LIAISON & MATERIAL SUBMITTED

- The architect/applicant Mr Adrian Iredale and planning consultant Mr Peter Webb have liaised with planning staff to understand the planning requirements and achieve a more acceptable proposal.
- These discussions have resulted in further modification of the third storey roof form to make the proposal more in keeping with the meaning of the Scheme.
- The revised plans bring the side boundaries into compliance with the R-Codes, reduce the roof height to comply with the Scheme and reduce the size of the loft area.
- The architect has provided a scale model showing the existing and proposed building and surrounds.
- A letter from the planning consultant, a report and explanatory notes with pictures from the architect and other supporting material has been submitted, including a response to the issues identified/objections raised. All of this additional information is attached and is partially summarised here.

Planning Attachment – Mr Peter Webb

- *Committee and Council may have had insufficient time to fully consider the revised plans that were prepared prior to the Development Services Committee meeting of 21 March 2005.*
- *The loft floor area has been reduced by about 25% and now comprises 49sqm.*
- *The unit is situated behind the two units fronting Pearse Street and will have negligible impact on the streetscape.*
- *The surrounding strata owners have provided written support for the application.*
- *Adjoining property development is of similar height.*

Architectural Attachment – Mr Adrian Iredale

- *The building height is now in accordance with the Scheme requirements.*
- *The roof design is a traditional ‘Gambrel Roof’ used widely in Perth and the loft is contained within the roof space.*
- *The width of the building is only 8.6m, significantly less than surrounding buildings. The roof will easily fit within the profile of a typical two-storey dwelling.*
- *There are a number of ‘loft’ examples in Cottesloe (photos provided).*
- *The roof space is split into sections and pitches to further reduce bulk and size.*
- *Setbacks have been modified to conform with requirements.*
- *IPH Architects are regarded as one of the leaders in Environmental Design in WA and the project has been designed to minimise impact on adjoining residents.*

FURTHER ASSESSMENT**Privacy**

Neighbour comment was received regarding the west-facing window of the proposed loft area, being the master bedroom and the first floor balcony. Under the Performance Criteria of Clause 3.8.1P1 of the R-Codes the following applies:

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

- *The positioning of windows to habitable rooms on the development site and the adjoining property;*

- *The provision of effective screening: and*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

Hence in terms of privacy the proposal does not overlook the primary spaces of Seaview Heights.

- For the loft window, the Acceptable Development standards of the R-Codes state that major openings to active habitable spaces need to be:

Set back, in direct line of sight within the cone of vision, from the boundary a minimum of 4.5 metres in the case of bedrooms.

The proposed window is setback a minimum of 5.8m from the lot boundary and is therefore considered acceptable, as it exceeds the minimum requirement.

- With regard to the first floor balcony, the Acceptable Development standards of the R-Codes require major openings to active habitable spaces to comply with the following:
 - *Set back, in direct line of sight within the cone of vision, from the boundary a minimum of 7.5 metres in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like); or*
 - *Provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space; or*
 - *Provided with permanent horizontal screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25m to the opening or equivalent.*

The R-Codes describe a habitable space as:

Any habitable room with a floor area greater than 10sqm and any balcony, verandah, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1.0m in dimension and 3sqm in area.

The first floor balcony is setback 4.1m from the boundary, however, it does not provide direct line of sight to any active habitable space on the neighbouring property, as the car park, which is not considered a habitable room.

- Hence the loft window and first floor balcony are considered acceptable under the Performance Criteria of the R-Codes, and can be supported.

Loft Element

- Clause 5.5.1 b) (ii) of the Scheme provides that in a Residential zone:

The maximum building height shall be two storeys except that Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph (c) of this clause and also provided that, in Council's opinion, the dwelling will retain the appearance of a two storey dwelling and will not adversely affect local amenity.

- In order to approve the proposed development Council needs to form the opinion that the loft space is more akin to a typical two-storey dwelling capped by a loft in a roof, rather than a three-storey dwelling. The revised plans have reduced the floor area and roof size and pitch to address this aspect. The proposal has been revised to accord with the Scheme wall and roof height requirements and if aligned with another two-storey building would be of similar scale.
- The secluded rear location of the strata lot takes away any streetscape aspect of the proposal as a consideration and the impact on amenity generally is within the bounds of the privacy and overlooking standards.

Precis

The attached précis of points raised in submissions and comments in response provides additional assessment of the planning issues.

CONCLUSION

- The Scheme contemplates a third storey in certain circumstances and requires interpretation of a loft element, empowering Council to form an opinion on the matter – there are no design guidelines in this regard, but there are comparative examples.
- The applicant has demonstrated that Cottesloe is home to a range of innovative architectural designs, including several different approaches to accommodating loft-type third levels within a variety of roof forms. These examples have been approved and integrated successfully with their sites and surrounds.
- The tests for Council in determining whether or not a proposed loft element third storey is acceptable include height standards and amenity, the latter being elaborated by the provisions of the R-Codes, principally privacy in this situation where streetscape is not at issue.
- While privacy has been raised as an objection to the proposal, realistically Seaview Heights presents the dominant privacy and built form impacts on the locality, including the subject property, whereby it is considered difficult to sustain the objections, especially where the R-Codes criteria have been satisfied.
- In this overall context it is considered that it would be reasonable to allow the revised plans, given the compliance with height and overlooking standards, the seclusion of the site, the constraints of the property and the character of the area.
- This site and existing dwelling is the sort of case where such a proposal might be expected, as an innovative solution to create more domestic accommodation, gain the benefit of height without undue impacts, and utilise an individual design approach.
- If Council is of the opinion that the architecture is part of the emerging Cottesloe-style of contemporary residential design, is willing to continue to entertain a variety of loft forms, and noting the compliance aspects is satisfied that the proposal results in acceptable amenity, then the application is approvable.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

DECLARATION OF INTEREST

Mayor Morgan made a declaration of financial interest due to being the owner of the property at 2/1 Pearse Street, he left the meeting at 7.59pm and did not participate in the debate or vote.

10.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

- (1) That Council **GRANT** its Approval to Commence Development for the Two Storey Additions with Loft at No 2/1 (Lot 71) Pearse Street, Cottesloe in accordance with the plans submitted on 7 April, 2005, subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (f) Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.
 - (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (2) Advise submitters of Council’s decision.

Carried 9/1

Mayor Morgan returned to the meeting at 8.03pm.

10.2.2 NO. 10 (LOT 5) ROSENDO STREET – NEW TWO STOREY DWELLING

File No: 10 Rosendo Street
Author: Mr Andrew Jackson
Attachments: Location plan
Plans
Correspondence from applicant
Submissions (3)
Author Disclosure of Interest: Nil
Report Date: 11 May 2005
Senior Officer: Mr Stephen Tindale

Property Owner: Mr D Jack & A Cochrane

Applicant: Buildwise
Date of Application: 11 May, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 688m²
M.R.S. Reservation: N/A

SUMMARY

- This report relates to a proposed two-storey dwelling that essentially complies and would usually be approvable under delegation to the Manager Development Services.
- However, although the front setback and building height comply, submissions have been received regarding access to views, which need to be evaluated.
- This report deals primarily with that aspect.
- The author has liaised with the parties to address the matter, but no common agreement has been reached.
- While on balance it is concluded difficult to sustain the objections, the item is put to Committee because the proposal is recommended without change – this report allows the issues to be aired at Committee and for appreciation of the points raised in the submissions.

PROPOSAL

- Following initial liaison with the Planning Department, the design applied for adopted the acceptable development standard of 6m for the front setback, being an increase over the setback of 5m to the existing single-storey dwelling.
 - Side setbacks are a combination of acceptable or considered satisfactory on a performance basis.
 - Height is under the limits and the building will sit lower than the dwellings on either side.
 - The contemporary design is in keeping with the area.
 - In this way the proposal does not seek undue concessions and aims to be compatible with the streetscape.
-

- Therefore, given the satisfactory parking, open space and so on in addition to the above, the proposal would ordinarily be approvable.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.
- Residential Design Codes.

POLICY IMPLICATIONS

Nil.

HERITAGE LISTING

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

- Over the years there has been a history of approaches to setbacks on Rosendo Street, with mixed outcomes.
- Some of this has apparently attempted to maintain streetscape rhythm or share views, for which there is competition, but with the advent of two-storey dwellings as the norm these days and the gradual redevelopment of single-storey dwellings, views have become harder to “guarantee” and lots have become developed with larger dwellings.
- The upward slope of streets has helped compensate for this, and the streets themselves provide view corridors to the west from the fronts of properties, although other dwellings and street trees can obscure views.
- Another influence is that planning decisions are required to be made in accordance with the rules of the day, which have changed over time.
- The typical form of newer two-storey dwellings in the street and on similar sloping streets in Cottesloe is for forward, west-facing balconies that look out over their lower neighbours and may not be screened for privacy as usually required. This is because the attraction is the view to the ocean rather than into other properties and there seems to be tolerance of this design characteristic where views are shared and properties utilise the same orientation.

SUBMISSIONS & PROPONENT’S RESPONSE

- Submissions have been received from the owners of the properties on each side of the proposal, and a follow-up letter from a planning consultant has been received on behalf of the owners on the east – refer to copies attached.
- The gist of these submissions relates to the street setback and two-storey nature of the proposal (although a couple of other aspects have been raised and dealt with).

- The setback issue has been responded to by the applicant, Buildwise – copy attached – and has also been discussed at length with the proponent owners, the owners to the west and the planning consultant for them.
- The site and plans have been examined and discussed with the proponent owners to explore the issue and any possible design options.
- After due consideration, the proponents have confirmed that they do not wish to vary the plans, given their design objectives, the basic compliance of the proposal, the desire to capture views within the setback and height requirements, and their rights to apply for approval in this context.
- The suggested pushing-back of the upper-storey bedroom element and extension of the balcony across the width of the dwelling would not alter the height of the dwelling and would introduce a privacy aspect to be addressed. The eastern end of the balcony would normally require screening, which while not desired by that neighbour in order to get a view, would not give the proponents privacy.

ASSESSMENT

- The Residential Design Codes operate such that complying proposals are deemed to be acceptable and approvable, and that only aspects triggering performance-based assessment involve flexibility for a discretionary decision to alter plans or impose conditions.
- The Codes make some mention of views, acknowledging their significance and suggesting the notion of the sharing of views, which can be managed by setbacks and height controls or policies, but don't go into any detail or prescribe standards. Hence proposals that comply are taken to not command more than their fair share of potential for views, and the idea of a uniform front setback and height limits is to give an equal opportunity to experience view corridors available along streets.
- TPS2 refers to maintaining views in respect of building height and is most specific in clause 5.1.2 (a) whereby *Council shall have regard to and may impose conditions relating to the need for limitation of height or location of buildings to preserve or enhance views*. Of course this could apply to the interest in views for both a development site and neighbouring properties.
- TPS2 provides no elaboration on how to assess this aspect and there is no express policy to guide Council in the matter, hence the R Codes are relied upon in terms of setback and height controls. Where a proposal seeks reduced setbacks or increased height, there is scope to argue for design changes or compliance to allow views, but as outlined above where compliance is delivered it can be harder to justify revisions and negotiation is one alternative avenue.
- In this case, the suggestions raised by the planning consultant have been discussed with the proponents, and the implications for the design of their dwelling have been thought-through, but they wish to keep the design as it is for reasons of space, privacy and appearance.

PROPERTY TO WEST

- An objection raised by the owner of the townhouse to the west is the impact of the proposal on the privacy of that front yard and balcony, particularly in being two-storey and having a balcony.
- The starting point for the R Codes in respect of privacy is setbacks or screening to prevent close overlooking; however, front yards are not considered primary open space and are often in public view.

- Given the fundamentally exposed nature of the front yards of the town houses to the west and their forward-projecting, unscreened balconies, the privacy expectation should not be high, but the two opposing balconies would not have a large separation distance and would afford limited privacy to one-another.
- It is noted that the side setback of the objector's balcony does not comply with current requirements and overlooks the existing single-storey dwelling on the proponent's site.
- As the proposed balcony is off a bedroom and home theatre and is not very deep, it would unlikely to be heavily used and it not an alfresco area, with all the other indoor and outdoor living areas being at ground floor level.
- By way of comparison, it is observed that the balcony to the eastern property overlooking the proposal site is not screened on its western side.
- In more ordinary situations all such balconies would be screened on their sides.
- In this instance it is considered that the western flanks of balconies at upper levels designed to capture the ocean view should not be screened as that would be counter-productive, although as a result street-front privacy is compromised, but a uniform treatment maintains the status quo for all.

CONCLUSION

- Obviously the introduction of a two-storey dwelling, albeit with the full 6m setback and within the height limit, will diminish the views currently enjoyed from 12 Rosendo Street looking out over the roof of the existing single-storey residence, however, the view down the street and across the vacant land in front of Tukurua will remain.
- In terms of compliance the proposed design is acceptable and would not dominate the streetscape, ie it would not impact unduly on amenity generally.
- Council has delegated to Committee power to determine applications where there is compliance but there is objection, as in this instance, and the reason for the Manager Development Services referring the matter to Committee is because it is assessed that no condition should be imposed to satisfy the objections. This is because, given the essential compliance of the proposal and the absence of policy or other guidelines to implement the intent of the R Codes or the Scheme with respect to views, apart from the principle of protecting and sharing views there is no strong justification or defence for a condition to change the design.
- Where there is such uncertainty and where other proposals have not been so constrained, one decision-making framework is to give the benefit of the doubt to the proposal, especially after liaison or negotiation has not found agreement.
- The alternatives would be to defer the proposal for further interaction with the parties, but that avenue has been tried; or to set a condition to alter the design, but that avenue is likely to be appealed.
- Overall, in the circumstances of an essentially compliant proposal where the consultation process has been carried out and only one or two aspects remain to be resolved, it is advocated that the local government should be decisive and make a clear judgement on the matters, so that the development can proceed.

VOTING

Simple majority

COMMITTEE COMMENT

Committee supported a further 600mm setback to the upper floor Bedroom 1 by deletion of the desk alcove as it was considered that a compromise should be made by the applicants with regard to the loss of view to the neighbours. Committee determined that the application should be deferred pending the submission of revised plans to effect this modification and that the Manager Development Services can then grant approval under delegated authority.

OFFICER RECOMMENDATION

- (1) That Committee GRANT approval to commence development for the proposed two-storey dwelling at No. 10 (Lot 5) Rosendo Street, Cottesloe, in accordance with the revised plans submitted on 1 April 2005, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an open-aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
 - (f) The right of way adjacent to the development being paved and drained at the applicant's expense in accordance with Council guidelines and specifications and be approved prior to the commencement of works.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development.
- (2) That the submitters be advised of the decision.

COMMITTEE RECOMMENDATION

- (1) That the item be deferred pending receipt of revised plans showing an increased setback to Bedroom 1 on the upper floor by deletion of the desk alcove.

- (2) Upon receipt of satisfactory revised plans in accordance with the above, the Manager Development Services approve the application under delegated authority.

AMENDMENT

Moved Cr Furlong, seconded Cr Walsh

That the Officer Recommendation be moved.

Carried 6/5

10.2.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

- (1) That Committee GRANT approval to commence development for the proposed two-storey dwelling at No. 10 (Lot 5) Rosendo Street, Cottesloe, in accordance with the revised plans submitted on 1 April 2005, subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an open-aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
 - (f) The right of way adjacent to the development being paved and drained at the applicant's expense in accordance with Council guidelines and specifications and be approved prior to the commencement of works.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development.
- (2) That the submitters be advised of the decision.

Carried 7/4

10.2.3 NO 17 & 17A (LOT 43) BEACH STREET - PROPOSED TWO TWO-STOREY RESIDENCES

File No: No 17 & 17A Beach Street
Author: Ms Lilia Palermo
Attachments: Location plan
Plans
Correspondence from applicant (2)
Submissions (4)
Author Disclosure of Interest: Nil
Report Date: 10 May, 2005
Senior Officer: Mr Andrew Jackson

Property Owner: No 17A - A. Best & No 17 - Mr & Mrs Kennedy

Applicant: Buildwise
Date of Application: 10 May, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 338m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for two 2-storey single residences on the subject property.

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

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) – “Measurement of Building Height” | Roof Ridge height – 8.5m Wall Height – 6.0m | Roof Ridge (No 17) – 9.1 Wall height (No's 17 & 17A) – 6.8m |
|---|--|---|

Town Planning Scheme Policy/Policies

| Policy | Required | Provided |
|--------|----------|----------|
| N/A | N/A | N/A |

Residential Design Codes

| Design Element | Acceptable Standards | Provided | Performance Criteria Clause |
|--------------------------------|---|---|-----------------------------|
| No 3 – Boundary Setbacks (17A) | | | Clause |
| West Basement | 1.5 whole | Nil | 3.3.2 – P2 |
| East Ground | 1.7 whole | 1.2 – 1.6 | 3.3.2- P1 |
| West Upper | 6.4 bed 2 | 5.5 | 3.3.2 – P1 |
| West Upper | 3.0 bed1, balcony | 2.5 | 3.3.2 – P1 |
| No 17 Beach | | | |
| South Basement | 1.5 whole | 1.1 – 7.0 | 3.3.2 – P1 |
| West Basement | 1.5 whole | Nil | 3.3.2 – P2 |
| East Basement | 1.5whole | Nil – 2.0 | 3.3.2 – P1&P2 |
| South Upper | 3.0whole | 1.2 – 3.3 | 3.3.2 – P1 |
| West Upper | 6.1 study | 4.5 | 3.3.2 – P1 |
| West Upper | 3.0 balcony | 1.5 | 3.3.2 – P1 |
| No 8 - Privacy | 7.5m setback to balconies | 2.7m front balcony (west boundary of No 17 Beach St | 3.8.1. – P1 |
| No 9 – Design for Climate | 35% overshadowing of adjoining property | 40% total overshadowing by 17 & 17A | 3.9.1. – P1 |

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 8 letters sent out. There were 4 submissions received, of which 4 were objections. Details of the submissions received are set out below:

19 Beach Street

- *The driveway gradient does not comply with the Australian Standard;*
- *Overall height to the roof ridge is 9.5m from natural ground level; the maximum under the Scheme is 8.5m;*
- *The height to the top of the wall is approximately 800mm above the 6.0m permissible height;*
- *The proposed walkway to the entry door would result in overlooking of our property;*
- *The laundry door to the rear also presents an overlooking issue;*
- *5.0m parapet wall as part of an entry foyer;*
- *The boundary wall will be around 3.0m high, which is not acceptable ;*
- *The windows marked on the eastern elevation only show some as opaque glass we would like them all to be so as they have an impact on our privacy;*

No 15 D Beach Street

I would be concerned with the storm water drain onto 17C and subsequently onto 15C, 15D, the easement on my eastern boundary or the ROW;

18 Gibney Street

- *No 17 Beach Street on the west side is still overheight;*
- *The additional height will have detrimental impact on our property*

15 A Beach Street

- *We wish to emphasise that at no time have we agreed to the overlooking proposal in writing;*
- *We object to the western balcony inside the set-back area which would allow overlooking into our lounge and dining area;*
- *There would be overlooking onto our rear glassed verandah and rear courtyard garden;*
- *We would prefer that the study window being screened to prevent the view to the west;*
- *We are concerned with the amount of excavation that would be required;*

- *There is a shared common bore is situated in the access/easement of properties at 15 Beach St, due care should be taken during the demolition works;*
- *We have concern with the visitor parking and traffic flow along this narrow section of beach Street; Council should consider making this section a one-way exit only to Broome Street*

BACKGROUND

The applicant originally submitted the proposal on 8th June 2004. The development proposal was advertised to adjoining property owners. During the assessment process the applicant was advised that the proposed residences do not comply with the height restrictions under the Town Planning Scheme No 2 (TPS 2).

The Planning Department had several discussions with the proponent on the height issue and other issues associated with the proposal. The applicant was also provided with a centre of the site determination for both lots, which was to be used for the purpose of determining compliance with the height restrictions of TPS 2.

The original plans were put on hold at the applicant's request to allow time to address the issues raised by the Planning Staff and the adjoining property owners.

The current plans were submitted on 21st March 2005 and were readvertised to the adjoining neighbours. Four objections were received during the advertising process. The height issue remains and the applicant is now applying for a variation to height restriction under the Scheme due to difficult topography of the site.

STAFF COMMENT

Building Height

The applicant submitted a letter in response to the objections from the adjoining property owners dated 26 April 2005. The applicant stated: *"we seek favourable revision of the level from which the overall wall and ridge heights of the building are measured, one that takes into consideration the falls of the site. Particular note is made of the composite streetscape which clearly depicts the proposed buildings are in keeping with the adjoining buildings and if anything slightly lower than one would expect."*

Clause 5.1.1(c) of the TPS 2 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 -

Single Storey - Roof Height: 6.0 metres

Two Storey - Wall Height: 6.0 metres

- Roof Height: 8.5 metres

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 levels (NGL) at the centre of each lot were determined as follows: 17 Beach Street – AHD 22.9m and No 17A Beach Street AHD 23.5m. Several methods were used to determine the centre of the site level including several site inspections, check of the existing site survey submitted by the applicant and check of the Water Authority maps of 1934.

Both of the proposed two-storey residences are overheight for wall height by 0.8m. The roof height of the proposed residence at No 17 is also overheight by 0.6m.

The height issue was noted in the objections from the adjoining owners to the east (No 19 Beach Street) and to the west (No 15A Beach Street).

TPS 2 Clause 5.1.1 (a) states the Council's general policy *for development within the district favours low rise development of no more than 2 storeys.*

An undercroft is not considered a storey in accordance with the Clause 5.1.1 (a) providing that its ceiling level is not higher than 1.0m above the footpath level or below the NGL at the centre of the site and is used for specific purposes identified in Clause 5.1.1 (a).

The proposed development on both 17 and 17A Beach Street complies with the number of storeys requirement, as the proposed undercroft garages are not higher than 1.0m above the footpath level at the front of the properties and the proposed use of the undercroft for parking of vehicles complies with the requirements under the Clause 5.1.1. (a).

The wall height and the finished level of the ground floor of the proposed development were lowered by approximately 0.5m in comparison with the original proposal.

The site slopes down considerably from north (front) to south (rear) and also from east to west.

If the wall height of the proposed development is required to be lowered further to comply with the height restrictions under the Scheme it would not be possible to accommodate a design with an undercroft vehicle parking. The proposed driveway gradient is quite steep being 1:4, which is not in accordance with the Australian Standard.

The proposal would require a total redesign with garaging being at the ground level rather than in the undercroft in order to comply with the wall height restrictions.

It is considered that the topography of the site with the natural ground levels ranging considerably from front to rear would warrant a wall height variation.

Notwithstanding that the proposed development does not strictly comply with the height restrictions under the Clause 5.1.1(a), it is considered that it would not have a negative impact on the existing streetscape, as can be visually appreciated from the streetscape elevation submitted with the application.

As the land slopes down towards the west, the height of the residences along Beach Street should present a stepping down effect to follow with the natural terrain of the land. The existing development west of the subject site is in fact higher for both wall and roof height than the proposed development on 17 and 17A Beach Street.

It is recommended that Council grant a variation to the wall height requirements under Clause 5.1.1(c) due to the difficult topography of the site and the compatibility with other development in the street.

The roof height of the proposed development at 17 Beach Street could be lowered to comply with the Scheme requirements, which would also make it fit in better with the development at 17 A Beach Street.

Proposed fill on site and height of walls on boundaries

The existing ground levels at the boundary on the subject site at 17A Beach Street and the adjoining property to the east No 19 Beach Street differ by 0.5m to 1.0m. The levels at the eastern boundary on 17A Beach Street are naturally lower due to the fall of the land towards the west. The levels on the western boundary at 19 Beach Street were changed over the years due to landscaping works and minor earthworks.

The proposed finished ground levels on the eastern boundary at 17A Beach Street are generally in line with the existing ground levels at the boundary on the adjoining property, except for some raised levels due to the proposed planter at the front.

The raised levels at the front resulted due to the proposed 8.0m long planter with the top of the wall being AHD 25.6m. Due to the natural slope of the land the height of the planter wall at some point results in it being approximately 1.2m high measured from the existing ground level at the boundary of the adjoining property.

The portion of the proposed screen fence (approximately 5.0m in length) on top of the planter wall would result in it being overheight as seen from the adjoining property.

It is recommended that the applicant be requested to provide amended plans showing the proposed fencing on the eastern side being lowered to the standard height of 1.8m measured from the proposed main ground floor level (AHD 24.6).

Driveway Gradient

The proposed Driveway Gradient does not comply with the requirements under the Australian Standard.

The following comment was provided by the Engineering Department:

"For both No's 17 and 17 A beach Street the 1in 4 slope of the driveway does not meet the 1in 5 (20%) maximum grade allowed under the AS 2890-1 1993. The transition slopes meet the Australian Standard."

It is recommended that the applicant be requested to submit amended plans prior to the issue of the Building Licence showing the driveway gradient being in accordance with the Australian Standard or provide sufficient demonstration to the satisfaction of the Manager of Development Services that bottoming-out would not occur.

Privacy Issues (No 19 Beach Street)

The owners of the adjoining property to the west objected to the overlooking from the proposed development at 17 Beach Street into their property.

The proposal does not comply with the Acceptable Development Standards of the Design Element 8 – "Privacy", as the setbacks within the cone of vision from the front balcony is 2.7m (7.5m required under the RDC).

The adjoining neighbours requested that the proposed balcony be screened in line with the existing front setback of No 15A Beach Street to prevent overlooking into the habitable room windows and the outdoor living areas on the eastern side of their property.

It is recommended that the applicant be requested to submit amended plans to the satisfaction of the Manager Development Services showing the western side of the balcony being screened in accordance with the RDC to prevent overlooking into the areas behind the front setback line of the adjoining property at No 15A Beach Street.

Design for Climate (Overshadowing of the vacant lot at the rear)

The vacant lot at the rear will be overshadowed by 40% in total by the two proposed residences at the front at No's 17 & 17A Beach Street. The proposal does not comply with the Acceptable Development Standards under Design Element 9 of the RDC, which allows for 35% overshadowing in R30 density areas.

The Performance Criteria of the RDC under the Design Element 9 – "Design for Climate" are not suitable for assessment of the impact of overshadowing in the situations when the affected property is a vacant lot, as the criteria relate to overshadowing of outdoor living areas, windows, solar heating devices and balconies.

Considerable overshadowing of the northern side of the vacant lot would present difficulties in designing a future residence on this site in accordance with the passive solar principles.

The applicant stated that the owner of the affected vacant lot does not have any objection to the increased overshadowing.

CONCLUSION

It is recommended to approve the proposed two 2-storey single residences at 17 and 17A Beach Street subject to the standard conditions and subject to amended plans being submitted addressing the following issues:

- Driveway Gradient;
- Height of fencing on the eastern boundary of 17 A Beach Street;
- Privacy issues for the adjoining property to the west of No 17 Beach Street;

VOTING

Simple Majority

COMMITTEE COMMENT

Committee considered that the topography had only a minor impact on the levels and that compliance with Town Planning Scheme No. 2 wall and roof heights should be achieved.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Proposed two two-storey residences at No 17 & 17A (Lot 43) Beach Street, Cottesloe in accordance with the plans submitted on 21 March 2005, subject to the following conditions:

NO. 17 BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development

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

- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the front balcony being provided with a privacy screen being a minimum of 1.65m high measured from the balcony finished floor level starting from the balcony pillar, as shown on western elevation plan, to prevent overlooking into the adjoining property to the west;
 - (ii) the ridge height of the proposed development being lowered to AHD 31.4 to comply with the requirements of Clause 5.1.1 (c) of the Town Planning Scheme Text; and
 - (iii) the driveway gradient complying with the Australian Standard or applicant demonstrating that bottoming-out would not occur.
- (2) Advise the submitters of this decision.

NO. 17A BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:

- (i) the height of the proposed fencing along eastern boundary being a maximum of 1.8m measured from the proposed ground floor level of AHD 24.6m; and
 - (ii) the driveway gradient complying with the Australian Standard or applicant demonstrating that bottoming-out would not occur.
- (3) Advise the submitters of this decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Proposed two two-storey residences at No 17 & 17A (Lot 43) Beach Street, Cottesloe in accordance with the plans submitted on 21 March 2005, subject to the following conditions:

NO. 17 BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the front balcony being provided with a privacy screen being a minimum of 1.65m high measured from the balcony finished floor level starting from the balcony pillar, as shown on western elevation plan, to prevent overlooking into the adjoining property to the west;

- (ii) the ridge height of the proposed development being lowered to AHD 31.4 to comply with the requirements of Clause 5.1.1 (c) of the Town Planning Scheme Text;
 - (iii) the wall height of the proposed development being lowered to AHD 28.9 in accordance with Clause 5.1.1 (c) of the Town Planning Scheme Text; and
 - (iv) the driveway gradient complying with the Australian Standard or applicant demonstrating that bottoming-out would not occur.
- (2) Advise the submitters of this decision.

NO. 17A BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the height of the proposed fencing along eastern boundary being a maximum of 1.8m measured from the proposed ground floor level of AHD 24.6m; and
 - (ii) the driveway gradient complying with the Australian Standard or applicant demonstrating that bottoming-out would not occur; and

- (iii) the wall height of the proposed development being lowered to AHD 29.5 in accordance with Clause 5.1.1 (c) of the Town Planning Scheme Text.

(3) Advise the submitters of this decision.

COUNCIL COMMENTS

A memo received by Councillors from the Manager of Development Services outlined that further information has been received by Council from the applicant. The applicant has requested that the item be deferred to afford the architect time to consider the design implications and options.

10.2.3 AMENDED OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council defer the item to allow the applicant/architect to review the design of the proposed dwellings.

Carried 11/0

10.2.4 NO 33 (LOT 84) GRIVER STREET - PROPOSED EXTENSION TO AN UNAUTHORISED STRUCTURE (OUTBUILDING AT THE REAR)

File No: No 33 (Lot 84) Griver Street
Author: Ms Lilia Palermo
Attachments: Location plan
Plan
Correspondence from applicant
Author Disclosure of Interest: Nil
Report Date: 29 April 2005
Senior Officer: Mr Andrew Jackson

Property Owner: N. Keely

Applicant: Ken Adam & Associates
Date of Application: 23 March 2005

Zoning: Residential
Use: N/A
Density: R20
Lot Area: 574m²
M.R.S. Reservation:

N/A

SUMMARY

The applicant submitted an application for a carport at the rear with access from the ROW and a proposal to extend the roof of the existing building with a loft that is being used as a study. The existing study/storage loft structure was built not in accordance with the Planning Approval.

Given the assessment that has been undertaken, the recommendation is to approve the proposed carport and the proposed extension of the roof of the existing building at the rear of the property and that Council take no action regarding the unauthorised structure – (study/workspace with a loft storage space).

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

Refer to Background and Staff Comment sections below.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Nil

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 the Residential Design Codes.

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

BACKGROUND

The applicant received a Planning Approval for a garage/studio at the rear of the property on the 29 August 2003. Subsequently a compliance site inspection by the Council's Building Surveyor and a Planning Officer revealed that the structure that has been built significantly departs from the approved plans.

At its meeting of 23 February 2004 Council resolved as follows:

That Council advise the owner of 33 Griver Street that:

- (1) *They have departed from the approved planning consent plans and building plans without approval;*

- (2) *They are required to modify the existing structure to accord with the approved planning plans within three months of written notification; and*
- (3) *Should they not comply with this direction in part (2), the Manager Development Services will seek legal advice with a view to instituting legal action against them.*

In response the applicant lodged an application for additions to the residence. The intent was to build a structure that would link the existing residence and the unauthorised building at the rear. The applicant lodged the application for the “link” with the hope that it may alleviate the necessity to alter the two storey garage/studio in accordance with Council’s Resolution of 23 February 2004.

This matter was dealt with by Council on 27 April 2004 and the following decision was made:

- (1) *That Council GRANT its Approval to Commence Development for the Proposed Extension to an Unauthorised Structure (Outbuilding at the Rear) at No 33 (Lot 84) Griver Street, Cottesloe, in accordance with the plans submitted on 23 March 2005, subject to the following conditions:*
 - (a) *All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.*
 - (b) *Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.*
 - (c) *The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.*
 - (d) *The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.*
- (2) *That Council advise the owner of 33 Griver Street that:*
 - (a) *They have departed from the approved planning consent plans and building plans without approval for the 2 storey garage/studio;*
 - (b) *It will put on hold any action to be taken against the owners for the unauthorised works, pending completion of the works that are the subject of the current planning approval being carried out; and*
 - (c) *This matter will be reviewed should those proposed works not be commenced or completed.*

The works to construct the link between the residence and the two-storey unauthorised structure at the rear were not carried out. The Planning Approval for the Link Additions expired on the 3 March 2005.

Council is now in receipt of a new application on the subject property lodged by K. A. Adam & Associates for a carport and a roof extension to the unauthorised garage/studio structure. This is put forward as an alternative way of addressing the situation in the circumstances.

STAFF COMMENT

Proposed minor roof extension to the existing unauthorised structure

The applicant (K. Adam) submitted a letter dated 21 April 2005 requesting that Council approve the proposed minor roof extension and take no action in regard to unauthorised works (See Attachments).

Council's previous decision of 27 April 2004 was to take no action against the owners subject to the proposed addition to the residence linking the house and the unauthorised structure being completed and the matter being reviewed if those works were not carried out.

The Planning Approval for the link structure expired on the 3 May 2005. The applicants have never applied for the Building Licence for these works.

K. Adam (the applicant) states in the letter received on 21 April 2005 that the approval (for the link structure) *"was duly obtained, but it was never my clients' preferred option for the future development of their home. They were, in effect, panicked into applying for an undesired."*

The current TPS 2 does not allow Council to grant retrospective planning approval. Council has the following options in relation to the existing workspace/study with storage loft structure, which was constructed not in accordance with the Planning Approval:

1. Take no legal action;
2. Take legal action, as advised previously; or
3. Request the building to be altered to comply with the original approval.

TPS 2 contains the following definition of additional dwelling:

"Additional Dwelling – means an alteration or addition to a single house which will result in the provision of two units of self contained accommodation on the lot provided that direct internal access from one unit to the other is through a common wall"

As the existing workspace/study with the storage loft structure is not a self-contained accommodation the above definition would not apply and it would not be reasonable to stipulate that such structure would be required to be linked to the existing house.

The existing workspace/study with the storage loft can be classed as a detached addition to the house. This is a permissible form of development for a dwelling, such as for a studio, sunroom, games room, etc.

The workspace/study plus loft structure complies with the height restriction for a dwelling under the Clause 5.1.1 (c) of the TPS 2.

The structure contains windows, which don't cause any overlooking into the adjoining properties.

The required percentage of open space on the property is being maintained.

The current application was advertised to the adjoining property owners and no submissions were received during the advertising period.

If an application for the workspace/study plus storage loft structure was duly lodged by the applicant and the correct process was followed, the approval would have been granted, as the structure complies with TPS 2 and the relevant RDC requirements.

The main issue in this case is not that of compliance with TPS 2 and RDC requirements but that the applicant did not follow a proper process for obtaining an approval from Council for changes to the approved plans. As a result the building that was constructed is not in accordance with the Planning Approval, but otherwise complies.

Taking into account all of the above it is recommended that:

- The minor extension of the roof to the existing unauthorised structure be approved;
- Council advise the owner of 33 Griver Street that they have departed from the approved planning consent plans and building plans for the 2 storey garage/studio; and
- Council not take action against the owners of the property regarding the unauthorised works.

Proposed Double Carport

The applicant also proposes to construct a double carport at the rear of the property. The proposed carport complies with the height restrictions for an outbuilding. A 6.0m turning circle for car manoeuvring is provided.

The required 50% open space on the property (as per the RDC provisions) is being maintained.

It is recommended that the proposed double carport be approved, and that the owner be advised that it must be built in accordance with the planning approval and building licence and that any proposed variation must require prior approvals.

CONCLUSION

It is recommended that Council approve the minor roof extension to the unauthorised structure and that Council take no action against the owners of the property regarding the unauthorised works.

The proposed carport complies with the RDC requirements and is recommended to be approved, subject to the above advice.

VOTING

Simple Majority

10.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

- (1) That Council GRANT its Approval to Commence Development for the roof extension to the existing workspace/study plus storage loft building and the proposed double carport at No 33 (Lot 84) Griver Street, Cottesloe, in accordance with the plans submitted on 23 March 2005, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.**
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) The right of way 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.**
- (2) That Council advise the owner of 33 Griver Street that:**
 - (a) They have departed from the approved planning consent plans and building plans without approval for the workspace/study plus storage loft building;**
 - (b) That Council will not take any action against the owners of the property in relation to those unauthorised works; and**
 - (c) The double carport approved herein must be built in accordance with the planning approval and building licence and that any proposed variation must require prior approvals.**

Carried 11/0

10.2.5 NO 14 (LOTS 50 & 51) EDWARD STREET - AMENDMENT TO TOWN PLANNING SCHEME NO. 2 - REZONING NO 14 EDWARD STREET FROM PUBLIC ASSEMBLY TO RESIDENTIAL

File No: No 14 (Lots 50 & 51) Edward Street
Author: Ms Lilia Palermo
Attachments: Location plan
Correspondence from applicant
Subdivision plan
Author Disclosure of Interest: Nil
Report Date: 2 May 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Cottesloe Christian Church

Applicant: Planning Appeals & Mediation Consultants
Date of Application: 2 May, 2005

Zoning: Places of Public Assembly
Use: N/A
Density: N/A
Lot Area: 1416m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to initiate an amendment to the Town of Cottesloe Town Planning Scheme No 2, which would rezone No 14 Edward Street (Cottesloe Christian Church) from Public Assembly to Residential R20.

It is recommended that the proposed amendment be adopted for advertising.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Places of Cultural and Heritage Significance Policy No 012

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF COMPLIANCE / NON-COMPLIANCE

Town Planning Scheme Policy/Policies

| Policy | Required | Provided |
|---|---------------------------------|---|
| Policy No 12 – Places of Cultural Heritage Significance | That the building be protected. | Proposed to convert the church building into a residence. |

Residential Design Codes

| Design Element | Acceptable Standards | Provided | Performance Criteria Clause |
|--|---|--|---|
| No 1 – Site Area Requirements | Min Site Area in R20 = 440m ² Average Site Area in R20 = 500m ² | If the property is subdivided into three lots the site areas would not comply with the RDC requirements. | There is no discretion to vary the site area standards under the RDC. |
| No 1 – Variation to Minimum Site Area Requirements | Average site area of 450m ² allowed for grouped dwellings in the areas coded R20 at the time of gazettal of RDC. | The subject property was zoned “Public Assembly” at the time of gazettal of the RDC and therefore Clause 3.1.3 (v) for variation could not be applied. | 5% variation could be permitted subject to certain criteria. Creation of three lots on the subject land would exceed the 5% variation. |

STRATEGIC IMPLICATIONS

Council is currently in the process of carrying out preliminary public consultation for the new Town Planning Scheme No 3. The subject land is located within Precinct 6 – Central East Cottesloe. The Precinct Forum Paper indicates that the subject land is proposed to be rezoned from Public Assembly to Residential R20.

The proposed Scheme Amendment is consistent with the TPS 3.

FINANCIAL IMPLICATIONS

Cost of the Amendment is to be borne by the applicant.

CONSULTATION

REFERRAL

Internal

N/A.

External

The proposed Scheme Amendment would be required to be referred to the Department of Environment prior to advertising.

ADVERTISING OF PROPOSAL

Formal Statutory advertising for a period of 42 will be required once Council resolves to initiate the Amendment and the clearance of the Department of Environment is received.

BACKGROUND

Council originally received an application to demolish the existing building on No 14 Edward Street (Cottesloe Christian Church).

The property is listed in TPS2 Policy No 12 – Places of Cultural Heritage Significance and is seen as an important building to the district. Council engaged Heritage Consultants to undertake a study to inform Council on the level of significance of the building and determine whether the classification is correct.

After the report from the consultants was considered Council at its meeting of 22 November 2004 resolved as follows:

- (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.

The prospective purchaser of the site put forward a proposal to retain the church building with the aim of converting it into a residence and also subdivide the rest of the land into three 300m² residential lots; that is, a density of R30.

The Development Services Committee (DSC) and Council did not support rezoning of the property to Residential R30.

The DSC and Council expressed support for re-subdivision of the property into three lots in total, with the church building being retained.

At its meeting of 13 December 2004 Council resolved as follows:

That Council request the staff to prepare a Town Planning Scheme Amendment that will rezone the land at No 14 (Lots 50 & 51) Edward Street from "Place of Public Assembly" to "Residential" with an R20 density coding, subject to the costs of the amendment being borne by the applicant.

However, it is apparent that the above Council resolution resulted from some confusion about the RDC housing density provisions and unfortunately would not allow re-subdivision of the property into three lots.

STAFF COMMENT

The applicant has submitted a revised concept site plan and a letter dated 18 April 2005 from the consultants outlining the proposal (please see attachments).

The applicant has requested some adjustments to the proposed lot boundaries. It is proposed to increase the western side setback from the church building to the new lot boundary from 0.9 to approximately 2.0m, which as stated by the applicant would *"enable the character of the church to be fully appreciated when viewed from the street"*.

The amended application would result in the following lot sizes: 548m² (lot containing the church building); 418m² (lot to the west of the church with frontage to Edward Street) and 450m² (lot with frontage to Gordon Street).

The required minimum lot size at R20 density is 440m² and the average lot size is 500m², so to be able to create three green-title lots a minimum of 1500m² of land would be needed.

The subject property is 1416m² in total, which is not a sufficient size to subdivide into three green-title lots and it also falls short of the 5% lot size variation (reduction) which could be considered subject to certain criteria of the RDC being addressed.

Clause 3.1.3 (A3) of the RDC contains the following provision:

In the case of Grouped Dwellings in areas Coded R20 at the time of the gazettal of the residential Design Codes the average site area shall be 450m².

However, the above provision of the RDC allowing for 450m² average lot size could not be applied in this case, as the subject property was zoned Public Assembly and not Residential at the time of the gazettal of the Residential Design Codes.

In order to give the applicant the opportunity to subdivide the property into three lots in accordance with the previous Committee and Council in-principle support, the property would either have to be rezoned to R25 or specific provisions have to be included as part of Schedule 5 of TPS 2.

The required minimum lot size in R25 density is 320m² and the average lot size is 350m².

If the property is recoded to R25 the property could potentially be subdivided into four lots, unless specific restrictions are placed as part of the rezoning amendment.

It is a possibility to achieve the desired outcome by rezoning the property to Residential R20 with the specific provisions being included as part of Schedule 5 of the TPS2.

Amendment 32 to TPS2, which rezoned a property on John Street, introduced the following Clause to the Scheme, which refers to properties listed in Schedule 5.

“5.2.2(e) With respect to residential development in the zones listed under section 3.4 of the Scheme, specific exemptions/concessions may apply to the sites listed in Schedule 5 of the Scheme.”

Schedule 5 already contains provisions relating to several properties, and it is considered appropriate to include provisions allowing a variation to the minimum and average lot size in the case of subdivision of the subject property, subject to certain criteria:

| | COLUMN 1 PARTICULARS OF LAND | COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL |
|---|---|---|
| 3 | No 14 (Lots 50 and 51) Edward Street, Cottesloe | <p>Council will support subdivision of the property into three lots notwithstanding a variation of 5.6% to the average lot size, subject to:</p> <ul style="list-style-type: none"> I. Subdivision of the land being generally consistent with the Concept Site Plan received on 18 April 2005 and approved 'in principle' by the Council at its May 2005 meeting; II. Retention and restoration of the main church building and that building being used for purposes consistent with Residential Zone; and III. The minimum lot size being not less than 418m². |

Rezoning the site to Residential R20 as per the density in the surrounding locality but with this lot size variation would ensure that the relevant provisions of the RDC for R20 density would apply to residential development on the site.

CONCLUSION

The existing Cottesloe Christian Church building is registered on the Municipal Inventory as a Category 2 building. Council previously resolved to potentially include all the Category 2 buildings into the Heritage List of proposed TPS3.

The property is also listed in Policy 12 – Places of Cultural Heritage Significance of TPS2 and is considered to have local cultural heritage significance.

Rezoning of the property from Public Assembly to Residential would help Council achieve the aim of protecting and conserving the Cottesloe Christian Church building by allowing it to be restored and adapted for residential use.

Rezoning to Residential R20 with certain provisions in Schedule 5 would ensure that the subject site is developed in keeping with the existing surrounding residential area.

It is considered that the proposal to increase the western side setback from the church building to the boundary would help protect the character of the heritage building and should be supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted that the amendment represents only a small but worthwhile variation in order to preserve a significant building of heritage value.

10.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) 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 text by:
 - (a) Rezoning No 14 (Lots 50 & 51) Edward Street from Place of Public Assembly to Residential with the density coding of R20.
 - (b) Including specific concessions/exemptions relating to future subdivision and development of the site into Schedule 5 of the Scheme.
- (2) Authorise the Staff to prepare Scheme Amendment documents incorporating the following:
 - (a) Rezoning No 14 (Lots 50 & 51) from Place of Public Assembly to Residential with the density coding of R20 in accordance with the Scheme Amendment Map;
 - (b) Adding the following particulars relating to the site into the Schedule 5 of the Scheme Text:

| | COLUMN 1 PARTICULARS OF LAND | COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL |
|---|---|--|
| 3 | No 14 (Lots 50 and 51) Edward Street, Cottesloe | <p>Council will support subdivision of the property into three lots notwithstanding a variation of 5.6% to the average lot size, subject to:</p> <p>IV. Subdivision of the land being generally consistent with the Concept Site Plan approved 'in principle' by the Council at its May 2005 meeting and received by Council on the 18 April 2005;</p> <p>V. Retention and restoration of the main</p> |

| | | |
|--|--|---|
| | | church building and that building being used for purposes consistent with Residential Zone; VI. The minimum lot size being not less than 418m ² |
|--|--|---|

- (3) Upon payment of the Scheme Amendment fee by the applicant and preparation of the Scheme Amendment documents to the satisfaction of the Manager Development Services, the Chief Executive Officer shall adopt and endorse the Scheme Amendment documents on behalf of the Council.
- (4) Refer the proposed amendment to the Department of Environment for clearance prior to advertising.
- (5) Advertise the proposed 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; and
 - (iii) in the Library.
 - (b) Placing a copy of the proposed amendment on display at the:
 - (i) Council Offices; and
 - (ii) Library.
 - (c) Notifying nearby landowners by letter as determined by the Manager Development Services.
- (6) Provide the Western Australian Planning Commission with a copy of proposed Town Planning Scheme Amendment No. 40.

Carried 11/0

10.2.6 NO 64 (LOT 125) JOHN STREET - DEMOLITION OF A CATEGORY 2 BUILDING*

File No: No 64 (Lot 125) John Street
Author: Mr James Atkinson
Attachments: Location plan
Correspondence from applicant
Appendix 1 – Photos of property
Appendix 2 – Current plans of residence
Appendix 3 – Heritage Assessment
Appendix 4 – Structural Report
Author Disclosure of Interest: Nil
Report Date: 29 April, 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Henmik Pty Ltd
Applicant: Henmik Pty Ltd
Date of Application: 31 MArch, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 616m²
Heritage: Category 2
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for the demolition of a Category 2 dwelling.

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

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

- Places of Cultural and Heritage Significance Policy No 012

HERITAGE LISTING

- Municipal Inventory Category 2
- Town Planning Scheme No.2 Reference in Policy No.12
- Draft John Street Heritage Precinct (not enacted) Essential Category 2

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No.2

| Clause | Requirements |
|----------|---|
| 5.2.1(b) | The need for preservation of existing trees or areas or buildings or architectural or historical interest |

Town Planning Scheme Policy/Policies

| Policy | Required | Proposed |
|--|---|------------|
| No.12 – Places of Cultural Heritage Significance | To preserve existing places of cultural heritage significance | Demolition |

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The property is listed as a Category 2 place in the Town of Cottesloe Municipal Inventory. An application for demolition has been received from Henmik Pty Ltd for the complete demolition of all structures on the site. Improvements to the building have seen a first floor addition as well other minor alterations.

JUSTIFICATION SUBMITTED

A three-pronged case has been put forward in support of demolition:

- A building condition report;
- A heritage architectural assessment;
- A summary submission from the applicant/owner company.

Together these documents which are attached and should be read for the detail contend that the dwelling is a lesser proposition for restoration, based on its deterioration to date.

STAFF COMMENT

The existing residential building is listed as a Category 2 dwelling in the Municipal Inventory. This classification can be summarised as follows:

“High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition.”

The Municipal Inventory describes the building as:

"64 John Street 'Sparta' – Historically significant for associations with J. Doscas – Councillor and produce merchant. A Victorian weatherboard cottage built between 1896 and 1903."

Clause 5.1.2 (b) of Town Planning Scheme No.2 text states the following:

5.1.2 General

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

- (a)*
- (b) the need for preservation of existing trees or areas or buildings of architectural or historical interest;"*

The issue before Council is whether this building, based on its architectural and historical interest to the District, should be preserved or not.

A report by the applicant's heritage consultant, Ronald Bodycoat (as attached), concluded the following:

"The changes to the original house which compromise major reconstruction and upgrading of amenities to the expectation of today's residential living, have transformed the authenticity, the presentation and the character of the original house.....and it is no longer appropriate, nor correct in my opinion to classify the house as culturally significant"

In addition to the heritage report a structural assessment by Houspect was completed (as attached). The report concluded that the building is in *"poor-fair condition with significant maintenance and structural repairs needed to make the house structurally sound"*, but then further notes that if those defects mentioned in the report were rectified the *"building should be structurally sound"*.

It is important to consider this application in relation to John Street as a whole. The heritage character/value of this area cannot be ignored, and as such individual dwellings need to be considered in the context of the streetscape as well as on their own. No.64 John Street was originally one of a group of three Category 2 timber houses. No. 66 has been demolished and No.62 altered, as has No.64. While recent developments should be taken into account when assessing this application, the overall picture also needs to be analysed.

The thrust of the Scheme, Policy and MI is to recognise the heritage worth of the dwelling as a basis for consideration of any development proposal affecting it. In the context of the street retention of the dwelling would be clearly consistent with the heritage value of the area and the resultant character and amenity. Loss of the dwelling and its replacement would erode the heritage value of the locality and be less sympathetic to the established streetscape.

Council is undertaking a review of Category 2 listed properties to possibly provide a higher level of protection along side Category 1 properties. It is recommended that any application for demolition within the Category 2 list of the Municipal Inventory not be dealt with until this work is completed.

HERITAGE AND STREETScape APPRECIATION

The following factors have been identified as relevant to retention of the dwelling:

- This end of John Street is predominantly older housing with an historic character of cottages, terrace houses and bungalows.
- The cottage is immediately recognisable as a pair in keeping with No.62.
- With a new Zincalume roof and original or in-character weatherboards, fretwork, windows and other features of the cottage are quite intact and obviously redeemable in restoration terms.
- The cottage presents attractively to the street and contributes to a largely cohesive streetscape.
- The new dwelling to the east, rather than detracting from the cottage, is actually designed to reveal an exposed view of the cottage so that it is not obscured or dominated.
- Other heritage-type dwellings in the street are being restored to maintain the streetscape.

CONCLUSION

The justification submitted concentrates on the condition of the dwelling as a basis for demolition approval. This approach considers the building in isolation and not in the context of the street/locality and Council's heritage controls.

It is assessed that the heritage classifications and objectives in Council's instruments weigh in favour of retention and preservation of the dwelling rather than demolition.

An option maybe to Defer the application subject to further assessment being undertaken by Council regarding Category 2 heritage dwellings within the municipality. This is the topic if a current consultant study Review of MHI Category 2 Places and Evaluation Criteria for which a draft report is presently being considered, however, the findings remain to be completed and outcomes adopted, which are some time away.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Peter Jeanes declared a proximity interest due to residing at No. 66 John Street, left the meeting at 8.12pm and did not participate in the debate or vote.

COMMITTEE COMMENT

Committee agreed that the residence does not appear to be very sound structurally and considers that the Town should liaise with the heritage consultant carrying out the review of Category 2 places for specific advice on the heritage significance of the property, to facilitate a decision on the demolition proposal.

The item to be deferred pending receipt of this advice.

OFFICER RECOMMENDATION

That Council REFUSE to grant its Approval to the Demolition of a Category 2 building at No 64 (Lot 125) John Street, Cottesloe in accordance with the plans submitted on 31 March, 2005, for the following reasons:

- (1) Town Planning Scheme No. 2 provides for Council to have regard to the need for preservation of existing trees or areas or buildings of architectural or historical interest, and the subject property is considered to be worthy of preservation.
- (2) The subject property is recognised in Council's Municipal Heritage Inventory and Town Planning Scheme No. 2 adopted Planning Policy No. 12 Places of Cultural Heritage Significance as having heritage value worthy of preservation.
- (3) The subject property makes a positive contribution to the established streetscape of predominantly historic dwellings in this part of John Street.

COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That the item be deferred pending a heritage report of No. 64 John Street being carried out at Council's cost.

Lost 1/9

AMENDMENT

Moved Cr Utting, seconded Cr Woodhill

That Council approve the application for demolition of No. 64 John Street, subject to the standard conditions.

Carried 10/0

10.2.6 COUNCIL RESOLUTION

Moved Cr Utting, seconded Cr Woodhill

That Council approve the application for demolition of No. 64 John Street, subject to the standard conditions.

Carried 10/0

Cr Jeanes returned to the meeting at 8.25pm.

**10.2.7 NO 29 (LOT 29) AVONMORE TERRACE - MODIFY EXISTING DWELLING,
NEW SINGLE RESIDENCE TO REAR**

File No: No 29 (Lot 29) Avonmore Terrace
Author: Mr James Atkinson
Attachments: Location plan
Plans
Correspondence from applicant (4)
Submission (1)

Author Disclosure of Interest: Nil
Report Date: 2 May 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Josephine Mollie Meredith
Applicant: Hofman Brown Architects
Date of Application: 2 May, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 703m²
M.R.S. Reservation: N/A

SUMMARY

The subject site was recently approved for subdivision by the Western Australian Planning Commission (WAPC). An application for development has subsequently been lodged with Council over the site. This application seeks to retain and modify the existing dwelling fronting Dean Street, and proposes a new two storey residence on the rear lot, fronting Avonmore Terrace. The focus of consideration is on the design approach of reduced setbacks to Avonmore Terrace in the context of that immediate streetscape.

Given the assessment that has been completed it is recommended that the application be approved subject to conditions.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- N/A

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE – EXISTING RESIDENCE

Residential Design Codes

| Design Element | Acceptable Standards | Provided | Performance Criteria Clause |
|-----------------------------------|-----------------------------|-----------------|------------------------------------|
| No 3 Boundary Setbacks | | | |
| Secondary Street (eastern, whole) | 1.5m | 1.25m | Clause 3.3.1 P1 |
| Northern Lower (whole) | 1.5m | Nil | Clause 3.3.1 P1 |
| Western Lower (carport) | 1.6m | Nil | Clause 3.3.1 P1 |

AREAS OF NON-COMPLIANCE – NEW RESIDENCE

Residential Design Codes

| Design Element | Acceptable Standards | Provided | Performance Criteria Clause |
|-------------------------------|-----------------------------|-----------------|------------------------------------|
| No 3 Boundary Setbacks | | | |
| Eastern Lower (whole – Front) | 6.0m | 2.5-3.5m | Clause 3.2.1 P1 |
| Eastern Upper (whole – Front) | 6.0m | 1.5m | Clause 3.2.1 P1 |
| Western Lower (whole) | 3.9m | 1.5m | 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 the requirements of the Town of Cottesloe Town Planning Scheme No 2.

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 4 letters sent out. There was 1 submission received, which was an objection. Details of the submission are set out below:

16 Deane Street – Regarding the Existing Dwelling

- *Have serious concerns with regard to the proposed western boundary wall on the existing residence, where the proposed boundary wall is 3.7m high.*
- *Their property is situated downhill and will create an effective wall height of 4.7m higher than their ground level.*
- *The wall will impact on sunlight, and visually be undesirable.*
- *Request that the wall be setback at least 1.0m and decreased to a max height of 3.0m.*

BACKGROUND

The subject land was approved for subdivision into two lots by the WAPC on 28 May 2004. Condition 1 of this approval stated that all structures on the site were to be demolished and removed. This is a standard condition that assumes demolition, the common alternative being a condition allowing retention of the existing dwelling subject to the council being satisfied with setbacks, etc. The applicant has since decided to retain and alter the existing dwelling, and as such is liaising with the WAPC to have the relevant condition amended. Hence consideration of the Development Application can proceed, but a Building Licence will not be issued until the conditions of subdivision are satisfied.

A development application has been lodged with Council for modifications to the existing dwelling and a new two storey residence on the rear lot, as per the approved subdivision.

STAFF COMMENT

Existing Residence – Fronting Deane Street

Boundary Setbacks

The application proposes a nil setback to a portion of the western boundary and the whole northern boundary for a new two car garage/carport. Neighbour objections were received regarding the western wall. As a result the applicant has agreed to increase the proposed nil setback to 1.0m to reduce the impact of the retaining wall to the west. The northern wall needs to be considered with regard to the acceptable development standards of the R-Codes and Clause 3.3.2 A2 states:

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

- i...*
- ii...*

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

The northern wall to the garage is 3.8m high with a nil setback. The built-to-boundary wall is not considered as automatically acceptable under the provisions of the R-Codes, however, there was no objection to the proposed wall and overshadowing will not be an issue, hence the wall is supported by Planning Staff on a performance basis.

A variation to the eastern side setback is also proposed. Under the requirements of Table 1 of the R-Codes a 1.5m setback is required to the secondary street setback. The proposal seeks a 5.3m section of the eastern wall, being the bathroom, be setback 1.25m from the boundary. This does not comply with the Acceptable Development standard of the R-Codes, where Clause 3.2.1 states:

'P1 Buildings set back an appropriate distance to ensure they:

- Contribute to the desired streetscape;*
- Provide adequate privacy and open space.'*

The subject portion of wall seeking a reduced setback is 5.3m in length and seeks discretion for only 250mm and there is an existing solid 1.8m high screen wall fence that blocks any negative effects the wall may have on the streetscape. There was no comment from the adjoining neighbour in this respect. Given this the variation to the boundary setback is supported by Planning Staff.

New Residence – Fronting Avonmore Terrace

Boundary Setbacks

The applicant proposes a front boundary setback of 2.5m-3.5m at ground floor level and 1.5m at the first floor. Under Table 1 of the R-Codes a 4 metre setback applies to land coded R30. At its meeting of 28 October 2002 Council resolved to prepare a Streetscape Policy to require a 6 metre setback throughout the town in order to preserve established streetscape character, but this is yet to be pursued.

Under Town Planning Scheme No.2 (TPS2) Policy No.2 – Building Lines and Setback Requirements a side setback of 1.5m is allowed to a secondary street. Although the parent lot in its original state would have applied to this standard, the recent subdivision means that the lot facing Avonmore Terrace relates to that street as the front rather than the side. The new lot has a Right-of-Way (ROW) running along its northern boundary, which may be considered as a secondary street. TPS2 has no definition for ROW but the R-Codes define them as:

'A laneway, private street, or other land use (not being a public street, road or right-of-way) that provides vehicular access to the site'.

Further to this the R-Codes define a Secondary Street as:

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

Considering the above, the ROW cannot be considered a public street and therefore in that regard the 1.5m side setback cannot be supported as if Avonmore Terrace were a secondary street, however, the reduced setback sought can still be assessed on a performance basis.

In this regard the applicant provided a letter addressing the areas of non-compliance, stating that the R-Codes allow for a 1.5m secondary street setback. The R-Codes do allow for a secondary street setback of 1.5m for a corner lot, however, the newly-subdivided lot will have sole street access to Avonmore Terrace, therefore no secondary street reduction can be considered. Clause 3.2.1 of the R-Codes states:

- 3.2.1 (ii) in the case of areas coded R15 or higher, where:*
a Single House results from subdivision of an original corner lot and has its frontage to the original secondary street, the setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent."

The first floor setback of 1.5m is for the kitchen and living areas, and seeks a variation of 1.0m from the required 2.5m front setback, and cannot automatically be supported.

Where the Acceptable Development standards of the R-Codes cannot be achieved the following Performance Criteria may be applied:

- 3.2.1 P1 Buildings set back an appropriate distance to ensure they:*
- *contribute to the desired streetscape.*

The issue before Council is whether the reduced building setback to Avonmore Terrace will affect the streetscape. It is noted that for that stretch of Avonmore Terrace between Pearse and Deane Streets there are currently only four houses, three of which have side setbacks to the street comprising solid screen walls. The front setback and orientation of the new house to Avonmore Terrace would contribute to the streetscape by having an open-aspect fence. Because of this it could be noted that the reduced front setback would not negatively affect the streetscape, and that Council's discretion may be applied to approve the variation from the R-Codes.

Further to this, the site slopes down from east to west approximately 2.0m. The proposed dwelling has been designed with this gradient in mind by pushing the bulk of the building to the east and having a stepped design. This has resulted in the bulk of the building being as far away from the neighbouring dwellings as possible, therefore limiting any potential overlooking or shadowing. Because of this 'step', any attempt to push the first floor back to satisfy the setback requirements would require a complete redesign, and potentially affect height controls.

In this instance, Council needs to be aware that the 1.5m setback will arrange most of the building's bulk close to the street, and although not attracting any neighbour objection, would create an elevated street presence. The orientation of the house to Avonmore Terrace is supported as it will be a positive contribution to the overall streetscape.

Cottesloe's Streetscape Policy states that a 6.0m front setback is required. In this instance the requirements of the R-Codes, where a 2.5m setback complies, can be used. It is therefore the recommendation of Planning Staff that the 1.5m setback should not be supported at a Council level.

Visual privacy

Under the R-Codes, visual privacy setbacks are required to habitable areas with the potential for overlooking into adjoining properties. Where the acceptable setback standards are not met, compliance with the performance standards set out in clause 3.8.1 must be demonstrated. The clause states that new developments must:

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

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

The cone of vision applied to the first floor terrace indicates that there is a potential to overlook the adjoining property to the west. The required setback is 7.5m, however, the applicant is proposing a 1.5m setback from the balcony to the western boundary.

The overlooking is not considered a concern as it falls onto the neighbouring garage and the R.O.W and therefore does not have a detrimental impact on the adjoining property or give rise to the need for screening. The adjoining neighbour has not raised this as an issue and it is recommended that this variation be approved.

Streetscape appreciation

While assessment of the proposal against the R-Codes provisions is one approach, insofar as the standards for setbacks and amenity considerations are concerned, a streetscape appreciation also serves to help determine the proposal. From a site/street inspection the following factors have been identified in favour of the proposal for a reduced setback to Avonmore Terrace:

- The topography of the locality from east to west where properties on the east rise above the level of the street and where the verge and subject site on the west fall away, such that the existing dwelling (even at two storeys) and the proposed dwelling recede in the streetscape.
- The substantial elevation and setbacks of the dwellings on the east side of Avonmore Terrace, especially immediately opposite the subject site, whereby they rise above and look over the dwellings on the west side. That is, they are the dominant built forms, command views beyond the western side and include a massive limestone wall to the street.
- The existing dwelling already addresses Avonmore Terrace as a side street with a reduced setback, side extensions as part of the modifications are proposed to further reduce that setback, and the existing double garage to the NE corner of the lot with the ROW is already a built form on those boundaries.

- The existing dwelling is arranged longitudinally down Avonmore Terrace, as is the dwelling to the lot on the other (northern) side of the ROW, and the proposed dwelling would continue this pattern, which is typical of side street elevations.
- In addition to the topography and built form, the narrow nature of the street and the rows of closely-knit street trees on both sides create an enclosed character that the proposed dwelling would fit in with as well as be partially concealed by. Protection of these trees is an important objective in relation to the proposal and the street.
- The proposed dwelling would be an efficient use of land taking advantage of the rear space, side street and ROW in what is effectively a side street location rather than a street-front environment, whereby the reduced setback would not be an obtrusive element.
- The reduced setback is of no real consequence in relation to views, privacy, traffic sightlines or amenity generally.
- Significantly, the design treatment is to setback the new dwelling on Avonmore Terrace in alignment with the proposed side extensions to the existing dwelling and to have a colonnade or loggia for the entire width of the new dwelling at ground floor street level, with the upper level placed on top of the loggia to create a verandah effect. This means that at street/footpath level the actual setback will be indented or greater and at a human scale that is visually permeable, so that the ground floor façade will have an increased separation distance from the front boundary/fence. This breaks up the mass of the building, avoiding a two-storey straight up and down wall, and adds visual interest to the dwelling. The loggia itself would provide an entry, shelter/shade and a welcoming outdoor space also providing for social interaction between the dwelling and street.
- Overall, the proposal is to demolish a substantial and the tallest portion of the existing residence, and replace it at the rear with a new residence of lesser height and a height below the ridgeline of the remaining dwelling. The streamlined design of the new dwelling is of similar proportions to the existing dwelling and snug design for the site that has a low pitched slim-line roof form and is stepped down the site to the west in sympathy with the existing and surrounding dwellings. The modifications to the existing dwelling and the new dwelling would have a consistency of setbacks and read as a deliberate and integrated design solution to the street.

CONCLUSION

In summary, the proposal is a sensitive design to a constrained site where there is potential to accommodate reduced setbacks to Avonmore Terrace that will read as a logical design response to the streetscape and have no direct impact on the other dwellings addressing the street. Any increased setback would contribute little more to the streetscape and would be problematic in terms of the internal design of the new dwelling and shift its impact on properties to the west. Accordingly it is recommended that the application be approved.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Dawkins made a declaration of interest due to being the owner of No. 29 Avonmore Terrace, left the meeting at 8.25pm and did not participate in the debate or vote.

COMMITTEE COMMENT

An officer memo containing a new recommendation for the application was circulated to better administer the decision as two determinations. Committee agreed to vote separately on the new single residence to the rear at No. 29A Avonmore Terrace and on the alterations and additions to the existing residence at No. 29 Avonmore Terrace.

In so doing, a few aspects were raised and discussed, a couple were agreed to as added conditions and a couple were not agreed to. There was some confusion over a setback, which when clarified led to the prior resolution being rescinded. Overall, approval was agreed to for both the existing dwelling and the new dwelling.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for a new single residence to rear at No 29 (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 2 May, 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an open aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
 - (f) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development. Street trees are to be protected and preserved as

an important contribution to the streetscape and in relation to the reduced setbacks approved.

- (2) Advise the submitters of this decision.

AMENDED OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for additions & alterations to existing dwelling at No 29 (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 3 March, 2005 subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
 - (f) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, and be approved by the Manager, Engineering Services or the authorised Officer.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development.
 - (h) The existing lot being subdivided a new certificates of title being issued for the two lots prior to the issue of a building licence.
 - (i) Revised plans being submitted for approval by the Manager, Development Services showing the setback of the proposed parking bay wall to the western boundary at 1.0m.

- (2) Advise the submitters of this decision.

That Council:

- (1) GRANT its Approval to Commence Development for a new single residence to the rear at No 29A (Lot 29) Avonmore Terrace, Cottesloe, in accordance with

the plans submitted on 18 March, 2005 and additional plans dated 29 March 2005 subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) Any front boundary fencing to the site being of an open aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
- (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
- (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development. Street trees are to be protected and preserved as an important contribution to the streetscape and in relation to the reduced setbacks approved.
- (h) The existing lot being subdivided and new certificates of title being issued for the two lots prior to the issue of a building licence.
- (i) The flat-roof of the western portion of the dwelling shall not be used as a viewing platform of any kind.

- (2) Advise the submitters of this decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for additions & alterations to existing dwelling at No 29 (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 3 March, 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or

adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
- (f) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, and be approved by the Manager, Engineering Services or the authorised Officer.
- (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development.
- (h) The existing lot being subdivided a new certificates of title being issued for the two lots prior to the issue of a building licence.
- (i) Revised plans being submitted for approval by the Manager, Development Services showing the setback of the proposed parking bay wall to the western boundary at 1.0m.

- (2) Advise the submitters of this decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for a new single residence to the rear at No 29A (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 18 March, 2005 and additional plans dated 29 March 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an open aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
 - (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development. Street trees are to be protected and preserved as an important contribution to the streetscape and in relation to the reduced setbacks approved.
 - (h) The existing lot being subdivided and new certificates of title being issued for the two lots prior to the issue of a building licence.
 - (i) The flat-roof of the western portion of the dwelling shall not be used as a viewing platform of any kind.
- (2) Advise the submitters of this decision.

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That (1)(i) of No. 29 Avonmore Terrace be amended to read:

- (i) Revised plans being submitted for approval by the Manager Development Services showing the setback of the proposed parking bay wall to the western boundary at 1.0m and wall height decreased to a maximum height of 3 metres.

Lost 4/6

10.2.7 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Furlong

29 Avonmore Terrace

That Council:

- (1) GRANT its Approval to Commence Development for additions & alterations to existing dwelling at No 29 (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 3 March, 2005 subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**

- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
 - (f) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, and be approved by the Manager, Engineering Services or the authorised Officer.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development.
 - (h) The existing lot being subdivided a new certificates of title being issued for the two lots prior to the issue of a building licence.
 - (i) Revised plans being submitted for approval by the Manager, Development Services showing the setback of the proposed parking bay wall to the western boundary at 1.0m.
- (2) Advise the submitters of this decision.

29A Avonmore Terrace

That Council:

- (1) GRANT its Approval to Commence Development for a new single residence to the rear at No 29A (Lot 29) Avonmore Terrace, Cottesloe, in accordance with the plans submitted on 18 March, 2005 and additional plans dated 29 March 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an open aspect design and the subject of a separate application to Council and any such fencing shall comply with the fencing local law.
 - (e) The existing redundant crossover in Avonmore Terrace being removed and the verge kerb and all surfaces made good at the applicant's cost.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for the development. Street trees are to be protected and preserved as an important contribution to the streetscape and in relation to the reduced setbacks approved.
 - (h) The existing lot being subdivided and new certificates of title being issued for the two lots prior to the issue of a building licence.
 - (i) The flat-roof of the western portion of the dwelling shall not be used as a viewing platform of any kind.
- (2) Advise the submitters of this decision.

Carried 8/2

The vote was recorded:

For: Mayor Morgan, Crs Cunningham, Furlong, Jeanes, Miller, Strzina, Utting, Woodhill.

Against: Crs Carmichael, Walsh.

Cr Dawkins returned to the meeting at 8.31pm.

10.2.8 WEARNE HOSTEL – REVIEW OF PARKING REQUIREMENTS – 2ND REPORT

| | |
|---------------------------------------|---|
| File No: | 40 Marine Parade |
| Author: | Mr Andrew Jackson |
| Attachments: | Location plan Extract of report to March Council Meeting Letter to Churches of Christ Homes Table showing parking estimates Letter from Churches of Christ Homes |
| Author Disclosure of Interest: | Nil |
| Report Date: | 11 May 2005 |
| Senior Officer: | Mr Stephen Tindale |

SUMMARY

This report provides more information to Council to help decide whether or not the verge parking to Wearne Hostel in Gibney Street should be retained or reduced.

It is recommended that the parking be retained.

BACKGROUND

On 29 March 2005 Council considered a report on the verge parking created for the extension of Wearne Hostel. A copy is attached and sets out the background to this second report. Council resolved to:

- (1) Note the report and resolve to liaise with Wearne Hostel to monitor the subject parking demand and usage for a follow-up report to Council in May.*
- (2) Request the Managers of Planning and Engineering to liaise further in the matter.*
- (3) Note that Council may be expected to bear the cost of any changes to the parking that may arise from the review.*
- (4) Consider the generic issue of verge parking and whether the existing policy to address this multi-faceted matter should be amplified.*

SUBSEQUENT ACTION

Since then the following action has been undertaken for reporting back to Council:

- A letter was sent to the operator of Wearne Hostel (Churches of Christ Homes & Community Services Inc) conveying Council's resolution and putting a number of questions to gain feedback on the matter, and this was discussed with them – a copy of the letter is attached.
- The Churches of Christ has replied in some detail – a copy of their letter is attached.
- The Manager Development Services sample-surveyed parking in Gibney Street over a period of weeks including Wearne Hostel and Lady Lawley Cottage – a table of results is included below.
- The Managers of Development Services (Planning) and Engineering have discussed the situation and findings generally.

FINDINGS**1. Parking Estimates by Woodhill International**

Approval to the new parking had regard to estimates compiled by the architects for the extension of Wearne Hostel as a basis for the amount of parking required/provided – a copy is attached and is self-explanatory. This was forwarded to the Churches of Christ for consideration and their comment is included below.

2. Response from Churches of Christ

A summary of the advice received from the Churches of Christ is as follows:

- Staff parking is managed to be mainly on-site, so the new parking is being used mainly by visitors and service vehicles.
- The Woodhill International estimate for staff seems accurate, but it is considered that the estimate for visitors may be lower than experienced.
- Visitor parking occurs continually during the week and weekends with no frequent peaks, and staff changeover does not seem to impact, but occasional special events can cause an undersupply of parking.
- Lady Lawley Cottage does not have any formal arrangement to use the new parking, although sometimes such casual parking may take advantage of the eastern car park on a small scale. Likewise, Wearne Hostel may sometimes wish to use the Lady Lawley Cottage parking if available.
- Beachgoers do not seem to use the new parking, but construction of the house on the corner of Gibney Street and Marine Parade caused some traffic conflicts in the street. It is recognised that residents in the street may from time to time take advantage of the new parking for their visitors, which Wearne Hostel would not object to if away from the main entrance.
- The new parking is not considered excessive and avoids using the street as well as provides for special events when there is not enough parking. It is also designed for ease of access by the elderly.
- A reduction in the new parking would be inconvenient and less safe for drivers and pedestrians, particularly the elderly, whereby street parking would be undesirable.
- Wearne Hostel would not agree to removal of any of the new parking or contributing to that cost.
- Wearne Hostel needs an amount and layout of parking to support its function as an “ageing in place” facility where access by the elderly residents, medical staff and visitors is adequate and convenient.

3. Parking Survey

To get a picture of the new parking use at Wearne Hostel a random sample-survey was undertaken over different days and times. This included Lady Lawley Cottage and the new house being built on the corner of Gibney Street and Marine Terrace, which were obviously affecting parking demand and behaviour. One month was covered to allow for the settling-in of Wearne Hostel and changes over the period. The survey, while not extensive, has provided insight into the pattern of parking in Gibney Street. This is presented in the tables and observations below.

Wearne Hostel

| Date | Time | Parking | Comments |
|--------------|-------------|---|---|
| Fri Apr 1 | 1:20pm | Western car park 3 of 6 Middle car park 6 of 7 Eastern car park 8 of 8 <i>Total</i> 17 of 21 | (corner house: 4 trade vehicles on Gibney St, 2 on Marine Pde) (Deaf School 1 car on verge) |
| Mon Apr 4 | 1pm | Western car park 2 Middle car park 3 Eastern car park 0 <i>Total</i> 5 | (corner house: 1 trade vehicle on Marine Pde + 1 on site) (Deaf School 1 car on verge) |
| Wed Apr 6 | 12:40pm | Western car park 2 Middle car park 3 Eastern car park 0 <i>Total</i> 5 | (corner house: 1 trade vehicles on Gibney St, 4 trade vehicles + 1 car on site) |
| Thurs Apr 7 | 9:15am | Western car park 1 Middle car park 2 Eastern car park 0 <i>Total</i> 3 | (corner house: 2 trade vehicles on Marine Pde, 1 car on site) |
| Mon Apr 11 | 10am | Western car park 2 Middle car park 2 Eastern car park 2 <i>Total</i> 6 | 1 service vehicle 1 service vehicle (corner house: 2 trade vehicles on Gibney St, 2 trade vehicles + 1 car on site) |
| Sat Apr 16 | 2:50pm | Western car park 1 Middle car park 4 Eastern car park 0 <i>Total</i> 5 | |
| Mon Apr 18 | 3:30pm | Western car park 3 Middle car park 5 Eastern car park 3 <i>Total</i> 11 | 1 service vehicle, 1 disabled bay |
| Thurs Apr 21 | 4pm | Western car park 3 Middle car park 4 Eastern car park 3 <i>Total</i> 10 | 1 service vehicle 1 disabled bay |
| Tues Apr 27 | 9am | Western car park 5 Middle car park 7 Eastern car park 8 <i>Total</i> 20 | |
| Sun May 1 | 2pm | Western car park 0 Middle car park 3 Eastern car park 1 <i>Total</i> 4 | |

Observations:

- The new car parking at Wearne Hostel appears to be quite well used including near or at capacity.

- There appear to be some busy days or peak times when most of all of the parking is used.
- The eastern (upper) car park appears to be less used, probably because it is not as close to the hostel entrance as the western and middle car parks, but there are times when it is full.
- Trade vehicles associated with construction of the new house on the corner of Gibney Street and Marine Parade have ceased with its completion, so that is no longer a factor.
- Any trade vehicles associated with completion of Wearne Hostel appear to have ceased.
- Service vehicles at Wearne Hostel are only occasional and not an impact.
- Parking appears to be by predominantly visitors and perhaps sometimes workers at Wearne Hostel and not noticeably associated with Lady Lawley Cottage or beach users.
- Overall, the new parking to Wearne Hostel appears to cater for demand most of the time.

Lady Lawley Cottage

| Date | Time | Parking | Comments |
|--------------|-------------|---|--|
| Fri Apr 1 | 1:20pm | Western car park 5 of 8 Middle car park 4 of 4 Eastern car park <u>1 of 2</u> Total 10 of 14 | + verge 2 cars & Gibney St 1 car |
| Mon Apr 4 | 1pm | Western car park 6 Middle car park 4 Eastern car park <u>0</u> Total 10 | + verge 4 cars & 2 minibuses |
| Wed Apr 6 | 12:40pm | Western car park 5 Middle car park 4 Eastern car park <u>2</u> Total 11 | + verge 2 cars |
| Thurs Apr 7 | 9:15am | Western car park 6 Middle car park 4 Eastern car park <u>2</u> Total 12 | + verge 5 cars |
| Mon Apr 11 | 10am | Western car park 3 Middle car park 4 Eastern car park <u>1</u> Total 8 | + verge 5 cars & 1 minibus |
| Sat Apr 16 | 2:50pm | Western car park 6 Middle car park 2 Eastern car park <u>1</u> Total 9 | + verge 3 cars & Gibney St 1 car in bay to verge opposite |
| Mon Apr 18 | 3:30pm | Western car park 6 Middle car park 3 Eastern car park <u>2</u> Total 11 | + verge 7 cars & 1 service vehicle + 2 cars in bays to verge opposite & 1 car on verge opposite |
| Thurs Apr 21 | 4pm | Western car park 1 Middle car park 2 | + verge 5 cars |

| | | | | |
|-------------|-----|------------------|-----------------|------------------------|
| | | Eastern car park | $\frac{1}{4}$ | |
| | | <i>Total</i> | $\frac{4}{9}$ | |
| Tues Apr 27 | 9am | Western car park | 5 | + verge 1 car |
| | | Middle car park | 4 | + Avonmore Tce |
| | | Eastern car park | 0 | opposite verge 1 car & |
| | | <i>Total</i> | $\frac{9}{15}$ | 1 motorbike |
| | | | | + Deaf School verge at |
| | | | | entrance opposite |
| | | | | Avonmore Tce 9 cars & |
| | | | | 1 car verge bay |
| Sun May 1 | 2pm | Western car park | 8 | + verge 5 |
| | | Middle car park | 4 | |
| | | Eastern car park | 3 | |
| | | <i>Total</i> | $\frac{15}{15}$ | |

Observations:

- Lady Lawley Cottage generates considerable parking in its verge bays and on its verge to that side of Gibney Street, and occasionally to the two verge bays or verge on the opposite side of Gibney Street.
- There does not appear to be a great deal of use of the Wearne Hostel new car parking by overflow from Lady Lawley Cottage.
- Lady Lawley Cottage has on-site parking for minibuses and some cars accessed off Gibney Street, but occasionally minibuses or service vehicles park on that verge.
- Lady Lawley Cottage also has on-site parking for minibuses and some cars accessed off Avonmore Terrace, but at no time were vehicles parked on that verge.
- Overall, parking for Lady Lawley Cottage appears to be in undersupply.
- Occasionally, verge parking to the south side of Gibney Street occurs in relation to the Deaf School.

CONCLUSION

Gibney Street is characterised by a mix of residential institutions and residences, which given the narrow street could lead to parking and traffic problems. However, the wide verges allow for formalised off-street parking and informal overflow verge parking. This avoids on-street parking, which is important given the traffic movements and steep hill. It also provides for safe and convenient parking for visitors, staff and service vehicles, plus ease of pedestrian access by the elderly/infirm. While constructed car parking may be perceived as an amenity issue, it is the preferred alternative to uncontrolled parking and by including landscaping can be seen to improve upon unkempt verges.

Nonetheless, given the concern raised from one residence, the parking provision and demand for Wearne Hostel has been reviewed as outlined above. This has included monitoring parking at Wearne Hostel, Lady Lawley Cottage and a residence under construction.

The findings are that both institutions are quite heavy users of parking and that were this not in their defined car parks or adjacent verges then on-street parking to Gibney

Street would be significant and impractical. Moreover, the parking has been designed to function efficiently and effectively in terms of access and safety, and to be as attractive as possible.

The presence of parking for the institutional uses in Gibney Street is inevitable, but its impacts are minimised by properly-planned and managed parking areas rather than an uncontrolled situation. This in turn assists traffic flow and safety on Gibney Street by overcoming on-street parking, for the benefit of residents, the institutions and the general public using the street. In this way amenity is maintained rather than eroded.

In terms of the generic issue of verge parking and whether the existing policy to address this multi-faceted matter should be amplified, the view taken here, in some other development areas and being canvassed in the parking study will be taken into account accordingly.

VOTING

Simple majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Miller

- (1) That Council notes the information contained in this second report and resolves to retain the new parking provided to Wearne Hostel.
- (2) That the concerned resident be advised of Council's decision.

Lost 3/8

10.2.8 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Strzina

That the item be deferred for further consideration.

Carried 8/3

10.2.9 DESIGN ADVISORY PANEL (REPRESENTED)

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 5 April, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

This matter was held over from the April meeting of Council to allow consideration of a late submission. A recommendation is made to adopt a new *Design Advisory Panel* policy.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

This is a new policy.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its ordinary meeting held in December 2004 Council resolved as follows:

That Council staff be requested to prepare a report on protocol for the Design Advisory Panel and other advisory committees.

The decision was made because of perceived ambiguities in the way the Design Advisory Panel operates and recent attempts by members of the public to be party to the advice of the panel despite being told that meetings were not open to the public.

It is only where a Council has delegated a power to a committee to make a decision that rights of public accessibility accrue to the public.

The draft policy is an amalgam of a number of policies and Cottesloe's own experience.

At its meeting on 28 February, 2005 Council resolved as follows:

That Council adopt the draft Design Advisory Panel policy on an interim basis and seek public submissions in accordance with Council's Community Consultation policy.

CONSULTATION

An advertisement was placed in the *Post* newspaper on 12 March, 2005 inviting public submissions on the draft *Design Advisory Panel* policy. Submissions were

also invited through the *Cottesloe Council News* insert in the *Post* newspaper. The submission period closed on Monday, 4 April, 2005.

Copies of the draft policy were made available from the Town of Cottesloe's administration office, website and the public library.

Submissions were also invited from members of the Design Advisory Panel, the local ratepayer organisation, SOS Cottesloe and the Keep Cott Low Group.

Four submissions were received. Of those submissions, two were received from existing Design Advisory Panel members.

Tony Brand said:

I have read the Draft Policy and find it fair and even handed. Both Council and the Advisory panel should be able to work within the Policy without compromising debate on the provision of urban advice from Panel to Council. I compliment the authors.

George Gaschk said:

I welcome your clarifying and streamlining our efforts. I submit that proper minutes of the panel be kept and confirmed in follow up meeting(s).

That the meetings be recorded in an updated schedule, so we need not go over old ground = repetitive submissions.

That the standard of submissions be part of the panel's information i.e. colour and finish of buildings and scaled models of significant projects.

One member of the general public, Chris Wiggins said:

No comment has been provided re strengths and weaknesses of current system.

What changes have been made?

What other changes could be considered?

A clear problem with some members of the current panel is that they are hesitant about criticising projects backed by large and influential developers who might adversely influence their professional interests.

Provision should be made to permit persons whose profession could be adversely affected by a developer, directly or indirectly, declaring a conflict.

This will mean that it would be better to have people who are retired, or close to retirement, or who are not directly involved in mainstream development projects and associated sub-contracts.

Consideration should be given to including two non-development industry representatives, with preference given to candidates from local interest groups such as SOS and Care for Cottesloe.

A late submission was received from Paul and Sally Rossen (see attached). Paul Rossen is a sitting member of the Design Advisory Panel.

STAFF COMMENT

Mr Brand's submission requires no response in terms of amending the draft policy

Mr Gaschk's comment on the need to confirm minutes of the panel is supported and has been accommodated by the inclusion of a new 4.4(g) to read "Minutes of each meeting are to be confirmed at the next meeting of the panel."

It is felt that the suggestion that "...the meetings be recorded in an updated schedule, so we need not go over old ground = repetitive submissions" is a matter that is best addressed by the panel itself as an operational matter rather as a policy matter.

The suggestion that "...the standard of submissions be part of the panel's information i.e. colour and finish of buildings and scaled models of significant projects" largely depends on what the town planning scheme demands of the developer in terms of detail accompanying any development proposal and/or the developer's goodwill in going beyond minimum scheme requirements. Again this is best dealt with as a "flexible" operational matter rather than as a matter of policy.

In his submission, Mr Wiggins said that:

A clear problem with some members of the current panel is that they are hesitant about criticising projects backed by large and influential developers who might adversely influence their professional interests.

Provision should be made to permit persons whose profession could be adversely affected by a developer, directly or indirectly, declaring a conflict.

This is a difficult area to address. Declaring such a conflict may well be defamatory or libellous insofar as the developer is concerned. Any defence advanced by a panel member making such a declaration would be hard to defend in the event that a developer sought legal redress. The defence to such an action could only be based on speculation of some future event occurring, or not occurring, as it were.

Mr Wiggins goes on to say that:

... it would be better to have people who are retired, or close to retirement, or who are not directly involved in mainstream development projects and associated sub-contracts.

This is not supported. It is the Town's experience of the Design Advisory Panel that current practitioners are better versed in industry trends and issues and as a consequence, are more likely to make an effective contribution than those who have retired.

The late submission from Paul and Sally Rossen makes a number of specific suggestions.

Suggestion1:

We see no need to limit Council's choice of membership of the DAP by applying a time limit to membership of the DAP.

Long serving members of the DAP who are performing by attending regularly and contributing meaningfully should be encouraged to continue to offer their expertise and advice.

There is no intention of putting a time limit on serving members of the Design Advisory Panel so as "... to limit Council's choice of membership". There is nothing to stop existing members from continuing on as their initial terms of office expire. If anything, a regular review of the membership will enable Council to broaden the membership of the panel if it so chooses.

Suggestion2:

The Design Advisory Panel is not an elected or formal committee and should not be called upon to make decisions or to reach consensus on planning issues, in fact the strength of the DAP lies in its role as an unbiased and independent pool of expert opinion, a kind of think tank.

The role of the DAP is to provide design advice through informed discussion and expert commentary, which the elected Councillors can consider in the broadest context and which might help them in their deliberations and to make decisions on behalf of their constituents.

The DAP should not be used to justify or legitimate Council's decisions, rather it is a resource for both Council officers and Council.

In my view, the point of any meeting is to make informed decisions and the Design Advisory Panel should be no less exempt in this regard than is, say, Council.

The danger in the Design Advisory Panel not making recommendations is that Council staff and Council members run the risk of being accused of selectively quoting the discussion of individual members of the Design Advisory Panel to suit their own "biased" agenda when considering development applications.

The problem is further compounded if Council members are not present at meetings of the Design Advisory Panel and are therefore unable to put any context to the reportedly "selective" quotes.

The potential for biased reporting is reduced if the Design Advisory Panel makes formal recommendations and all members of the panel are brought to account in the making of those decisions.

It has also been reported to me that some members of the panel have sought to distance themselves from the views of their fellow panel members as expressed at Design Advisory Panel meetings. The distancing occurs after meetings rather than during and not unexpectedly, subsequently devalues the output of any Design Advisory Panel meeting.

If decision making does not become a requirement of the Design Advisory Panel then my strong advice to Council would be to disband the panel. A jumble of differing views inaccurately reported to Council is of little value.

Suggestion 3:

The Design Advisory Panel is not an elected or formal committee and should not be called upon to make decisions or to reach consensus on planning issues, in fact the strength of the DAP lies in its role as an unbiased and independent pool of expert opinion, a kind of think tank.

The role of the DAP is to provide design advice through informed discussion and expert commentary, which the elected Councillors can consider in the broadest context and which might help them in their deliberations and to make decisions on behalf of their constituents.

The DAP should not be used to justify or legitimate Council's decisions, rather it is a resource for both Council officers and Council.

The Design Advisory Panel is a committee of the Council. All Council meetings and all committee meetings to which Council has **delegated a power or duty** are open to the public except in certain limited circumstances.

As the Design Advisory Panel has **no** delegated power or duty (as is similarly the case for all other Council committees - with the exception of the Development Services Committee) there is no legal requirement to open meetings to the public.

It therefore rests entirely with Council as to whether meetings of the panel should be open or not. The issue seems to reduce to one of whether the community's long-term interests are better served by frank and open discussion at committee level without fear of retribution as opposed to being seen to be open and accountable.

Suggestion 4:

Submissions and presentation from applicants and the like should be facilitated however following questions to the applicants they should depart to allow the DAP to discuss and consider the issues without any outside pressure. The DAP is not a forum for public debate and lobbying.

The suggestion is well made and words have been incorporated into the draft policy to make the process clearer.

Suggestion 5:

The DAP has always been a voluntary group and should not change, an honorarium will not be necessary to continue to attract some of the leading award winning peers of the architectural, planning and development professions.

The payment of an honorarium constitutes a token retainer for services rendered. The deletion of clause 4.7 is supported.

Another submission came from SOS Cottesloe and appears as an attachment to this report. Many of the points made by SOS Cottesloe have been incorporated into the following amended policy.

The proposed amended policy is as follows:

DESIGN ADVISORY PANEL**OBJECTIVE**

To provide operating guidelines for the Design Advisory Panel.

PRINCIPLES

- 2.1 The provision of urban design advice to Council and the encouragement of higher standards of design for developments within the Town of Cottesloe is a highly desirable goal.
- 2.2 Specifically, Council requires professional advice when considering:
 - Significant or potentially contentious development proposals.
 - Proposals that significantly impact on environmental values and the natural heritage.
 - Precinct and major site design issues, including town centre, open space or transport proposals with urban design implications.
 - Urban design guidelines for built form and the public domain.
 - Amendments to the town planning scheme that have an important design component.
 - The relationship of a proposal to built heritage in an urban design sense.
- 2.3 Resource constraints can limit the capacity of Council to obtain this advice from within Council's own staff and/or the private sector.
- 2.4 Within the Cottesloe community, there are a number of resident professionals who are prepared to provide advice at little or no cost to the Town of Cottesloe for the betterment of the community.
- 2.5 Collectively, these professionals offer a wider perspective with a relative degree of independence that can draw on comparative experience.
- 2.6 The provision of this advice, while not binding on the Council, enables Council to make better informed decisions.

ISSUES

- 3.1 Ensuring that a range of professional advice is received on different aspects of urban design and development applications.
- 3.2 Ensuring that there is an appropriate turnover in the membership of the panel.
- 3.3 Ensuring freedom from bias and conflict of interest.
- 3.4 Aiming to achieve a consensus that while reflective of community and Council aspirations, is also mindful of current urban design practice.
- 3.5 Ensuring that panel members are aware of the expectations placed on them by the Council.

- 3.6 Ensuring that basic operational procedures are documented and provide a degree of accountability and transparency in the operations of the panel.
- 3.7 Ensuring without-prejudice advice and appropriate confidentiality in dealing with proposals and decision-making processes.
- 3.8 Ensuring a focus on goodwill and a constructive attitude to participating in the appraisal of proposals for the enhancement and betterment of the Town's built environment.

POLICY**4.1 Application of Part 5 of the Local Government Act**

In order to give effect to the policy, the Design Advisory Panel shall not constitute a committee as defined under Part 5 Division 2 Subdivision 2 of the *Local Government Act 1995*.

4.2 Membership

The Design Advisory Panel shall consist of:

- (a) one elected member elected by the Council immediately after each ordinary local government election, who shall act as the presiding member of the panel or a deputy appointed by the Council to act in his/her absence;
- (b) six electors, who shall have professional expertise in one or more of the following areas:
 - architecture
 - landscape architecture
 - town planning
 - urban design
 - property development/construction
 - heritage issues
 - conservation of the natural environment.

4.3 Appointment & Termination of Members

- (a) The CEO shall call for nominations to the Design Advisory Panel immediately after each ordinary local government election and the Council shall at the first opportunity elect panel members and up to four deputies from amongst the nominees.
- (b) With the exception of the presiding member, the term of office of any member shall ordinarily be a maximum of four years however the Council may re-appoint any member for a further term of office.
- (c) With the exception of the presiding member, Council may terminate the appointment of any member prior to the expiry of his/her term of office, for any reason as it sees fit.
- (d) At its discretion, Council may appoint a person in the place of any member of the panel whose appointment it revokes, or who resigns or is unable to act, without calling for nominations.

4.4 Convening & Recording Meetings

- (a) The Design Advisory Panel shall meet on a needs-only basis as items are referred through to it from Council or the Manager Development Services.
- (b) Council members shall be advised of meetings of the panel so that they may attend the meeting as observers.
- (c) Executive support to the panel shall be provided by the Manager Development Services or his representative.

- (d) MINUTES papers with descriptive headings of the items and a short summary of the issues to be discussed shall be provided by the Manager Development Services to the panel members at least 72 hours prior to the meetings.
- (e) Minutes of the meetings shall be kept by the Manager Development Services and shall be in the form of:
 - (i) an explanatory comment on each matter conveying the Committee's general views and comments about the application; and /or
 - (ii) formal recommendations to Council reflecting the views of the majority of members present at the meeting; and/or
 - (iii) informal comments conveying the views of individual members, which may be included at the request of any member, subject to the approval of the Presiding Member; and
 - (iv) disclosure of any conflict of interest.
- (f) Minutes of the meetings shall form part of the public record by incorporation into the agenda papers of the Council.
- (g) Minutes of each meeting are to be confirmed at the next meeting of the panel.

4.5 Conduct of Meetings

- (a) The conduct of meetings shall be at the discretion of the presiding member.
- (b) Members of the panel are to be provided with a copy of the Town of Cottesloe's *Code of Conduct for Elected Members & Staff* and informed of a requirement to comply with Part 1 of the code relating to conflicts and the disclosure of interests.
- (c) At the discretion of the presiding member, meetings will not generally be open to the public.
- (d) Meetings may also be attended by additional officers or other elected members.
- (e) The panel may seek comment from individuals, groups or agencies but has no role in conducting public consultation on behalf of Council.
- (f) The panel may seek further information or meet with applicants/proponents and their representatives to be informed of a proposal by way of questioning and discussion.
- (g) No debate shall take place while the applicants are present and only after the applicants have left the meeting shall the panel then form its view regarding that proposal.
- (f) Alternatively, the panel may recommend that Council defer a decision, or a matter, until such time as the information becomes available.
- (g) The Council shall not be bound by any comment or recommendation of the panel.

4.6 Functional Role of the Panel

- (a) The Council or the Manager Development Services may refer the following matters to the panel for advice and recommendation:
 - Significant or potentially contentious development proposals.
 - Precinct and major site design issues.
 - Urban design guidelines for built form and the public domain.
 - Amendments to the town planning scheme that have an important design component.
- (b) The panel shall consider the merits or adverse effects of any proposed development in terms of:

- (i) the regional and local strategic contexts of the proposal in relation to its site and setting, from an urban design perspective.
- (ii) the objectives of existing zoning or development controls and any proposed alternative zoning or development controls;
- (iii) the potential impact of the proposed development on the surrounding locality having regard to:
 - the maintenance of visual harmony with existing buildings;
 - the comparative scale of existing and proposed buildings;
 - the maintenance of privacy for the occupants of existing buildings;
 - overshadowing of private or public buildings and open spaces.
 - the effect of increased traffic movement in the locality, including pedestrian activity;
 - the preservation of views as far as reasonably possible, for the occupants of existing buildings,
 - the preservation of built heritage,
 - the conservation of the natural heritage.
- (iv) suitability for the demographic and socio-economic profile of potential occupants of the proposed development);
- (v) social interaction between occupants of existing buildings and potential occupants of proposed buildings, in terms of design details; and
- (vi) the standard of site planning and building design.
- (vii) the contribution that the proposal may make to the public domain in terms of built form, facilities and infrastructure.

Assuming the amended policy (as shown above) is generally acceptable to Council, other points made by the submissions that Council may wish to give further consideration to are:

Community Involvement

Mr Wiggins states that:

Consideration should be given to including two non-development industry representatives, with preference given to candidates from local interest groups such as SOS and Care for Cottesloe.

SOS Cottesloe says that there is community concern about the absence of community input into the process of providing advice to Council and requests the inclusion of the principle:

That there be an opportunity for community input into the Design Advisory Panel process.

Further, that as the draft policy does not contain any membership from the community:

We suggest that the composition of the panel should include an independent community member such as an office bearer or committee member of an organisation such as SOS Cottesloe...

To improve community involvement in the process we suggest that the Chair of SOS be informed of the meeting and the member of SOS upon the Panel then attends...

Meetings with the applicants/proponents are likely to cause the perception that the Panel are receiving a very biased view and the views of the community which may be contrary to the developers are not being heard. The community member of the Panel should reduce those concerns.

The proposed forms of community involvement are not supported for a number of reasons.

- The Design Advisory Panel is there to provide specialist technical advice to Council. It is difficult to see how candidates from local interest groups such as SOS Cottesloe or Keep Cott Low are more likely to add value to the advice over and above any others.
- Councillors have a far stronger electoral mandate to act in the community's interest than do members of local interest groups. If membership of the panel is to be broadened then serious consideration should be given to increasing Councillor membership of the panel.
- Lines of accountability are likely to become blurred if a local interest group member is appointed to the panel. Would the member be accountable to Council or the local interest group or both? If it's both, then conflicts of interest are inevitable.
- Such conflicts of interest would have to be declared thus severely limiting the effective contribution of the "community" member.
- The six electors to be appointed to the panel are already "community" members.
- There are other opportunities for local interest groups to have input into Council decisions. This includes observing the proceedings of Council and standing committee meetings, public question time, public statement time, the annual electors meeting, the special electors meetings, the media, the ballot box and statutory consultative processes.
- Community confidence in the Design Advisory Panel process will not necessarily be strengthened by the inclusion of local interest group representation – either as an observer or a member. Indeed some circumstances could be seen where community confidence could be eroded.

Referrals by the Development Services Committee to the Design Advisory Panel

SOS Cottesloe has queried whether planning matters should be capable of being referred to the panel by the Development Services Committee. This would slow things up but it is possible - provided Council delegates a power to the committee to do so.

Generally Council's committees make recommendations to Council rather than make decisions. This ensures that Council, as a whole, remains in charge of the agenda and that business is dealt with in a timely manner.

Time is an important consideration for development applications and that is why the Manager of Development Services has been given the power to refer matters direct to the panel.

Honorarium

It is proposed that the honorarium be increased to \$100/member/meeting excluding elected Council members.

SOS Cottesloe has queried

...the need for this large increase in the cost of the honorarium. We understand currently there is a cost of only \$100 per annum per member. To pay the same amount per meeting will lead to a significant cost increase. We would hope that the Panel can continue to operate on the current low cost regime.

The increase is seen as an inducement to members to attend and ensure that a quorum is achieved on the few occasions each year that the Design Advisory Panel does meet. Whether it is a necessary or sufficient inducement is open to debate.

VOTING

Simple Majority

COMMITTEE COMMENT

That condition 4.4 9e) (iii) be deleted from the Design Advisory Panel policy document.

OFFICER RECOMMENDATION

That Council adopt the *Design Advisory Panel* policy as amended.

COMMITTEE RECOMMENDATION

That Council adopt the *Design Advisory Panel* policy subject to policy number 4.4 (e) (iii) being removed.

AMENDMENT

Moved Cr Walsh, seconded Cr Jeanes

That Council adopt the *Design Advisory Panel* policy subject to policy number 4.4 (e) (iii) being altered to remove the words 'subject to the approval of the Presiding Member'.

Carried 11/0

10.2.9 COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Jeanes

That Council adopt the *Design Advisory Panel* policy subject to policy number 4.4 (e) (iii) being altered to remove the words 'subject to the approval of the Presiding Member'.

Carried 11/0

WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 17 MAY 2005

Items withdrawn for further discussion and dealt with in the following order: 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.2, 10.4.4, 10.4.5.

Items adopted enbloc following the above: 10.3.1, 10.4.1, 10.4.3, 10.5.1-10.5.4

10.3 ADMINISTRATION**10.3.1 NORTH COTTESLOE PRE-PRIMARY CENTRE - LEASE RENEWAL**

| | |
|---------------------------------------|---------------------------|
| File No: | C3.6 |
| Author: | Mr Alan Lamb |
| Author Disclosure of Interest: | Nil |
| Report Date: | 11 May, 2005 |
| Senior Officer: | Mr Stephen Tindale |

SUMMARY

The purpose of this report is to commence the process to continue the leasing arrangement with the Department of Education and Training for the North Cottesloe Pre-Primary Centre, Marmion Street, Cottesloe.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act imposes restrictions on the method of disposal of property and this is modified by Regulation 30(2) (c) ii of the Local Government (Functions and General) Regulations which permits direct disposal (include leasing) to "a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth".

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The current rental is \$2750 and it is expected that the rent could be negotiated slightly higher for a new lease.

BACKGROUND

The Department of Education and Training seeks to enter into a new lease over a portion of Reserve 24604 for an "Offsite Kindergarten Premises".

The Reserve is vested in the Town of Cottesloe for the purpose of "Kindergarten and Community Centre" and comprises Cottesloe Lots 306 and 307 (328 and 330 Marmion Street). The vesting order includes the power to lease for up to 21 years for

the designated purpose. At the time the lease current lease was negotiated it was reported that "The Kindergarten appears to occupy all of Lot 306 (330 Marmion Street) and the Community Centre appears to occupy Lot 307 (328 Marmion Street)". It has since been discovered that the kindergarten occupies the rear portion of lot 307 as well.

The site contains a Council owned building and other improvements. The site and building have been used as a kindergarten for a number of years and the Department now seeks to obtain another lease now that the current five year lease is due to cease on 31 December, 2005.

CONSULTATION

Nil, other than with other staff.

STAFF COMMENT

As noted above, there has been a kindergarten on the site for a number of years. It was originally operated by a community organisation (Nothboun Kindergarten Inc) and records indicate that they paid Council an annual rental of \$2,000 for ten years (from 1978) as payment toward the cost of a new building erected around that time. It is not clear when the Education Department took over the running of the kindergarten but there was no agreement or rent paid by that entity till the current lease was negotiated. It is also not clear when the kindergarten expanded into the rear portion of Lot 307 (the Community Centre) however it is suggested that this provided for better use of the reserve by both the Community Centre and kindergarten. The current lease rental was negotiated based on a smaller land usage and so an increase is expected in the new arrangement.

It is recommended that a new lease be negotiated based on the area of land actually occupied and that the site be surveyed to provide an accurate plan of the leased area for inclusion in the new lease document. Also that the lessee bear all costs associated with the survey and drafting of the new lease.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

10.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council agree to commence negotiations with the Department of Education and Training with respect to a new lease for the portion of Reserve 24604 occupied by the North Cottesloe Pre-Primary Centre, and that the Department of Education and Training be responsible for all associated costs.

Carried 11/0

10.3.2 2005 WHALEBONE CLASSIC - DONATION REQUEST

File No: C2.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of putting this item to Council is to recommend that a donation be made toward this years Whalebone Classic event.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council's Donations Policy has application.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

No provision has been made in the budget for this donation request. Provision of \$1,500 was however made for unspecified donations in the area of Governance and to date \$530 of this has been used (\$200 to Cottesloe Primary School P&C and \$330 to Cancer Support Association) leaving a balance of \$970 which could be applied to this request.

BACKGROUND

The Whalebone Classic is an annual long board event that is in its eighth year at Cottesloe. The event is held over two days in July (9th and 10th) at Isolators Reef and the event organisers noted that the event has been growing in popularity each year. The event is part of the Australian Longboard Circuit. The event is run under the banner of Surfing Australia and primarily attracts families, competitors range in age from 5 to nearly 70. The event is run on a not-for-profit basis and any funds left over are used to assist local competitors attend eastern states events and make contributions to the Cottesloe Longboard Club.

Council assistance has been provided in previous years by way of loaning chairs, trestles and the like. The organisers seek to borrow similar equipment this year and also asked for assistance with a generator and 4 potable toilets. They have since obtained the use of a generator from another source and so now seek assistance with the toilets. The Town does not have portable toilets and so the request is in effect a request for a cash donation toward the event. Enquiries have indicated that portable toilet hire would be in the order of \$150 per day and so the 4 units would cost \$1,200 for the weekend. As will be noted under 'Financial Implications', \$970 is available to meet this request.

Council staff report that previous events have minimal impact on operations in that the organisers conduct litter clean ups following the event.

CONSULTATION

The author has consulted with the event organiser.

STAFF COMMENT

Applying Council's Donations Policy's Assessment Criteria to the application, as follows, it is suggested that the application could be considered.

| Policy Criteria | Assessment |
|--|---|
| <p>Donation requests will not be considered where;</p> <ul style="list-style-type: none"> • The applicant is a private and for profit organisation or association. • The applicant is an individual person. • The application is in relation to general fundraising. • The application is for funding for conferences and conventions. | <p>The event is made under the banner of Surfing Australia</p> <p>As above</p> <p>The application is in relation to a specific event</p> <p>The application is for a sporting event</p> |
| <p>Priority will be given where ;</p> <ul style="list-style-type: none"> • The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs; • The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe. • The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents. • The funds are required for a new initiative or significant once off project. • The applicant has not received a | <p>It is not known if the applicant is a registered not for profit organisation however it does have its base in Cottesloe and is run on a non profit making basis.</p> <p>The event is run as a community event.</p> <p>To be assessed</p> <p>To be assessed</p> <p>Council has not made a cash donation</p> |

| | |
|--|--|
| <p>donation from Council within the previous two years.</p> <ul style="list-style-type: none"> • If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate. • The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations. | <p>toward this event in the past however it has made in kind contributions bay way of use of chairs etc.</p> <p>To be assessed</p> <p>To be assessed</p> |
|--|--|

Please note, the application form had not been received at the time of writing this report and so further information should be available at the Committee meeting.

It is recommended that Council donate \$970 (the amount available in Governance - Donations) toward the running of the event.

VOTING

Simple Majority

DECLARATION OF IMPARTIALITY

Cr Strzina made a declaration of impartiality due to being a member of the Cottesloe Longboard Club.

COMMITTEE COMMENT

The Manager Corporate Services advised that the donation request has been amended to \$894.51.

10.3.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council donate \$894.51 toward the 2005 Whalebone Classic National Longboard Surf Competition, to be held in Cottesloe in July 2005.

Carried 11/0

10.3.3 BUDGET AMENDMENT - PURCHASE OF SCULPTURE

File No: X2.1.3
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to Council amend its 2004/05 Budget with respect to the recent purchase of a sculptural work.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act provides that, with some exceptions, a Council cannot incur expenditure from the municipal fund unless there is provision in the annual budget.

POLICY IMPLICATIONS

Council's Expenditure Variations Policy has application.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil, in that this matter relates to an alternative use of an existing budget provision. The relevant provision was \$20,000 and the actual cost (net of GST) was \$18,181.82.

BACKGROUND

When drafting the 2004/05 Budget provision was made in the area of Libraries & Other Culture (Other Culture, Account 1160.110.102 Contributions) for an art award of \$20,000. At the time it was mistakenly assumed that the intention was that it be a non-acquisitive award - otherwise the provision would have been more appropriately made in the Capital Works section of the budget.

CONSULTATION

Nil, other than with other Council staff.

STAFF COMMENT

This item is basically a "house keeping" matter, in that funds provided for a non-acquisitive art prize were instead used for the purchase of a sculptural work.

VOTING

Absolute majority

COMMITTEE COMMENT

This item was discussed and background information was provided to the two observing Councillors.

Cr Miller requested that the CEO provide an expanded report to the May, 2005 Council meeting which is provided below.

Additional Information: At the time of adopting the 2004/05 budget no distinction was made between the cost of running an art competition (an operational expense) and the acquisition of artworks (a capital expense). Instead a lump sum of \$20,000 was set aside in Council's operating budget for an art award.

Subsequent enquiries of the Town of Mosman Park regarding costs and the feasibility of joining together with them in an expanded art award competition were politely declined.

At an executive level (Mayor and CEO) it was agreed that there would be little point in simply duplicating Mosman Park's effort and the matter was left in abeyance.

In late 2004 an approach was made by the organisers of *Sculptures by the Sea* in Bondi to run a sculptural event on Cottesloe Beach in March 2005. At an executive level it was agreed that this presented an excellent opportunity to advance the cause of an art award with a high profile event. However the event organisers suggested that Cottesloe's contribution should not eclipse that of other potential sponsors and instead sought an undertaking from the Town of Cottesloe that it would look favourably to the purchase of a sculptural work which would help underwrite the event - as opposed to making a large acquisitive art award. The undertaking was given in principle at an executive level.

As the matter of the purchase of artworks can be a highly emotive one, a recommendation was put to the February 2005 Council meeting (minute number 12.1.7) on a proposed "Acquisition of Artworks Policy" on the basis that \$20,000 had been set aside in the 2004/05 budget for the acquisition of artworks.

At that meeting some disquiet was expressed as to whether any funds at all should be spent on the purchase of artworks and that the policy should be put out for public comment in any event.

Community consultation was subsequently undertaken on the proposed policy and an amended policy was adopted at the April 2005 meeting of Council (minute number 12.1.2). Of the three submissions received on the policy, only one objected to the purchase of artworks.

However the *Sculpture by the Sea* event took place prior to the formal adoption of the policy by Council.

At the time of the event there was considerable community clamour as to why the Town of Cottesloe was not actually purchasing a sculptural work. As a result, those elected members attending the March round of committee meetings (8 of a Council membership of 11) were canvassed by the CEO as to whether they were of the view that the absence of a formal "Acquisition of Artworks Policy" frustrated the purchase of a sculptural work and whether such a purchase should indeed be made. The majority view (i.e. that of at least 6 elected members) was that a purchase could and should be made.

Unfortunately this could not be confirmed (in any formal sense) at the March meeting of Council as the *Sculpture by the Sea* event would have come and gone by then. The CEO therefore took the view that as funds were available in the 2004/05 budget (and having the majority support of Council) it was within his charter to proceed with the purchase a sculpture.

However it is now plainly apparent that an unauthorised capital expenditure of \$18,181.82 has been made (as opposed to the authorised operating provision of \$20,000 in the 2004/05 budget). This matter has therefore been brought back to Council seeking a retrospective endorsement of the CEO's unauthorised actions for which he takes full responsibility.

An apology is therefore extended by the CEO to Council for not properly addressing the matter in the first instance.

However, the Town of Cottesloe now has an asset and a significant self-supporting event on its hands rather than just another "run-of-the-mill" local government art award event.

10.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council amend the 2004/05 Budget to reduce the provision for operating costs in Libraries and Other Culture, account 1160.145.543 Contributions, from \$36,500 to \$16,500 and make provision of \$20,000 in the Capital area for the Purchase of Artworks.

Carried by Absolute Majority 9/2

10.3.4 DELEGATED POWERS

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

In order to expedite decision-making within the Town of Cottesloe, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the Local Government Act (1995).

STATUTORY ENVIRONMENT

Sections 5.42 and 5.43 of the Local Government Act (1995), provides as follows.

5.42 Delegation of some powers and duties to CEO

- (1) *A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43 Limits on delegations to CEOs

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.99 or 5.100; **(fee, expenses and allowances)***
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5; **(objection to a decision)***
- (h) *any power or duty that requires the approval of the Minister or the Governor; or*
- (i) *such other powers or duties as may be prescribed. **(nil)***

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

This is a standard agenda item which is presented to Council in May of each year.

It allows the CEO to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council. The CEO delegates some of the powers in turn to senior staff.

CONSULTATION

Nil.

STAFF COMMENT

The list of delegated powers was considerably reduced in May of 2002. No customer service difficulties have arisen as a result of working with a reduced list.

VOTING

Absolute Majority

COMMITTEE COMMENT

Nil

10.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council delegate the following powers and duties to the Chief Executive Officer effective to 30 May, 2006.

DELEGATED COUNCIL FUNCTIONS

| Section | Local Government Act 1995 |
|-------------------|--|
| 3.18 | Administration and enforcement of local laws |
| 3.21 | Performance of executive functions relating to land |
| 3.24/3.25/3.26(3) | Powers to be exercised by authorised persons in relation to land |
| 3.28/3.29 | Powers of entry to land |
| 3.31/3.33/3.34 | Powers of entry to land |
| 3.36 | Opening/closing of fences |
| 3.39 | Authorising employees to impound goods |
| 3.46 | Withholding of goods |
| 3.47 | Disposal of impounded goods |
| 3.47A | Disposal of sick or injured animals |
| 3.48 | Recovery of costs associated with impounded goods |
| 3.50 | Closure of thoroughfares to certain vehicles |
| 3.50A | Closure of thoroughfares for repairs or maintenance |
| 3.57 | Inviting tenders for goods and services under contract |
| 5.2 | Ensuring that an appropriate structure exists for administration |
| 5.36 | Employment of persons other than the Chief Executive Officer |

| | |
|-------------------|---|
| Section | Local Government Act 1995 |
| 6.12 | Waive, grant concessions or write off individual debts to a maximum of \$100 |
| 6.14 | Investing funds not required |
| 6.49 | Make agreements with persons regarding payment of rates |
| 6.64 | Action taken when rates are unpaid for at least 3 years |
| 6.76(4,5,6) | Dealing with objections to rates records |
| 9.10 | Appointment of authorised persons |
| Section | Local Government (Miscellaneous Provisions) Act 1960 |
| 374.(1) (b) | Plans of buildings to be approved |
| 401 | Give notice of required alterations to buildings |
| Law No. | Signs, Hoardings and Billposting Local Law |
| 28 | Revoke sign licences |
| 33 | Issue and revoke special permits for signs |
| 36A | Remove and dispose of signs unlawfully displayed |
| Law No. | Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law |
| 6.2 | Approve or refuse an application for a permit to trade, conduct a stall or outdoor eating facility. |
| Regulation | Building Regulations 1989 |
| 20 | Issue a certificate of classification |
| Regulation | Local Government (Financial Management) Regulations 1996 |
| 12(1)(a) | Power to make payments from the municipal and trust funds |

Carried by Absolute Majority 11/0

10.3.5 STANDING COMMITTEES

File No: X4.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to reduce the roles and responsibilities of the Strategic Planning Committee.

STATUTORY ENVIRONMENT

Section 5.8. of the Local Government Act (1995) provides that:

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the Special Meeting of Council held on 9th May, 2005 it was resolved that the matter of appointing a Strategic Planning Committee be held over until the next ordinary meeting of Council.

Historically the Strategic Planning Committee has had the following roles:

Areas of responsibility:

- *Strategic Planning.*
- *Town Planning Scheme review.*

The role of the committee is as follows:

Policy:

To develop policy proposals and strategic plans relevant to the whole of the organisation and the district for consideration by Council.

Activities:

- To consider reports and make recommendations to Council on:*
- *The implementation of Council's strategic objectives.*
-

- *The adoption, modification or deletion of Council's strategic objectives.*
- *The review of Council's town planning scheme.*

In July, 2003 Council determined that the Strategic Planning Committee should be comprised of the Mayor, the Deputy Mayor, the Presiding Member of the Development Services Committee, the Presiding Member of the Works and Corporate Services Committee and one other Councillor (i.e. six elected members).

CONSULTATION

Nil.

STAFF COMMENT

The issue of a Strategic Planning Committee first arose after the May, 2003 local government elections when the former Mayor suggested that a *Policy Committee* should be reconvened as had existed in times gone by.

Staff comments to the July, 2003 meeting of Council included the following:

... if one looks at the recommendations of the Policy Committee made during its last years [of existence], a number of things stand out that tend not to support its reactivation.

Firstly it was preoccupied with the adoption of administrative and Council policy. This is no longer a major consideration for Council given the passage of time and the evolution of policy for almost every circumstance.

Secondly (and as was subsequently realised) it quite clearly dealt with many items that could have easily been dealt with by other standing committees.

Thirdly it had what might best be described as agenda "fillers" e.g. the receiving of reports.

Fourthly it seems a failed attempt was made to give the committee some real clout by making it a board of review and effectively diminishing the role of Council and to a lesser extent, staff.

Notwithstanding the perceived failings of the Policy Committee, its membership was commendably drawn from across the Council. It included the Mayor, Deputy Mayor, Committee Presiding Members and one Councillor.

Such a committee structure for the proposed new Strategic Planning Committee could be useful to Council - drawing as it does across the broad range of Council activities.

However such a committee membership structure may bring forth criticisms of an elite inner cabinet having an inordinate say over Cottesloe's future - notwithstanding Council's ultimate right to veto anything the committee may recommend to it.

Further that:

In my view, the adoption of Town Planning Scheme No. 3 is a strategic objective and falls within the ambit of the proposed Strategic Planning Committee. Council may like

to consider winding up the Town Planning Scheme Review Committee and consigning its roles and responsibilities to the Strategic Planning Committee.

The frequency of meetings of the proposed Strategic Planning Committee is open to debate, but Council should be aware that existing resources are fully committed to servicing the existing two standing committees.

Once in every quarter there is an "extra" week and depending Council's normal meeting cycle, it is recommended that the proposed Strategic Planning Committee meet in that week.

The creation of the Strategic Planning Committee was a political compromise which sought to overcome institutionalised resistance to the timely development of Town Planning Scheme No.3 while keeping an eye on the "big picture".

The old Town Planning Scheme Review Committee was comprised of the Mayor, the Chair of the Development Services Committee and one other elected member. Its relative inability to move the town planning scheme agenda along had more to do with the lack of staff resources and commitment rather than a disparate membership.

The small numbers on the committee were seen as important in terms of reaching quick decisions on complex town planning matters. However the decisions of irregular meetings of the committee were never relayed through in any formal manner to the Development Services Committee - and on to Council. Further it has never been satisfactorily explained as to why the Town Planning Scheme Review Committee did not consist entirely of Development Services Committee members.

In my view, all members of the Development Services Committee should expect to be involved in the review of the town planning scheme. Given that there are now seven elected members of the Council on the Development Services Committee, one might expect that any recommendations going through to Council on town planning scheme review matters will have a higher degree of ownership if the Development Services Committee has custody of the review of the town planning scheme. Decision making may be a little slower but it would generate more considered recommendations.

It has been argued that the agenda of the Development Services Committee is already fairly heavy and that adding town planning scheme review matters will only make things worse.

To overcome this, it is recommended that the Development Services Committee meet twice monthly – the first meeting in each month to be an ordinary meeting convened for the purpose of considering development applications and the second to be a special meeting of the committee for the consideration of town planning scheme review matters. In the fullness of time, special meetings of the committee would fall away.

Assuming the role of review of the town planning scheme reverts to the Development Services Committee, the remaining issue is whether the Strategic Planning Committee has sufficient work left to do.

My considered view is that it has. The attainment of strategic objectives can get lost in the “noise” of daily operational issues. Time out to consider the strategic issues is critical if Council is to assist in maximising organisational performance. Meetings should continue to be held on a quarterly basis while observing a summer recess (i.e. meetings to occur three times a year).

The CEO’s Performance Review Panel should also continue to be comprised of all of the members of the Strategic Planning Committee as the performance of the CEO and senior staff should be linked to the attainment of strategic objectives.

VOTING

Absolute Majority

COMMITTEE COMMENT

Nil

OFFICER & COMMITTEE RECOMMENDATION

- (1) That Council continue with the third standing Committee of the Council known as the Strategic Planning Committee;
- (2) That the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee and Crs.....andbe appointed members and Crs as deputy members of the Strategic Planning Committee;
- (3) That the Committee meet on a Tuesday at 7.00 pm in the “extra” week of each quarter;
- (4) That the CEO’s Performance Review Panel be comprised of all of the members of the Strategic Planning Committee; and
- (5) That Council consign responsibility for the town planning scheme review to the Development Services Committee.

COUNCIL COMMENT

Crs Carmichael, Utting, Walsh and Woodhill nominated for the positions of members of the Strategic Planning Committee.

Crs Dawkins and Strzina nominated for the positions of deputy members.

AMENDMENT

Moved Cr Utting, seconded Cr Strzina

That the four nominated Councillors become members of the Strategic Planning Committee.

Carried 7/4

10.3.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Walsh

- (1) That Council continue with the third standing Committee of the Council known as the Strategic Planning Committee;**
- (2) That the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee and Crs Carmichael, Utting, Walsh and Woodhill be appointed members and Crs Dawkins and Strzina as deputy members of the Strategic Planning Committee;**
- (3) That the Committee meet on a Tuesday at 7.00 pm in the “extra” week of each quarter;**
- (4) That the CEO’s Performance Review Panel be comprised of all of the members of the Strategic Planning Committee; and**
- (5) That Council consign responsibility for the town planning scheme review to the Development Services Committee.**

Carried 7/4

10.3.6 TELECOMMUNICATIONS - ELECTED MEMBERS POLICY - PORTABLE COMPUTERS

File No: X 4.11. 3
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to Council that retiring elected members be offered the Council provided portable computers in accordance with the *Telecommunications – Elected Members* policy despite this policy not automatically applying.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act imposes restrictions on the method of disposal of property and this is modified by Regulation 30(3) of the Local Government (Functions and General) Regulations which sets a market value of \$20,000 before the restrictions apply. The market value is estimated to be close to the written down value of each computer (\$1,156.98) and so Council is not prevented from disposing of them to retiring elected members.

POLICY IMPLICATIONS

Council's *Telecommunications – Elected Members* policy provides as follows:

4.2 EQUIPMENT – COMMUNICATION PURPOSES

4.2.1 *Council will provide a suitable facsimile machine and a suitable portable computer for members' use but will, over time, seek to make the computer a replacement for the facsimile machine with the view to no longer supplying these machines in the future.*

4.2.2 *Ownership of the equipment may be transferred to a member upon resignation or retirement, under the following circumstances:*

- *if the equipment is two years old or less it shall remain Council property;*
- *if the equipment is between two and four years old it will be offered to the member for an amount equal to the written down value of the equipment in Council's asset Register at the time he/she ceases to become a member;*
- *if the equipment is four years old or more, it shall be gifted to the member.*

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If the three retiring elected members choose to accept the offer to purchase portable computers provided to them the revenue would be \$3,470.94 (written down value of \$1156.98 x 3) and the anticipated cost of three new computers to replace these is \$7,500 (\$2500 x 3). The remaining \$4,029.06 to be found for new computer purchases could be met from current budget savings. Specifically, these are savings

of \$1,000 on normal computer purchases and \$4,717 to date on IT equipment coming off lease.

BACKGROUND

Council's *Telecommunications – Elected Members* policy provides that elected members may purchase equipment provided under the policy at the written down value where the equipment is between two and four years old. All of the current portable computers were purchased 31/7/03 and so at the time of the elections this May they were 85 days short of being two years old. The purchase price of the computers was \$2,974.40 each and the written down value as at election day (7/5/05) was \$1156.98.

CONSULTATION

Some retiring elected members and staff were consulted.

STAFF COMMENT

Following enquiries the position was investigated and the determination made that there would be a number of advantages to be gained if the computers were not returned.

The noted advantages are as follows:

- By quitting three of the eleven computers supplied at this time Council will be staggering the replacement times so (based on a four year replacement cycle). Instead of having to replace eleven in one year, perhaps eight would be replaced in say 2006/07 and three one or two years later.
- There will be a cost in deleting non required information stored on the existing computers and getting them ready for reissue to newly elected members.
- Whilst it is expected the three computers are in good condition they are now almost two years old and so could be expected to be less reliable than brand new computers.

VOTING

Simple majority

COMMITTEE COMMENT

The Mayor noted his preference that the Councillor laptops remain the property of Council and that all the Councillor laptops be upgraded at the same time.

10.3.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council offer the three retiring elected members from the May, 2005 elections (Mr Robinson, Rowell and Sheppard) the opportunity to purchase the portable computers Council supplied to them at the written down value of each computer of \$1,156.98.

Carried 6/5

The vote was recorded:

For: Crs Carmichael, Cunningham, Dawkins, Furlong, Jeanes, Strzina.

Against: Mayor Morgan, Crs Miller, Utting, Walsh, Woodhill.

10.3.7 CITIES FOR CLIMATE PROTECTION PLUS PROGRAM

File No: X12. 1
Author: Ms Carolyn Ryder
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Cottesloe has been invited by the International Council for Local Government Environmental Initiatives (ICLEI) to continue its greenhouse emission reduction program which is supported by the Commonwealth Department of Environment and Heritage.

The program is known as Cities for Climate Protection Plus Program (CCP™ Plus).

A recommendation is made to Council to continue its commitment to the Cities for Climate Protection™ Program by becoming a member of CCP™ Plus.

STATUTORY ENVIRONMENT

Section 1.3.(3) of the Local Government Act requires that:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Town of Cottesloe is committed to the principles of sustainability throughout its Strategic Plan under the following headings:

Local MINUTES 21 – Council is committed to environmentally sensitive practices and policies which promote the concept of sustainability in all aspects of Council decision making. Management is committed to environmentally sensitive practices which promote sustainability in all services. Council and staff are committed to environmentally sensitive practices which promote the concept of sustainability in service delivery, planning and long term community development.

District Development/Environment – Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

FINANCIAL IMPLICATIONS

A 2005/2006 budget allocation of \$8,000 is sought to continue implementing greenhouse gas abatement measures. In addition, Council pays a higher electricity tariff to source electricity for the Civic Centre, derived from methane produced by the

breakdown of landfill rubbish. Methane is 21 times more potent as a greenhouse gas than CO₂.

BACKGROUND

In 1992, the United Nations identified a universal need for sustainability and released a Sustainable Development Plan called MINUTES 21. This was adapted for Local Government and called Local MINUTES 21 (LA21). The Town of Cottesloe has embraced the concept of sustainability in its Strategic Plan.

Council joined the Cities for Climate Protection™ (CCP™) Program in 1999 and committed to the completion of the following five milestones:

1. Conduct an emission inventory of both Council (corporate) and community activities and prepare a forecast of emissions growth in the future.
2. Set an emission reduction goal for both corporate and community emissions.
3. Develop and adopt a local greenhouse action plan.
4. Implement the local action plan.
5. Monitor and report on implementation of the local action plan.

Council completed Milestone Five in May, 2004. The completion of this milestone has provided a valuable indicator of how the Town of Cottesloe is progressing towards the reduction goal set at Milestone Two. Milestone Five results indicate that Council is making steady progress toward its 2010 reduction goal of 750 tonnes of CO₂.

ICLEIA/NZ has developed CCP™ Plus to encourage those local governments who have completed Milestone Five to continue working on the reduction of greenhouse gas emissions.

Through CCP™ Plus, ICLEIA/NZ continues to offer information exchange, resources and networking opportunities for councils. There is no cost involved in joining CCP™ Plus.

To join CCP™ Plus, Council must make the following commitments:

1. To allocate appropriate staff time. This will vary depending on the elements that Council chooses to participate in, but as a minimum will require staff time to provide the information required below.
2. To participate in the annual measures report, aimed to capture information on greenhouse abatement actions taken by CCP™ Program Councils, including greenhouse emissions, financial savings and investments.
3. Review of Goals: The Milestone Five process is extended through CCP™ Plus with a two-yearly monitoring and review to assess reduction goal progress and to ensure the local action plan appropriately targets areas where emissions or emissions growth are most significant.
4. To play an appropriate advocacy role for CCP™ as a leading Council committed to greenhouse abatement.

CONSULTATION

Nil.

STAFF COMMENT

Changes to Australia's climate (rainfall and temperature patterns) are occurring over and above natural variability.

Australia's biodiversity, which underpins the ecosystem processes that make life possible, is exposed and vulnerable. There is substantive evidence and international consensus that increased concentrations of greenhouse gases in the atmosphere, as a result of human activities, are accelerating climate change. Council has the capacity and resources to play a role in reducing the impacts of climate change for the benefit of current and future generations.

VOTING

Simple Majority

COMMITTEE COMMENT

The Mayor noted that he has not seen any reporting on Council's milestones within this program.

The CEO provided more detailed information on how the Town of Cottesloe has achieved the milestones.

Cr Woodhill left the meeting at 9.31pm.

10.3.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council continue its commitment to the Cities for Climate Protection TM Program by becoming a member of CCPTM Plus.

Carried 10/0

Cr Woodhill returned at 9.33pm.

10.4 ENGINEERING**10.4.1 REQUEST FOR CAPE LILAC TREE REMOVAL, TORRENS COURT, COTTESLOE**

File No: 6 Torrens Court
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A request has been received for the removal of four Cape Lilac trees in Torrens Court which annually create a black caterpillar 'plague' for several properties in Torrens Court.

This report recommends removal of the trees.

STATUTORY ENVIRONMENT

Council has the vested responsibility, from the Local Government Act, of care, control and maintenance of the road reserve. This includes all street trees and the area of the verge.

POLICY IMPLICATIONS

Council adopted a new Street Tree policy in February, 2005 which states:

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
- restoration of a view,
- alternative species requested by resident,
- a desire to re-landscape,

- house alterations requiring crossover relocation,
 - shading of lawns, pools,
 - swimming pool installation – root or falling leaf problems,
 - perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;
- aggressive self seeding; and
- unacceptable toxicity.

STRATEGIC IMPLICATIONS

The most applicable section of the Strategic plan is:

***District Development/Environment/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

The four trees involved are relatively small, with a removal cost of below \$1,000, to be funded from the maintenance provision for street tree removals.

BACKGROUND

There are very few Cape Lilac trees planted on Council verges. They are not one of the recommended species and appear to be the only species which act as a breeding site for the black caterpillars which become the White Cedar moth.

Other Councils contacted have not found a permanent solution to the problem.

The Department of Agriculture state that total control is not possible and that these caterpillars are a serious pest which can create a public health issue as many people suffer skin reactions on contact. Any spraying has to be applied directly to the caterpillars.

Removal of isolated Cape Lilac trees are one of the main control methods being used by other Councils.

CONSULTATION

The problem site is in front of one house. The house owner has requested removal on behalf of herself and neighbours. Apart from contacting other Councils for advice, no other consultation has taken place.

STAFF COMMENT

There appears to be no effective, long term solution short of removal. A Carbaryl spray has been used for three years, with minimal effect. These trees are not listed as being a substantial presentation on this verge, on the 'all of town' report on significant tree species.

Removal is supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER RECOMMENDATION

That Council approve the removal of four Cape Lilac trees from the road verge in front of 6 Torrens Court, Cottesloe.

10.4.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council approve the removal of four Cape Lilac trees from the road verge in front of 6 Torrens Court, Cottesloe and replace with an appropriate tree.

Carried 11/0

10.4.2 REQUEST FOR FOOTPATH BRICK PAVING, 597 STIRLING HIGHWAY, COTTESLOE

File No: E17. 8. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The request from the Cottesloe Animal Hospital, at 597 Stirling Highway, is for the old bitumen footpath to be upgraded to brick paving, as has occurred on other footpaths in the town centre.

This report recommends that spare funds from the Station Street footpath brickpaving project be used to undertake this work.

STATUTORY ENVIRONMENT

There are no statutes in Government legislation on this subject apart from common law practice regarding public liability issues if injury occurs which was caused by poor maintenance or faulty construction of public paths.

POLICY IMPLICATIONS

The main applicable policy, even though this is not a residential footpath, is Footpath Replacement – Residential Streets, adopted in May, 2004, which states:

(1) Objective:

The Town of Cottesloe aims to replace pre-cast concrete slab footpaths with in-situ concrete in residential areas to improve access, public safety and amenity and provide universal access for all users including people with prams, children, the elderly and people with disabilities.

(2) Policy Application:

Various factors influence the priority of replacement of concrete slab footpaths. These include:

- condition rating
- history of repairs, eg tree roots, vehicles, building works
- usage levels
- proximity to pedestrian generators/attractors
- user needs and age groupings, eg aged persons homes, hospitals
- existing utility services, eg underground power, water mains, telecommunications
- single or parallel footpaths, eg a majority of streets have footpaths on both verges.

The minimum width of a new in-situ concrete footpath in a residential street will be 1.5 metres, increasing to 2.0 metres where increased use and traffic generators eg shopping centres, schools, hospitals, aged persons complexes etc justify this

increased width. Major access routes, eg from the railway stations, to the Cottesloe beach area, will also require an increased width.

In assessing the factors, the intent is to avoid replacement of existing serviceable slab footpaths with a low maintenance history ahead of higher priority paths. On this basis, condition rating and history of repairs will have the highest weighting for priority.

Usage levels, pedestrian generators and attractors, user needs and age groupings are prioritised as follows:

- aged persons hospitals/homes complex
- medical centres
- schools
- local shops
- parks/reserves

Where there are footpaths on both sides of the road within a street block where one of the above facilities is located, preference is to be given to the footpath replacement on the side which abuts the facility.

Following adoption of the annual program, the residents abutting the footpaths to be replaced will be advised in writing of the Council resolution.

Prior to commencement of works, a minimum of one (1) week notice will be provided to abutting residents detailing the extent and duration of works.

STRATEGIC IMPLICATIONS

The main applicable areas within Council's Strategic Plan are under:

District Development/Environment/Streetscape - Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

Asset Management/Disability Issues - Review disability access plans and ensure suitable accessibility to all major assets for people with disability.

FINANCIAL IMPLICATIONS

No funds are included in 2004/05 budget or proposed for inclusion in the draft 2005/06 budget. Approximately \$4,800 remains unspent from the Station Street path brick paving project.

BACKGROUND

South of Jarrad Street, on the west side footpath, two sections of footpath exist which are not concrete or brick paving but adjoin an existing brick paved section. The first 28 metres x 1.5 metres wide is concrete slabs in front of Cottesloe Counselling. The second 28 metres is old bitumen past the Cottesloe Animal Hospital, ending at the crossover giving access from Stirling Highway into the Animal Hospital's carpark. The remainder of this path back to Jarrad Street is full width red brick paving for a short section then concrete slabs ending near the Jarrad Street intersection.

There is very little bitumen footpath length remaining in Cottesloe. Any replacement of these 2 path sections would be in bricks, because of it being commercial frontage.

CONSULTATION

Other than discussions with the business requesting the works, no other consultation has occurred.

STAFF COMMENT

The bitumen path section is in fair to good condition, for an old bitumen surface. There is now a step up to the new level of the private red brick paving which could be made much easier for disabled or aged access by installing an asphalt ramp over a short width.

Council will eventually have to upgrade this section along with its general upgrading of all commercial and residential footpaths. It is probable that any early upgrade of this section will lead to requests for the remaining concrete slab section south of Jarrad Street to be brick paved.

The main options available are:

1. Do nothing – the path has been made no worse by any Council action. The private paving has created the existing step.
2. Install an asphalt ramp, to remove the step problem.
3. Include the works, on this and the northern section of concrete slabs, on a future program, after 2005/06.
4. Consider inclusion in the draft 2005/06 budget.
5. Expend the remaining unspent funds (\$4,800) from the Station Street paving project, to complete the total 56 metres x 1.5 metre width in brick paving, in 2004/05.

VOTING

Absolute Majority – possible budget change

COMMITTEE COMMENT

Nil

Cr Utting left the meeting at 9.34pm.

10.4.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Cunningham

That Council resolve to allocate the remaining funds left from the completion of the Station Street brickpaving project to the installation of a 56 metre x 1.5 metre wide section of brick paving on the west side footpath of Stirling Highway, ending at the southern vehicle crossover of the Cottesloe Animal Centre.

Carried by Absolute Majority 10/0

10.4.3 CONDITION OF COTTESLOE BEACH GROYPNE

File No: E 2.15
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in April, 2005 Council resolved:

That Council:

- (1) Request a meeting with the Ministers for Infrastructure, Tourism, Heritage and Sport & Recreation;*
- (2) Request the Manager Engineering Services to provide an urgent report to Council in relation to the public safety of the groyne, for consideration at the May round of meetings; and*
- (3) Delegate authority to the Manager of Engineering Services to close the groyne in the interim if the report indicates there is an adverse public safety risk.*

This report recommends that the Cottesloe Beach Groyne be monitored for any further changes in possible public safety concerns, until meetings with the concerned State Government Ministers have resolved the State Government's attitude towards the future of this structure.

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

The Cottesloe Beach Groyne has been inspected by the Manager Engineering Services and a representative of Worley, the consultant originally providing the 1998 and 2004 reports on the condition of the structure.

As a result of this inspection and a further inspection with the CEO, the decision was made to install a protection fence along the north side of the groyne plus 10 metres back from the seaward end. This fence is now in place, along with two warning signs.

Letters have been sent to the offices of the Ministers for Infrastructure, Tourism, Heritage and Sport & Recreation, requesting a group meeting with Council on this concern.

CONSULTATION

No overall community consultation has occurred on this matter.

STAFF COMMENT

No obvious changes have occurred since the report received on the groyne's condition in November, 2004. The holes drilled by the fencing contractor, recently, were from 200mm to 350mm in depth. The concrete quality varied in these holes, but in no location did the drill break through into a cavity or underlying rock.

No further work is proposed unless storms or major sea movements create changes to the existing rocks or new cavities become obvious.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

10.4.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive this report;**
- (2) Monitor the condition of the Cottesloe Beach Groyne regarding any changes to public safety concerns; and**
- (3) Readdress this issue as soon as meeting(s) have been held with the appropriate Ministers.**

Carried 11/0

10.4.4 TRAFFIC COUNTS, BROOME STREET

File No: E17.10.15
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Five locations on Broome Street have been traffic counted for both speed and volume. The results indicate a speeding problem at all count sites. These counts also, when Council's Traffic Management policy is applied, indicate that the intervention levels have been exceeded and further action is required.

This report recommends alternative designs be developed for Broome Street, between North Street and Jarrad Street to reduce vehicle speed to 50km/hour, for Council consideration and public consultation.

STATUTORY ENVIRONMENT

Main Roads WA sets all speed zone levels in the State and the Police Department is responsible for policing those speeds.

Council has the vesting responsibility of Broome Street, regarding care, control and maintenance of the road surface and alignment. This would include structures to reduce vehicle speeds.

POLICY IMPLICATIONS

Council's policy on Traffic Management applies to this matter.

OBJECTIVES

The objectives of this policy are:

- (a) The establishment of appropriate traffic flow and access into and through the Town of Cottesloe, which maximises road safety and local amenity.
- (b) The establishment of a procedure from which necessary traffic management works are undertaken in a cost effective and equitable manner.
- (c) Integration of the traffic management policy into the Council's Strategic Plan.

PRINCIPLES

- (a) Establish an agreed road hierarchy, from which to base future traffic management.
- (b) Minimise the impacts of through traffic on the community.
- (c) Minimise the impacts of commercial vehicles on the community.
- (d) Provide for good access to property and business.
- (e) Provide for pedestrians and cyclists.
- (f) Develop an intervention policy for the conduct of local area management schemes.
- (g) Ensure adequate data is available to effectively consider traffic management issues.
- (h) Ensure full consultation is undertaken when assessing traffic management issues.

- (i) Provide cost effective traffic management solutions.
- (j) Maximise access to business and recreation facilities with minimum impact on local residents.
- (k) Integrate the traffic management policy with other Council policies.
- (l) Establish a basis from which decisions on outstanding traffic management issues can be made.
- (m) Establish a mechanism for regular policy review.
- (n) Provide a means by which the traffic management strategy can be coordinated and facilitated.

ISSUES

The issues, which Council has considered in establishing the Traffic Management Policy, are:

(a) **Road Hierarchy**

An agreed road hierarchy is fundamental to general traffic management and planning within the Town of Cottesloe. In determining a road hierarchy, the Town of Cottesloe will consider issues such as:

- through traffic;
- local access;
- land use;
- commercial traffic;
- bus routes;
- base traffic data;
- accident statistics;
- parking;
- socio/environmental issues; and
- funding options.

Council will liaise with the Main Roads WA on these issues to ensure access to optimum road funding.

(b) **Traffic Management Strategy**

The basis of the traffic management strategy is the establishment of an assessment procedure that meets Council policy objectives.

Council therefore recognises that a traffic management strategy should be an integrated approach, which considers issues such as:

- precinct traffic management assessment;
- full consultation with interested parties;
- establishment of a traffic data base;
- establishment of intervention guidelines for traffic management implementation;
- integration with other Council policies;
- consideration of regional traffic issues;
- nomination of a review mechanism. (Sample process - Schedule 2, is attached.)

(c) **Pedestrian and Cyclists**

Council wishes to encourage pedestrian and cycle use within the Town of Cottesloe. Therefore, Council will include usage surveys, community consultation and liaison with Transport to fulfil this objective.

(d) **Road Classification & Design**

Stirling Highway is classified as a Primary Distributor. West Coast Highway and Curtin Avenue are classified as District Distributors and as such will be subject to a review of the road hierarchy as outlined in 3(a).

Stirling Highway

Council supports the retention of the Stirling Highway as the major traffic route through the Western Suburbs. (See Stirling Highway Concept Plan reports.)

Curtin Avenue

Curtin Avenue is currently classified as a district distributor road. In May 2000 Council noted the Department of Transport's concept for an alternative road option through the Town of Cottesloe, that being a new two lane road with Curtin Avenue acting as a service road. Council has also expressed concern in relation to the impact that changes the existing road system and rail crossings, will have on the safety and amenity of residents of the district.

When addressing the issues of road classification and design, the following will be taken into consideration:

- traffic forecasting;
- physical design and cost;
- social and environmental impact;
- land use (current and potential);
- rail crossing locations;
- community consultation;
- local access;
- regional traffic;
- pedestrian and cyclist access and amenity;
- rail proposals;
- urban recreational needs; and
- previous studies and recommendation.

Any studies relevant to the wider western suburbs region should be scrutinised by a western regional councils group, with input from Westrail, Department of Planning & Urban Development, Main Roads WA and Transport. Community consultation and acceptance on any proposed design will form the basis of Council support. Once completed, the recommendations should form the basis of a conceptual approach to addressing the issues.

Council also supports an ongoing review of the through traffic issue on Marine Parade, particularly during peak periods.

(e) **Policy Review**

Council supports a formal review of the policy on a four yearly basis.

(f) **Incorporation in the Strategic Plan**

Council supports the inclusion of the traffic management policy into the Town of Cottesloe Strategic Plan.

POLICY STATEMENT**(a) Road Hierarchy**

Council has adopted a formal road hierarchy for the Town of Cottesloe. See Schedule 2.

(b) Traffic Management Strategy

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

That Council commit a four-year budget allocation to fund the traffic management assessment work.

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

(c) Pedestrian and Cyclists

Reference should be made to the Western Suburbs Bike Plan and the Perth Bicycle Network Plan.

(d) Road Classification & Design

Council supports the retention of Stirling Highway as the major traffic route through the western suburbs.

For other roads, changes to classification and/or design will be managed as part of the ongoing precinct planning process.

Council does not support an extension to the West Coast Highway as a four-lane road but will participate in any western suburbs steering committee, to examine a final concept design for an extension to the West Coast Highway.

(e) Traffic Management Policy Facilitation

That Council commission a traffic specialist on an as required basis, to coordinate and facilitate the traffic management policy recommendations.

(f) Policy Review

That the policy be formally reviewed every four years.

That a traffic specialist undertake an ongoing review of ad hoc policy issues.

STRATEGIC IMPLICATIONS

The most applicable heading within the Strategic Plan for this matter is:

District Development/Environment/Traffic Management and Safety - A system which promotes safety and the "Travel Smart" concept, incorporates widespread use of 50km/hour speed limits and a community bus service, removes through freight traffic and resists any move to a four lane highway on Curtin Avenue.

FINANCIAL IMPLICATIONS

Any traffic control device installed by Council which is not an approved Blackspot solution would require a budget allocation. No such allocation is in the 2004/05 budget or proposed in the draft 2005/06 document.

BACKGROUND

Staff have arranged five traffic counters to be installed on Broome Street, as a response to a Councillor request. The first three sites chosen were:

1. Midway between Ozone Parade and Grant Street,

2. Midway between Hawkstone Street and Eric Street,
3. Outside the Civic Centre south of Napier Street.

Because of vandalism, the seven day count was interrupted and took longer than expected, running from 8 – 24 March, 2005 24 hours a day, 7 days a week.

The count results were as follows:

| Type of Data | Site No. 1 | Site No. 2 | Site No. 3 |
|---------------------------------|--------------|--------------|--------------|
| Volume: 24 hr/7 day average VPD | 1710 to 2060 | 2040 to 3000 | 3535 to 4120 |
| Maximum speed recorded | 133.4 km/hr | 157.8 km/hr | 159.3 km/hr |
| Minimum speed recorded | 10.1 km/hr | 10.1 km/hr | 10.2 km/hr |
| 85% speed | 63.7 km/hr | 67.7 km/hr | 59.8 km/hr |
| Speed limit | 50 km | 50 km | 50 km |
| % Exceeding speed limit | 73.5% | 80% | 59.9% |

These results indicated a speeding problem on the three sites counted, and therefore a further two sites were counted from 20 April to 28 April, 2005.

The two extra sites were:

4. Mid block between Eric Street and Napier Street.
5. To the north of Jarrad Street.

The count results were:

| Type of Data | Site No. 4 | Site No. 5 |
|---------------------------------|-------------|-------------|
| Volume: 24 hr/7 day average VPD | 3299 | 3690 |
| Maximum speed recorded | 120.1 km/hr | 112.1 km/hr |
| Minimum speed recorded | 10.1 km/hr | 11 km/hr |
| 85% speed | 60.1 km/hr | 61.9 km/hr |
| Speed limit | 50 km | 50 km |
| % Exceeding speed limit | 67.5% | 68.3% |

Council's intervention guidelines were passed, with vehicles exceeding 5 km/hr above the regulation speed, at the 85% speed, and more than 5% of vehicles exceeding 10 km/hr above the regulation speed.

Vehicle volumes are well above the 1,000 vehicles/day figure. The guidelines tend to deal with area wide precincts, where at least 20% community support is demonstrated. In the matter of Broome Street, it is not a precinct and 'through' traffic is a substantial part of the traffic flow ie; not residents of Broome Street or the Broome Street area.

CONSULTATION

This report has resulted from a Councillor request and statements from local residents about their concerns of speeding vehicles. Any treatments proposed on Broome Street will require consultation at least with all affected residents.

STAFF COMMENT

Of the five sites counted, the highest volume of traffic was between Napier Street and Forrest Street, with volumes dropping towards 1700 VPD near North Street and only slightly to about 3700 VPD near Jarrad Street.

The highest speed recorded was in front of the Civic Centre plus a slightly lower speed between Grant Street and Eric Street. However, the mid block counter between Eric Street and Grant Street recorded substantially higher numbers of high speed vehicles (110 to 155 km/hr) than the few recorded in front of the Civic Centre. This shows up in the 67.7 km/hr figure for the 85% speed when compared with 59.8 km/hr at the Civic Centre.

The first site, near Ozone Parade, has a lower maximum speed of 133.4 km/hr but the 85% speed is 63.7 km/hr and there is a substantial level of over 100 km/hr speeding.

In comparison, the counts taken at sites 4 and 5 (mid block between Eric and Napier Streets, and north of Jarrad Street) show the 85% speed approximately 10 to 12 km/hr about the 50 km zone and a few maximum speeds above 100 km/hr.

The current treatments of roundabouts at Forrest Street, Eric Street and Grant Street are too far apart to slow the total road speed down.

Rubbish bin warning stickers, 'Reminder 50 km/hr' signs and the use of a speed demonstration trailer will all have a cumulative effect worth having, to reduce this speed problem. However, the road will remain straight, relatively wide, with good vision ahead for the majority of its length and this is one of the main causes for speeding, apart from driver disinterest in driving to the speed limit.

With regards to future Blackspot treatments on Broome Street, Council's consultant is currently working through potential treatments for the Napier Street and Jarrad Street intersections, for solutions to reduce the accident levels and speed problems at those two sites, for the 2006/07 round of grants.

As covered in the item put before Council in the February, 2005 meeting, "Road Safety Improvement & Speed Restriction Five Year Program", the 2001 Sinclair Knight Merz study into this subject recommended a concrete median island strip from Forrest Street to Napier Street. Council adopted this and other proposals, but no median island has been installed.

This may have been the result of a new roundabout being installed at Forrest Street and the Statewide introduction of the 50 km/hr residential speed zone.

Broome Street is 9.7 metres wide from Napier Street to Forrest Street, which would still allow the installation of intersection islands with pedestrian gaps at the Loma Street and John Street intersections, connected with a painted median strip.

This is a well used method of 'tightening up' the pavement width and protecting the intersection use and providing for pedestrian crossings. This, in turn, tends to restrict speeding vehicles.

With regards to the sections from North Street to Grant Street and Grant Street to Eric Street, a range of measures can be investigated. For the distances involved, two treatments per section are suggested, to restrict the distances where vehicles can speed up.

For the Grant Street to Eric Street section, the two most applicable sites would be the Torrens Street intersection and the Hamersley Street/Hawkstone Street intersection. Intersection treatments, possibly involving median islands, rubber speed cushions or a red asphalt height build up may prove appropriate.

Similar treatments could be considered for the Ozone Parade intersection and a site midway between Ozone Parade and Grant Street.

Once designs have been drawn up, and after consideration by Council, consultation will be required with Broome Street residents.

However, these traffic counts have underlined the problem of excessive speed for the majority of Broome Street from Jarrad Street to North Street and the need to commence studies to ensure these speeds are reduced.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

Cr Utting returned to the meeting at 9.36pm.

10.4.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That staff prepare alternative designs for measures to ensure that vehicle speeds on Broome Street from North Street to Jarrad Street are reduced towards the current speed zone of 50 km/hr and that these designs be presented to Council prior to consultation with Broome Street residents.

Carried 10/1

10.4.5 FIVE YEAR PLANT REPLACEMENT PROGRAM

File No: E11. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

One large expenditure area on the annual budget is the area of vehicle and machinery replacement. Council currently has no obvious long term plan for its vehicle and machine fleet, particularly for the annual expected expenditure levels in future years.

This report proposes a five year program covering all capital expenditure on vehicles and machinery.

STATUTORY ENVIRONMENT

Council is responsible for the purchase, maintenance and replacement of all items of plant and machinery. The Local Government Act requires purchases over \$50,000 to be tendered out. Also, the sale or trade-in of plant and machinery plus the purchase of items below \$50,000 value are also closely defined to ensure transparency of actions taken and that all dealings are in the best interests of Council and the community.

Tenders are advertised and registered with any tender having to be formally resolved by Council. Several of the most expensive machines would have to be tendered eg; large trucks, the tractor/loader.

POLICY IMPLICATIONS

The Council policies applying to this report are:

Disposal of Surplus Goods and Equipment

All goods, plant and equipment with an estimated market value above \$500.00 should be

- (1) Advertised for sale in a local newspaper; or
- (2) Sold by public auction; or
- (3) Offered for sale by public tender.

Vehicle Fleet Administration

Council recognises the need to operate a fleet of vehicles which are essential to its effective daily operations. This includes vehicles which are primarily used in a functional capacity and those which are provided as part of senior officers' remuneration packages to attract appropriate staff.

The following major criteria are to be observed in the operation of Council's vehicles and the associated administration:

(a) Economy

The most economic vehicles conducive to efficient and effective operations are to be used. In assessing this criterion, all relevant factors are to be considered. The price of a vehicle, in isolation, is not a good indicator of economic advantage.

(b) Functionality

Staff who operate specialised vehicles are to be consulted in the selection of new equipment. Assessment of alternative models will be based on predetermined selection criteria developed by management in consultation with works staff.

(c) Environmental Issues

Matters such as fuel economy, fuel type, emissions and any other relevant issues are to be considered. When similar alternative vehicles are considered, environmental advantage shall determine which equipment is to be used. Council is prepared to pay a small economic premium to achieve an environmental advantage. This is not to exceed 5% after all other aspects have been considered.

Vehicles are not to be operated in any condition that creates additional pollution of any kind (e.g. smoky exhaust etc.).

(d) Vehicle Changeover

The calculation of vehicle changeover will depend on many variables. In general terms vehicles are to be changed at a time calculated to achieve the best trade-in value and minimise long-term losses. Early trade-in also minimises servicing costs.

Management may vary passenger vehicle types and models from time to time to obtain the best benefit to Council. Maximum use is to be made of fleet discount opportunities and similar schemes.

(e) Vehicles Included in Staff Contracts

A number of senior staff have private vehicle use included in salary packaging, or in contracts of employment. New contracts will contain the category of vehicle usage in accordance with this policy and any other relevant conditions. In all cases, the terms of this policy are to apply to these vehicles rather than individual preference. Where staff can demonstrate that a preferred alternative vehicle to that offered by Council has advantages, under the criteria stipulated in this policy, it may be procured at the next appropriate changeover time at the discretion of the Chief Executive Officer.

Staff are to be consulted prior to any significant change in vehicles provided under contractual or salary packaging arrangements.

Vehicles supplied under these provisions are to be kept in a clean and tidy condition and routine maintenance checks, as recommended in the manufacturer's handbook, are to be conducted regularly (eg fluid levels and tyre pressures). If a vehicle requires major detailing at the time of trade-in, due to lack of appropriate cleaning, the driver responsible for its use may be required to pay for this service.

(f) Categories of Vehicle Use

The following categories of use will apply to Council vehicles:

(i) Operational Use

Daily "on the job" uses only - no commuting or private use of any kind to apply. This will generally apply to heavy and specialist vehicles.

(ii) Commuting Use

This may be granted to staff and allows use of the vehicle between home and work only. No other private use is permitted. The Chief Executive Officer will allocate vehicles in this category.

(iii) Limited Private Use

This allows commuting and additional private use within a radius of 250km of the City centre. This may be provided as a component of salary, or may be offered on a repayment basis. Additional private use (beyond 250km) is only to be undertaken with the authority of the Chief Executive Officer. The vehicle may have to be returned to Council during periods of leave of any kind in excess of one week, and particularly when relieving staff are employed. This will apply to some vehicles supplied under contractual agreements and will be stipulated in the relevant contract.

(iv) Full Private Use

Unlimited private use within the state of WA and including all leave periods. This will apply to vehicles supplied to the Managers of Development Services, Works and Special Projects, the Team Leader, Finance and Administration and to the Chief Executive Officer unless other arrangements are agreed by negotiation.

(v) Use of Vehicles

All vehicles purchased by Council are to be regarded as business transport during working hours. Staff other than the primary driver of the vehicle are to have reasonable access to any available vehicle to facilitate their work. Out of hours arrangements to attend approved meetings will be agreed by the Chief Executive Officer in the case of staff who do not have access to private use of a Council vehicle.

For insurance purposes, staff who have any form of private use of a vehicle may nominate, in writing, to the Chief Executive Officer, an alternative driver of the vehicle. This will normally be a member of the officer's family. Other non - Council drivers are not to use the vehicle other than in an emergency. The alternative driver may be changed at any time by giving written notice to the Chief Executive Officer.

(g) Use of Signage

Commercial vehicles used on Council business are to bear signage showing that they are operated by the Town of Cottesloe. This may be in the form of removable magnetic signs if the vehicle is used for other purposes.

(h) First Aid Kits

All vehicles used on Council business shall carry basic first aid kits.

(i) Accident Reporting

All vehicles are to carry appropriate documentation to allow accident reporting procedures to be followed. All accidents are to be reported as soon as practicable to the immediate supervisor and insurance claims are to be completed by drivers and handed to Council's claims officer.

(j) Fuelling

A system of fuel cards operates to enable staff to purchase fuel at retail outlets at discounted prices. Random audits of the system are to be used to maintain accountability of the users.

The provision of fuel at Council expense to officers who have use of a vehicle during leave periods will be specified in individual contracts or statements of conditions of employment and limited to a full tank of fuel on commencement of leave.

The use of Liquified Petroleum Gas (LPG) is to be considered for all vehicles which are retained for periods in excess of 40,000km usage (or any lesser period which will result in conversion cost neutrality) and applied whenever feasible.

(k) Fringe Benefit Tax

Council is obliged to pay Fringe Benefit Tax (FBT) in relation to all vehicles which are used for private travel of any kind. The Chief Executive Officer is to monitor this expense and regularly review vehicle operations with a view to maximising the efficient use of resources through alternative strategies of remuneration packaging.

(l) Effect on current contracts

This policy will have no detrimental effect on staff contracts or conditions of employment which are current at the date of its adoption.

STRATEGIC IMPLICATIONS

This matter is covered in Council's Strategic Plan under the following headings:

Management/Resourcing – Staff have the necessary resources to effectively fulfil their roles.

District Development/Asset Management/Appropriate Planning – Produce and implement a realistic five year plan for the maintenance of all major assets.

FINANCIAL IMPLICATIONS

Vehicle and plant replacement has a substantial impact on each budget adopted by Council. The acceptance by Council of long term objectives and expenditure levels would be of positive value to the creation of these budget documents.

BACKGROUND

Local government fleets of vehicles, machinery and general plant fall into several main categories:

1. Transport and inspectional vehicles, including 'internal' staff and Council Ranger vehicles.
2. Transport, inspectional and light repair vehicles based at the depot, including supervisors, trades utilities and vans.
3. Machinery for construction and maintenance duties eg; trucks, tractors, trailers, large ride-on mowers, street cleaning machines, beach cleaning machines.
4. Small equipment normally carried in larger machines eg; air blowers, wipper snippers, walk behind mowers, edgers, plate compactors, saws, trimmers, grinders etc.

For budget purposes, all equipment over \$500 value is included in the Capital Works Program of the budget document, if it is to be replaced or purchases as an additional item.

Small plant items below \$500 value are included as a general bulk allocation.

Because the Town of Cottesloe does not have a dedicated construction crew, all major works are undertaken by the Town of Mosman Park or other contractors. This removes the need to own large construction items such as backhoe/endloaders, loaders, rollers, graders and large tip trucks.

CONSULTATION

No public consultation has taken place or is proposed on this item.

STAFF COMMENT

In the period from 2000/2001 to the draft for 2005/2006, Council's budgeted expenditure on the replacement or changeover of its plant and vehicle fleet has varied between \$107,700 and \$172,000, without including any allocations to purchase additional/new items. The lower allocations have occurred when not all of the sedan, utility and van fleet have had to be replaced in that year.

This is a low figure when compared to other local governments that have retained a construction crew requiring expensive heavy machinery. One single item for road construction could cost in excess of \$250,000.

With regards to the expected replacement intervals to be allocated for a long term replacement program on the fleet the following is proposed, based on normal local government industry expectations.

| | |
|--|---------------------|
| Sedans, Station wagons, Utilities: | 1 year / 20,000kms |
| Work vans, Utilities, 4-wheel drives: | 2 years / 40,000kms |
| Light trucks – 2 to 5 tonnes: | 5 years |
| Tractor loaders, Beach cleaning machine: | 5 years |
| 4-wheel motorbike utilities, Ride-on mowers, | |
| Vacuum machines: | 2 to 4 years |
| Lawn mowers, chain saws, compactors: | 1 to 3 years |
| Water tanks, Trailers: | 5 years plus |

From time to time, machine types will be changed due to new capacities, new technology, the removal of certain functions and the adding of extra duties.

An example is the possibility, in 2005/06, of disposing of Council's most expensive (to run) machine pair – the Fermec tractor/loader plus the beach cleaning machine. This would require the beach cleaning to be undertaken by a contractor and this is currently being investigated.

Instead of purchasing a new beach cleaning rig, Council could then purchase a new skid steer loader with various attachments. The new skid steer capacity would be a much more useful machine, for verge maintenance, dune maintenance, backfilling of kerbs, collection of pine fronds and minor construction.

A separate report will be presented to Council on this matter, but it demonstrates the need for ongoing reassessment of Council's plant needs.

The attached five year plant program will change as machines prove unsuitable, wear out faster, last longer and for many other reasons, however it gives Council a strong indication of its expected needs over five years, for vehicle and plant replacement.

The pricing is based on current values and current dollars. CPI movements and the value of the Australian dollar will affect the changeover costs in future years. This will be adjusted for each year with the modified programs. The list does not include possible new machine purchases additional to the existing fleet, including 2005/06.

VOTING

Simple Majority

COMMITTEE COMMENT

The Mayor asked for clarification that the figures in the future years of the plan will be updated each year, as the prices change.

The Manager Engineering Services clarified that the figures will be updated each year, incorporating any price changes.

Cr Utting stated that he felt the plan required a comparison study with figures from the RAC.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Adopt the Five Year Plant Replacement Program and that it form the basis for future budget provision for plant replacement; and
- (2) Include Year 1 of this program in the draft 2005/06 budget, subject to sufficient funding being available.

AMENDMENT

Moved Cr Utting, seconded Cr Strzina

That Council give consideration to purchasing smaller sized fleet passenger vehicles.

Lost 3/8

10.4.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) **Adopt the Five Year Plant Replacement Program and that it form the basis for future budget provision for plant replacement; and**
- (2) **Include Year 1 of this program in the draft 2005/06 budget, subject to sufficient funding being available.**

Carried 10/1

10.5 FINANCE**10.5.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL, 2005**

| | |
|---------------------------------------|---------------------------|
| File No: | C7.4 |
| Author: | Mr Alan Lamb |
| Author Disclosure of Interest: | Nil |
| Period Ending: | 30 April, 2005 |
| 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 30 April, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It will be noted for the variance column of the Operating Statement on page 3 of the Financial Report that the year to date expenditure is \$324,917 lower than expected and year to date revenue is \$23,873 lower than expected at this time. Whilst some variance can be put down to timing differences it appears that the lower than expected costs in Transport (down \$185,584) relate to lower than expected levels of activity (\$109,804), lower than expected depreciation charges relating to capital works being done later in the year than anticipated at budget time (\$34,465), lower than expected public liability costs (\$3,835) and lower than expected employee cost in Parking Control (\$12,967).

On the revenue side, revenue from Administration is \$9,017 higher than expected due to reimbursements from other councils relating to a WESROC project (\$4,354), and insurance claim on a stolen lap top computer (\$2,370), and a higher than expected level of activity in orders and requisitions (\$3,703 more than expected – settlement agent enquiries). Law Order and Public Safety revenue is higher the expected due to the unbudgeted grant of \$10,000 from the Office of Crime Prevention. Community Amenities revenue is up due to higher than expected rubbish recycling royalties (\$6,587), higher than expected Town Planning fees (\$8,603) and a grant for the town centre study (\$18,182). Revenue in Transport is lower than expected due to a timing difference in the area of roads (\$118,022 relates to grant funding being claimed later than envisaged at budget time) partially offset by higher than expected income in the area of Parking (fines and penalties up \$20,995). Revenue from Building licence fees was higher than expected (up \$22,367) resulting in a higher than expected revenue in Economic Services.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

10.5.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 April, 2005, as submitted to the May meeting of the Works and Corporate Services Committee.

Carried 11/0

10.5.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 11 MAY, 2005

| | |
|---------------------------------------|---------------------------|
| File No: | C12 and C13 |
| Author: | Mr Alan Lamb |
| Author Disclosure of Interest: | Nil |
| Period Ending: | 11 May, 2005 |
| 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 11 May, 2005, 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 shows that \$2,106,206.63 was invested as at 30 April 2005. Of this \$561,091.18 was reserved and so restricted funds. Approximately twenty percent was invested with the National Bank, sixty nine percent with Home Building Society and eleven per cent with Bankwest.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

10.5.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 11 May, 2005, as submitted to the May meeting of the Works and Corporate Services Committee.

Carried 11/0

10.5.3 ACCOUNTS FOR THE PERIOD ENDING 11 MAY, 2005

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 11 May, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 11 May, 2005, 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 brought to Councils attention include:

- \$10,382.27 to WA Local Government Superannuation Plan being payroll deductions and employer contributions.
- \$20,000 to Sculptures by the sea Art Service being sculpture acquisition.
- \$50,942.65 to Roads 2000 for asphalt works
- \$44,793.72 and \$33,846.73 to the Town of Mosman Park for road works.
- \$10,211.44 to Western Metropolitan Regional Council for transfer station fees.
- \$13,345.45 to WA Treasury for self supporting loan repayment (Tennis Club)
- \$23,271.22 to ATO for March BAS
- \$81,566.10 to Shire of Peppermint Grove for quarterly contribution toward joint library service and literature prize competition.
- \$41,037.51 to Wasteless for rubbish collection services.
- \$19,250 to Diamondview PL for the purchase of a light vehicle.
- \$47,256.20 and \$48,477.34 for April payroll.

COMMITTEE COMMENT

Nil

10.5.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the List of Accounts for the period ending 11 May, 2005, as submitted to the May meeting of the Works and Corporate Services Committee.

Carried 11/0

**10.5.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 11 MAY, 2005**

| | |
|---------------------------------------|---------------------------|
| File No: | C7.9 |
| Author: | Mr Alan Lamb |
| Author Disclosure of Interest: | Nil |
| Period Ending: | 11 May, 2005 |
| Senior Officer: | Mr Stephen Tindale |

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 11 May, 2005, 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 shows a balance of \$62,752.41 of which \$43,147.89 relates to the current month. The Property Debtors report shows that of the balance of \$566,304.80, \$223,657 relates to either deferred rates or rate payments that may be deferred (Seniors). The bulk of the balance is subject to instalment or other payment arrangements and approximately \$60,000 of the \$79,134 shown as "Other" relates to interim charges.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

10.5.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 11 May, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 11 May, 2005.**

Carried 11/0

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

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.1 GUTTER WORKS REQUEST AT FUN'S BACK SURF SHOP**

At the Works & Corporate Services Committee meeting held on 17 May, 2005 Cr Strzina advised the Manager Engineering Services that the gutter at this shop has raised and there have been two recent tripping accidents. He requested that works be undertaken to fix the gutter.

Cr Strzina commended Council staff on promptly fixing the hazard.

13 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.45pm.

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