

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
7.00PM, MONDAY, 24 MARCH, 2003**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC STATEMENT TIME.....	1
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
5	PUBLIC QUESTION TIME.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	3
10	DEVELOPMENT SERVICES COMMITTEE MEETING - 17 MARCH, 2003.....	4
10.1	PLANNING.....	4
10.1.1	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 33 – INCLUSION OF HERITAGE PROVISIONS IN SCHEME TEXT	4
10.1.2	TOWN PLANNING APPEAL TRIBUNAL - MEDIATION HEARING - NO. 126 BROOME STREET	6
10.1.3	NO. 10 (LOT 55) REGINALD STREET - MODIFICATIONS TO EXISTING FRONT BOUNDARY FENCE	7
10.1.4	NO. 32 (LOT 704) LOMA STREET - UNAUTHORISED CONSTRUCTION OF SCREEN WALL	11
10.1.5	NO. 37 (LOT 12) LYONS STREET - PROPOSED OUTBUILDING WORKSHOP WITH BOUNDARY WALL	14

10.1.6	NO 109 (LOT 24) GRANT STREET – APPLICATION TO USE A PAVED AREA FOR PARKING AND PERMISSION TO RETAIN THE GRANT STREET CROSSOVER	17
10.1.7	NO 134 (LOT 51) MARINE PARADE – ADDITIONS & RENOVATIONS TO UNITS 9,15 AND 16 AND MODIFIED ENTRY STATEMENT	25
10.1.8	NO 144 (LOT 52) GRANT STREET - 2 STOREY SINGLE HOUSE	31
10.1.9	NO. 45 (LOT 36) MARGARET STREET - 2 STOREY HOUSE	37
10.1.10	NO 7 (LOT 70) PARRY STREET - PROPOSED GARAGE, RETAINING WALLS, FRONT FENCE AND STORAGE AREA	45
10.1.11	NO. 25 (LOT 29) ELIZABETH STREET - PROPOSED 2 LOT GREEN TITLE SUBDIVISION	51
10.1.12	TOWN PLANNING APPEAL TRIBUNAL – MEDIATION HEARING – NO. 5A OVERTON GARDENS	54
11	BUILDING	54
11.1.1	NO. 9A (LOT 107) CHAMBERLAIN STREET - CONSIDERATION OF CONDITION OF PLANNING CONSENT - FRONT FENCE	54
12	HEALTH.....	57
12.1.1	BEACHES CAFE OUTDOOR EATING AREA LICENCE	57
13	WORKS AND CORPORATE SERVICES COMMITTEE MEETING – 18 MARCH 2003	59
13.1	ADMINISTRATION	59
13.1.1	CEO'S PERFORMANCE REVIEW	59
13.1.2	COTTESLOE PRIMARY SCHOOL P & C SAFETY HOUSE COMMITTEE - DONATION REQUEST	62
13.1.3	COMPLIANCE AUDIT RETURN FOR 2002	63
13.1.4	OUTSTANDING DEBTOR - REQUEST FOR A REDUCTION IN INVOICED AMOUNT	65

	13.1.5	PROPOSED CENTRAL METRO COASTCARE OFFICER	67
13.2		ENGINEERING	69
	13.2.1	POLICY - AMENDMENT - RESIDENTIAL PARKING	69
	13.2.2	SEA VIEW GOLF CLUB INC. - PROPOSED BORE	72
	13.2.3	NORTH STREET/MARINE PARADE ROUNDBOUT- PROPOSED SCULPTURE CONTRIBUTION	79
	13.2.4	WEST COAST HIGHWAY - DEDICATION OF ROAD RESERVE	80
13.3		FINANCE.....	81
	13.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003	81
	13.3.2	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 28 FEBRUARY, 2003	83
	13.3.3	ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003	84
	13.3.4	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003	85
		CEO'S PERFORMANCE REVIEW – ITEM 13.1.1	86
14		REPORTS OF OFFICERS	87
15		ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	87
16		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	87
	16.1	MEETING DATES	87
17		MEETING CLOSURE.....	87

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

Mayor Hammond announced the meeting opened at 7:00pm.

Mayor Hammond welcomed Peta Varvell, Council's recently appointed Sustainable Development Officer, to the organisation.

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

Mayor Hammond (Chairperson)
Cr J Birnbrauer
Cr M Ewing
Cr A Furlong
Cr K Morgan
Cr B Miller
Cr P Rattigan (from 7.06pm)
Cr A Sheppard
Cr J Utting
Cr J Walsh
Cr R Whitby

Officers in Attendance

Mr S Tindale	Chief Executive Officer
Mr M Doig	Manager Engineering Services
Mr S Sullivan	Manager Development Services
Mr A Lamb	Manager Corporate Services

Apologies

Nil.

3 PUBLIC STATEMENT TIME**Mr Tom Martin, 109 Grant Street – Item 10.1.6**

Mr Martin spoke in support of the retention of the crossover constructed on the Grant Street verge to his property.

Mr Grahame Shultz – Item 10.1.10

Mr Schultz spoke in support of the application suggesting acceptability for making the proposed garage a carport instead, but sought a nil setback.

Mr Kerry Bray, 9 Chamberlain Street – Item 11.1.1

Mr Bray spoke in support of the application, noting privacy as an issue.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Miller, seconded Cr Ewing

The Minutes of the Ordinary Meeting of Council held on Monday, 24 February, 2003 be confirmed, subject to the following amendments:

Item 8.3: In the first line delete "for" and insert "on".

Item 10.1.2: The seconder for the Amendment No. 4 should read "Cr Walsh".

Item 10.1.6: Amendment No. 2 should read as follows:

That the motion be amended by rewording (e) as follows:

"Any boundary fencing within the 6m front setback to Broome Street, including screen walls, shall be of an "open aspect" design and the subject of a separate application to Council."

Item 10.1.6: The resolution show the wording of (g) in place of the wording of (e) in accordance with amendment No. 2 as above.

Item 10.1.14 The seconder for Amendment No. 1 should read "Cr Walsh"

Item 11.2.3 The word "Bioactive" in line two of the amendment should read "Biactive".

Item 11.2.3 The resolution should read as follows:

"That Council staff be authorised to revert to the use of Glyphosate based spray for control of weeds in footpaths and road pavements, subject to the resident notification practice where necessary and only using Round-up Biactive or equivalent where there may be a risk of contaminating aquatic fauna."

Item 13.1 Add the following after the resolution:

"Cr Morgan requested that the votes be recorded."

FOR	AGAINST
Mayor Hammond	Cr Furlong
Cr Birnbrauer	Cr Miller-
Cr Ewing	Cr Utting
Cr Rattigan	Cr Walsh
Cr Morgan	
Cr Whitby	

Item 13.3 Add before the resolution:
 "Moved Cr Walsh, seconded Cr Whitby"

Carried 11/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

In Mayor Hammond's final address to Council, he thanked all Councillors who were in office during his terms of office. He thanked the CEO and suggested Council had made a good choice in his appointment and thanked the Managers.

Mayor Hammond noted the resignation of Cr. Marion Ewing who had worked very hard for the Town and would be a great loss to Council.

The Mayor said he was pleased to see that three residents had indicated they would nominate for the office of Mayor.

He expressed pride in Council's efforts to preserve heritage. He noted that he, Council and administration were united in the quest to keep debt down and that no new loans had been taken out in recent years.

The Mayor noted that council had continued to put the Town's people first and had taken stance against the Western Suburbs Highway, had continued to oppose new development west of Marine Parade and had continued to prevent high rise developments.

Cr Utting congratulated the Mayor for his many years on Council noting that he had worked hard for the community and had achieved a lot. Cr Utting hoped he would do the same as Lord Mayor for the City of Perth.

Cr Sheppard endorsed Cr Utting's comments and added that the community division before his appointment had subsided and that the Council was in good shape.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 DEVELOPMENT SERVICES COMMITTEE MEETING - 17 MARCH, 2003**10.1 PLANNING****10.1.1 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 33 –
INCLUSION OF HERITAGE PROVISIONS IN SCHEME TEXT**

File No:	Amendment No. 33
Attachment(s):	Draft Amendment Document
Author:	Ms Janine McDonald
Author Disclosure of Interest:	Nil
Report Date:	12 March, 2003
Senior Officer:	Mr Stephen Sullivan

SUMMARY

To adopt draft Town Planning Scheme Amendment No. 33 and commence the process to advertise the proposed Town Planning Scheme amendment following an assessment by the Environmental Protection Authority.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Model Scheme Text

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The proposed amendment is in response to Council's August, 2002 resolution to amend the existing deficiencies that exist within the existing Scheme text relating to consideration of heritage conservation matters.

FINANCIAL IMPLICATIONS

Amendment advertising costs.

CONSULTATION

The proposed amendment to the existing Town Planning Scheme will need to follow the required statutory processes outlined in Town Planning Regulations 1967 (as amended). This necessitates the amendment being open to a statutory public submission period.

The Town Planning Regulations require that the amendment be advertised for a minimum period of 42 days. The advertising should consist of the advertising of the Notice (Form No. 3) of the proposed Amendment in the following manner:

- * in the Post newspaper, one a week for two consecutive weeks;
- * in the West Australian newspaper, one advertisement; and
- * public notice boards in the Civic Centre, Town Centre and the Library.

The amendment will also be available for inspection at the Council offices.

STAFF COMMENT

The report on the proposed amendment that will make heritage conservation an item for consideration in the determination of applications for approval to commence development is circulated separately from this minutes.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council:

- (1) In pursuance of Section 7 of the Town Planning and Development Act (1928 as amended), amend the Town of Cottesloe Town Planning Scheme No. 2, insofar as it will strengthen the heritage provisions of Town Planning Scheme No. 2 so that Council may have greater regard to heritage issues in its consideration of applications for development and introduce the provisions of the Model Scheme Text that relate to the designation, adoption and control of development within heritage areas.
- (2) Adopt proposed Scheme Amendment No. 33 of the Town of Cottesloe Town Planning Scheme No. 2, which is attached and forms part of these minutes.
- (3) The amendment to be advertised for a period of 42 days and the advertising to consist of:
 - (a) notice in the Post newspaper, one a week for two consecutive weeks;
 - (b) notice in the West Australian newspaper;
 - (c) notice on the public notice boards in the Civic Centre, Town Centre and Library; and
 - (d) a copy for viewing at Council offices.
- (4) Refer the proposed Scheme Amendment to the Environmental Protection Authority in accordance with section 7A1 of the Town Planning & Development Act (1928 as amended).
- (5) Forward to the Western Australian Planning Commission a copy of Council's decision and the proposed Scheme Amendment document.

Mayor Hammond called for the votes to be recorded.

<i>FOR</i>	<i>AGAINST</i>
<i>Mayor Hammond</i>	<i>Cr Morgan</i>
<i>Cr Birnbrauer</i>	<i>Cr Rattigan</i>
<i>Cr Ewing</i>	
<i>Cr Furlong</i>	
<i>Cr Miller</i>	
<i>Cr Sheppard</i>	
<i>Cr Utting</i>	

<i>FOR</i>	<i>AGAINST</i>
<i>Cr Walsh</i> <i>Cr Whitby</i>	

Carried 9/2

Cr Sheppard left the meeting at 7.40pm.

10.1.2 TOWN PLANNING APPEAL TRIBUNAL - MEDIATION HEARING - NO. 126 BROOME STREET

File No: No. 126 Broome Street
Attachment(s): Copy of revised site plan
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 11 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

To consider a proposal for a mediated outcome from the Town Planning Appeal Tribunal at this stage

STATUTORY ENVIRONMENT

Town Planning Appeal Regulations

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

At this stage, an account from the solicitors on this appeal has not yet been received.

BACKGROUND

This site has an existing two storey development of 6 multiple dwellings. Council has previously considered a proposal to carry out various additions and alterations to this property. Council refused to support the construction of a boundary wall to the rear of this site, which has a common boundary with No. 128A Broome Street.

Council imposed a condition of Planning Consent that sought to remove the garage and store from the rear of the property, in order to help minimise the impact of the works on the property at No. 128A Broome Street. The owners appealed against the condition. The matter was considered at a Town Planning Appeal Tribunal mediation hearing on the 5 March, 2003.

STAFF COMMENT

A revised plan has been submitted in response to the mediation hearing. As this matter could still be referred to the Town Planning Appeal Tribunal for determination,

a confidential report is circulated separately to this report. It is recommended that further discussion on this matter be held in camera to determine Council's position in relation to this appeal.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That this matter be discussed further with the Development Services Committee in camera and a recommendation be referred to Council.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council advise the Town Planning Appeal Tribunal that it is prepared to accept the revised plan received on the 7 March, 2003 and submitted by EWS Holdings, in relation to the appeal at No. 126 Broome Street.

Carried 10/0

Cr Sheppard declared the he had a proximity interest in relation to the property at No. 10 Reginald Street. He left the meeting at 7.42pm, did not take part in debate on the matter and did not vote.

10.1.3 NO. 10 (LOT 55) REGINALD STREET - MODIFICATIONS TO EXISTING FRONT BOUNDARY FENCE

File No:	10 Reginald Street
Attachment(s):	Location Plan Plans and Elevations
Author:	Ms Janine McDonald
Author Disclosure of Interest:	Nil
Report Date:	5 March, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Mr F R Woodmore
Applicant:	As above
Date of Application:	5 March, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	405m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek council approval for the modification of an existing front boundary fence. Conditional approval is recommended.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application did not require advertising.

BACKGROUND

The subject site is located on the northern side of Reginald Street and is currently development with a two storey single house and front boundary fencing. The locality is characterised by a range of fencing types from solid walls through to the open aspect type of fencing advocated by Council.

The proposal seeks to modify the existing front boundary fencing by adding a new entry gate with a roof over, relocating a section of the solid boundary fencing forward to the front boundary (it is currently stepped back approximately 1400mm) and including a new solid section of wall to the western side boundary within the front setback area.

Modification of the fencing as proposed will give the owner of this property an additional square metre or so of usable area within the front yard and provide an entry point for guests where currently none exists as the only ingress is through the gated carport.

STAFF COMMENT

The existing and proposed fencing does not comply with Council's Fencing Bylaw which requires front boundary fencing to be of open aspect design. Front boundary fencing includes all fencing within the front setback area and therefore includes any side boundary fencing to within 6m of the front boundary.

It is noted that the section of solid wall to be relocated forward already exists however; in its current location the vegetation planted in front of it softens its impact on the streetscape. Moving the wall forward will have a greater negative impact on the streetscape. If the wall was made open aspect in accordance with the policy, vegetation could be planted behind it for privacy and this would result in a less imposing structure on the front boundary.

CONCLUSION

That the application be approved subject to the new sections of wall being of open aspect design in accordance with Council Bylaw.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 GRANTS its Approval to Commence Development for the modifications to the existing front boundary fence at No. 10 (Lot 55) Reginald Street, Cottesloe in accordance with the plans submitted on the 6 December, 2002, subject to the following conditions:

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

- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) Revised plans being submitted for approval by the Manager, Development Services, showing the proposed fencing being modified to provide an "Open Aspect Fence".

REASON FOR CHANGE

The gate house is to be deleted as Council considers them to be a building and normal building controls apply in regards to setback and also the proposal would have an adverse effect on the streetscape.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 GRANTS its Approval to Commence Development for the modifications to the existing front boundary fence at No. 10 (Lot 55) Reginald Street, Cottesloe in accordance with the plans submitted on the 6 December, 2002, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) **Revised plans being submitted for approval by the Manager, Development Services, showing the proposed fencing being modified to provide an "Open Aspect Fence".**
- (4) **The gate houses be deleted from the application.**

Carried 10/0

Cr Sheppard returned to the Chamber at 7.43pm.

10.1.4 NO. 32 (LOT 704) LOMA STREET - UNAUTHORISED CONSTRUCTION OF SCREEN WALL

File No: 32 Loma Street
Attachment(s): Location Plan, Site Plan, Elevations, Details
Author: Ms Janine McDonald
Author Disclosure of Interest: Nil
Report Date: 10 March, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: S & K Lodge
Applicant: As Above
Date of Application: 10 March, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 450m²
M.R.S. Reservation: N/A

SUMMARY

A solid garden wall, 2.5m high has been constructed at the above address without Council approval. The matter of whether Council wishes to take action in relation to the unauthorised works is submitted for consideration.

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
--------	----------	----------

N/A	N/A	N/A
-----	-----	-----

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The subject land is on the corner of Loma and Marmion Streets. Council originally approved plans for a two storey dwelling on the site in March 2001 subject to the rear courtyard being reduced to a relative level of 10.80 and the boundary wall along Marmion Street being reduced in height to 1.8m measured from the footpath. Similar plans were subsequently granted approval under delegated authority in August 2001 with a 1.8m boundary fence but a rear courtyard level of 11.00. Construction on the house has recently been completed.

In December 2002, administration was advised by a Councillor that an additional garden wall had been unlawfully constructed on the site. Following confirmation through a site visit, the owner was advised to submit plans detailing the additional wall.

The current application seeks approval to construct an open aspect fence along the Loma Street boundary (already constructed) and Council's approval of the unlawfully constructed wall. As Council cannot grant retrospective development approvals, its options are to either require the owner to remove the wall, require the owner to modify the wall or to accept the wall as it has been constructed.

The applicant does not require approval for the front boundary fencing, as it was granted approval as part of the original application on 21 August 2001 and was detailed on the approved working drawings accordingly.

The wall in question is a solid rendered masonry wall and has been constructed 1.5m inside the approved boundary wall on Marmion Street. The approved boundary wall is 1.75m in height however, the unlawful wall is 2.54m in height (measured from the footpath level).

The owner has not submitted justification for the wall however as the rear courtyard level is 700mm higher than the footpath level, it appears that the boundary wall is of insufficient height to provide the desired privacy to the back yard.

STAFF COMMENT

Assessment of the wall against the provisions of the Residential Design Codes indicates that it is not contrary to any required standard. The main issue with the wall is its impact upon the streetscape in this locality. It is worth noting that had the original application proposed a 2.5m boundary wall, it would unlikely have been approved; Council was concerned about the impact of the height of the wall on the Marmion Street boundary as demonstrated by its original decision.

Approximately 700mm of the solid wall is viewable above the boundary wall; this impact may be ameliorated by either reducing the wall in height slightly or by planting screening vegetation in front of it. From the finished garden level the screen wall is 1.8m high. The accepted standard imposed to prevent overlooking is 1.6m. It may be acceptable therefore, to reduce the wall by 200mm. An even better result could be achieved if both methods were used.

CONCLUSION

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

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

VOTING

Simple Majority

OFFICER RECOMMENDATION

For determination by Council.

REASON FOR CHANGE

The Committee were of the opinion that the unauthorised fence should be restricted to maximum height of 1.8m. Further, landscaping could be incorporated to provide the additional height, if privacy was still an issue.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council advise the owner of No. 32 (Lot 704) Loma Street that:

- (1) It is not prepared to support the departure from the approved plans for the unauthorised fence located 1.5m from the Marmion Street boundary and north of the existing dwelling; and
- (2) It requires the unauthorised fence to be modified so that it is not higher than 1.8m above the abutting Marmion Street footpath level.

Carried 11/0

10.1.5 NO. 37 (LOT 12) LYONS STREET - PROPOSED OUTBUILDING WORKSHOP WITH BOUNDARY WALL

File No: 37 Lyons Street
Attachment(s): Location Plan, Plans and Elevations
Author: Ms Janine McDonald
Author Disclosure of Interest: Nil
Report Date: 10 March, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: G & T Chessell
Applicant: Glenway Homes
Date of Application: 10 March, 2003

Zoning: Residential
Use:
Density: R20
Lot Area: 685m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to seek Council's approval to the development of an outbuilding workshop at the rear of the property with a boundary wall. Conditional approval is recommended.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised as the applicant obtained the consent of the neighbour to the proposed parapet wall.

BACKGROUND

The proposed workshop formed part of an application for a two storey single house previously considered by Council at its December 2002 meeting where Council resolved that the workshop be set away from the common boundary by 1.5m.

In the previous application, it was considered that the workshop did not accord with the requirements of the Residential Design Codes nor did the owner have the consent of the adjoining landowner (No. 35 Lyons Street) to the proposed parapet wall.

As the applicant has redesigned the workshop to accord with the necessary requirements and has obtained the consent of the adjoining landowner, he requests

that Council reconsider its position with respect to boundary wall and has lodged this application accordingly.

STAFF COMMENT

Parapet Wall

The Residential Design Codes state that it is acceptable to build up to boundaries on land coded R20 where the wall is no higher than 3.0m with an average height of 2.7m and a maximum length of 9m. Where it was previously considered that the parapet was approximately 3.4m high and therefore did not fit the above criteria, new details submitted indicate that the adjacent property is higher than the subject site and therefore the portion of wall visible to No. 35 Lyons Street is 2.1 metres high by 6.2 m long. The parapet wall therefore, accords with the provisions of the Codes.

Council resolved in October 2002 that all development be set away from boundaries in order to preserve streetscape character and the amenity of adjoining properties. The proposed outbuilding is at the rear of the property and will not impact on streetscape character and given the difference in levels between the adjacent property and the development site, the impact on the adjoining property will be negligible.

Outbuilding Provisions

Element 10 of the Design Codes relates to incidental development and states that outbuildings must:

- Not be attached to a dwelling
- Be non-habitable
- Not exceed 60m²
- Not exceed a wall height of 2.4m
- Not exceed a ridge height of 4.2m
- Not be within the primary street setback area
- Not reduce the amount of open space required
- Be setback in accordance with element 3 (which allows boundary walls)
- Comply with the siting and design requirements for the dwelling.

The proposed outbuilding accords with the above criteria. The room does not contain any facilities associated with habitable spaces such as a hand basin or WC and use of the room can be further controlled through the imposition of a condition which requires that it not be used for additional accommodation purposes contrary to the Scheme.

CONCLUSION

The proposed outbuilding be approved, subject to imposition of a non-standard condition which requires that it not be used for accommodation purposes.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee were prepared to support the revised proposal for the outbuilding as it is located at the rear of the property, is now reduced in height and only slightly higher than the adjoining fence.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the outbuilding at No. 37 (Lot 12) Lyons Street, Cottesloe in accordance with the plans received on the 21 February, 2002, subject to the following conditions:

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

Carried 11/0

10.1.6 NO 109 (LOT 24) GRANT STREET – APPLICATION TO USE A PAVED AREA FOR PARKING AND PERMISSION TO RETAIN THE GRANT STREET CROSSOVER

File No:	109 Grant Street
Attachment(s):	Site Plan, Photos, Letter from Applicant
Author:	Mr Daniel Heymans
Author Disclosure of Interest:	Nil
Report Date:	11 March, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Mr Martin
Applicant:	As Above

Date of Application:	6 January 2003
Zoning:	Residential
Use:	N/A
Density:	R20
Lot Area:	862m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek Council approval for the retention of an existing crossover, seek approval for the use of the paved area for parking purposes, and to determine if development approval is required for the construction of a parking bay within the front setback.

It is recommended that the crossover be removed at Council's expense and no further action be taken.

STATUTORY ENVIRONMENT

- Local Government Act
- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

The applicant has constructed the following works that were not shown as part of the Planning Consent plans nor the working drawings:

- (a) paving of a portion of the front setback for use as a car parking area (this was formalised by the application and construction of a crossover to this area; and
- (b) filling and retaining of the front courtyard with a 730mm high limestone wall.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Should Council resolve to take legal action, then some costs would be associated with that action.

It has been recommended that Council remove the crossover at its cost and pay any costs associated with the paving of the front of the property.

CONSULTATION

REFERRAL

Internal

- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

Development approval for extensions to the existing dwelling and a new double carport at the rear of the property were approved on the 17 December 2001. These plans clearly show access to the proposed carport coming from the right of way at the rear of the property.

The owners of the property subsequently completed the extensions to the house and did not complete the double carport at the rear of the property. The reason given for this is that the owners liaised with a works department staff member about the legality of gaining access to the right of way, as it is a privately owned right of way. The officer was said to have advised that there was some debate as to the legality of gaining access to a privately owned right of way without authorisation from the owner of the right of way.

The applicant apparently took this conversation to mean that he cannot gain access to the right of way, however Council is unaware of any approach from the applicant to the owners of the right of way for access.

Thereafter, with the belief that they could not get access to the right of way, the owner of 109 Grant Street applied to the Town of Cottesloe Works Department for a crossover to Grant Street to enable access to the property.

Unaware of the previous planning approval, the Works Department approved and constructed a new crossover to Grant Street.

To develop this area, a retaining wall was constructed and two split areas were formed. One was for a terrace at the front of the property while the other was to be used for car parking purposes.

Following on from these works, Council received a complaint from a nearby neighbour about this new crossover.

Council officers subsequently investigated the issue and believed that an error had occurred in the approval process as the works department had granted approval to the crossover without consulting with the planning section.

Therefore, a letter was sent to the owners of 109 Grant Street detailing the error that had occurred and stated that the crossover would have to be removed within 3 months as it contravened the original planning approval which showed access from the rear of the lot via the right of way.

Sufficient time was given to allow for the applicant to organise access to the lot in accordance with the existing planning approval. In addition Council also offered to refund the cost of installing the crossover and an amount for the cost of the pavement in the front of the property.

It was also stated that if the original planning consent could not be complied with, i.e. legal access to the right of way did not exist, then an additional planning application would be required for alternative access to the lot.

Council received an application requesting council's Planning Consent for the use of the paving in the front setback area for car parking purposes.

STAFF COMMENT

Access to the Right of Way

The applicant has stated in their letter that access to the site via the right of way was uncertain, after receiving advice from Council's Engineering Technical Officer, and therefore that they could not proceed with construction of the carport.

This uncertainty needs to be clarified by the applicant as stated in part 2 of the previous planning approval for the subject lot, which was issued on the 17 December 2001, and stated that:

"The applicant ensuring that they have rights to use the right of way located to the rear of the site."

This condition is very clear and it is up to the applicant to discover if access to this right of way is permitted.

It is the administration's belief that access is an implied right from the original subdivision, however this needs to be verified by the applicant through the Department of Land Administration. If this is the case, then there are no planning reasons to stop the applicant from constructing the carport as approved.

Therefore the administration recommends that the applicant seek advice from the Department of Land Administration, as to the legality of access to the right of way.

Completion of all works on the Planning Approval

The applicant has stated in his submission that Steve Sullivan, the Manager of Development Services, informed the applicant in writing, that if the carport was not completed that this would be a departure from the approval and that it would be in contravention of the Planning Consent.

The administration has sought legal advice to clarify whether or not completion of all work on the Planning Approval is required before the Planning Approval is deemed to have been fulfilled.

The legal advice that the administration has received states that the applicant is able to partially complete the development outlined on the Planning Approval, unless there is a specific condition requiring that all development that was part of the approval is to be carried out. Therefore, there is no breach of the approval for not constructing the carport.

This aspect needs to be investigated further by the administration so as to avoid this situation in the future.

Planning Approval for Formal Car Parking in the Front Set Back

Clause 7.1.1 of the Town of Cottesloe Town Planning Scheme No.2 states that:

"In addition to a building licence the Council's approval to commence development is required for any development on or partly on any lot zoned or reserved under the Scheme except the carrying out of works, on, in or under a street or road by a public authority acting pursuant to the provisions of any statute."

The Town Planning and Development Act further states that development:

"means the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works..."

This definition of development is very broad and can be taken that any work requires development approval.

However the administration has not usually required development approval for landscaping and other such minor works on the land which do not involve buildings, such as brick paving.

The issue for this application is whether or not the administration would normally have required development approval for the use of a formal car bay within the front setback.

The previous Residential Planning Codes, which would have been used to determine such an application, state that:

"Parking spaces may, with the approval of Council, be located within the street setback area, provided that:

(a) There is adequate screening from the street, with a minimum of 1m. width in the case of landscaping, and

(b) Separate pedestrian access from the street is provided."

This clause clearly states, that from a planning point of view, Council's approval for a formal parking space within the front setback would have been necessary.

In addition clause 5.5.3 (d) of the Town of Cottesloe's Town Planning Scheme No.2 states that:

"The location of the spaces on the site and their affect on the amenity of adjoining development, including the potential effect if spaces should later be roofed or covered."

This clause allows Council to take into account the future affect of a parking space being covered, and in this respect because the property is located in the proposed Claremont Hill Heritage Area, Council would have been concerned with a parking space within the front setback, especially if at some time in the future it became a covered parking bay.

In relation to car parking, the draft Residential Conservation & Development Guidelines state that:

"Carports constructed at the front of a residences can be inappropriate when these disrupt the rhythm and consistent set back of houses. However, in some instances block sizes do not allow for construction of carports at the side and rear access is not available."

Even though these guidelines specifically refer to carports, it is the administrations opinion that a car bay also has to be seen as a possible carport or garage, taking into account clause 5.5.3 (d) of the Town of Cottesloe Town Planning Scheme No.2

The Residential Design Codes state the following on page 48 under carports and garages:

"Consequently it is accepted that, where no feasible alternative exists, the street setback area may be utilised for carports and unroofed parking spaces."

The codes do not address car parking spaces in their Design Elements, although there is a requirement in the Town Planning Scheme text, to have consideration to the location of car parking spaces.

Car parking on the side street is available on the subject lot as well as from the right of way at the rear of the lot (once clarified). Therefore, the administration believes that planning approval would have been required for the development of car parking within the front setback.

Council's Town Planning Scheme Policy No. 003 - Carports and Garages, states that:

"It is Council's general policy to require carports and garages to be positioned behind the front setback line in accordance with Table 1 of the Residential Planning Codes, that being 6 metres from the street"

Use of Unauthorised Works

Retrospective planning approval cannot be given for the construction of the paved car parking area and the filling/retaining of the front yard. However, planning approval can be given for the use of the paved area for parking.

Options to Council

There are a number of options that can be considered in this instance.

Option 1

Council could prosecute the applicant for the unauthorised parking in the front setback. This is seen as inappropriate as Council is responsible for the misunderstanding of this situation.

Option 2

Council could permit the use of this area for parking. This is seen as it is believed that this may impact on the streetscape and provide a negative precedent, particularly in the proposed Claremont Hill Heritage Area.

Option 3

Council may permit the use of this area for parking for a period of 6 months, so as to give time to construct the approved carport at the rear of the lot, where after the crossover will then be removed by Council at it's expense.

CONCLUSION

It has been Council's position to require parking to be located behind the building set back line. This is to ensure that the front of the property is retained as an open, landscaped and attractive area which is part of the character of the area.

The use of these areas for access driveways, parking and parking structures can affect the character of those areas. Where no other place for the parking spaces exists other than in front of the building, Council has agreed to those arrangements.

In this situation, the development proposal was submitted and approved with parking spaces behind the set back line. There were two options for access to parking spaces to the rear of the site (the right-of-way or Mann Street).

It is recommended that Council accept option 3. This will provide the applicants with time to confirm that they have access to their property from the Right-of-way and construct the carport to the rear of the site. If they choose not to provide roof cover, then they already have the paved area for parking at the rear of the site.

Therefore, under the circumstances the administration recommends that the crossover be retained for a period of 6 months so as to allow time for the carport to be constructed at the rear of the lot and the issue of access be resolved.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) REFUSES to grant its Approval for the use of the paved area for parking purposes at No. 109 (Lot 24) Grant Street, Cottesloe as shown in the application received on the 6 January, 2003 as Council:
 - (a) has previously granted approval for the required car parking to be located behind the set back line;
 - (b) believes that any additional parking can be provided to the rear of the site; and
 - (c) is of the opinion that the location of the car parking spaces forward of the building set back line, including the potential for roof covering, will have adverse effect on the streetscape and character of the area.
- (2) Advise the Applicant that it will:
 - (a) not take any further action in relation to the unauthorised works;
 - (b) allow the crossover to remain for a further period of 6 months to enable them to address the matter of the access to the right-of-way;
 - (c) Remove the crossover after that six month period at Council's expense.
- (3) Advise Mr Watts of its decision.

REASON FOR CHANGE

Having regard to the circumstances relating to this matter, the Committee were of the opinion that the error with the application was with Council and not the applicant and therefore, the existing crossover and car bay could be retained.

Engineering details of the retaining wall at the front of the property were required to be submitted to the Building Surveyor.

However, the Committee still expressed concern in relation to the general issue of the need for required parking spaces to be located behind the set back line and the desirable width of crossovers.

COMMITTEE RECOMMENDATION

Moved Cr Ewing, seconded Cr Miller

That Council:

- (1) That Council GRANT its Approval to Commence Development for use of the paving at the front of No. 109 (Lot 24) Grant Street, Cottesloe.
- (2) Requires Mr Martin to submit engineering details of the retaining wall constructed at the front of No. 109 (Lot 24) Grant Street; and
- (3) Advise Mr Watts of its decision.

AMENDMENT

Moved Cr Rattigan, seconded Cr Utting that the matter be deferred until the end of the meeting.

Lost 2/9

The motion was put.

COUNCIL RESOLUTION**That Council:**

- (1) That Council GRANT its Approval to Commence Development for use of the paving at the front of No. 109 (Lot 24) Grant Street, Cottesloe.
- (2) Requires Mr Martin to submit engineering details of the retaining wall constructed at the front of No. 109 (Lot 24) Grant Street; and
- (3) Advise Mr Watts of its decision.

Carried 11/0

10.1.7 NO 134 (LOT 51) MARINE PARADE – ADDITIONS & RENOVATIONS TO UNITS 9,15 AND 16 AND MODIFIED ENTRY STATEMENT

File No: 134 Marine Parade
Attachments: Location Plan
Plans & Elevations
Author: Mr Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 11 March, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Body Corporate

Applicant: Kott Gunning
Date of Application: 23 January 2003

Zoning: Foreshore Centre
Use: P - A use that is permitted under this Scheme
Density: R50
Lot Area: 2438m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to seek Council approval for additions and renovations to units 9,15 and 16 as well as renovating the entry to the multiple dwelling development. Conditional approval is recommended

PROPOSAL

The application proposes to carry out the following works:

- (1) Increase the width of the existing entry and improve the entries lighting, security and weather protection.
-

- (2) A small extension to the study of unit No. 9 is proposed which will result in 2m² extra floor space.
- (3) The existing pergola for unit 15 is to be removed together with removal of the old timber balustrade and replacing it with new steel balustrade along the southern boundary. In addition the courtyard is to be extended by 7.6m² to the southern boundary with a new vertical retaining wall to replace the existing angled retaining wall.
- (4) Renovations and additions to unit 16 are more substantial and include:
 - Additional floor space of 29 sq m;
 - Additions to existing balcony to the west and south;
 - Relocation of the southern wall by 1.8m to the south;
 - Relocation of the eastern wall by 500mm to the east;
 - Increase in the roof height by 1.5m to match the roof of Unit 14 to the north;
 - Substantial internal renovations;
 - Increase in the floor level for certain sections of the unit by 500mm;
 - New colourbond external cladding to the southern and eastern part of unit 16.

A number of these modifications comply with the relevant clauses of the Residential Design Codes and the Scheme, however the main issue for this application is plot ratio, setbacks, building height and materials.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- 005 – Building Height

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 – Building Heights	8.5m	9.0m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
005 – Building Heights	8.5m	9.0m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Table 1 – Maximum Plot Ratio	0.6	0.9	N/A
3	Setback to southern boundary of 3.3m	1.4m	Clause 3.3.2

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owner

Submissions

There was 1 letter sent out. No submissions were received.

BACKGROUND

The site is located on the corner of Marine Parade and Eileen Street, and has 16 existing multiple dwellings. The site abuts land reserved for "Parks and Recreation" on the southern boundary which is currently used as a car park.

STAFF COMMENT**Building Heights**

The roof height for unit 16 exceeds the 8.5-metre limit imposed by Clause 5.1.1 of the Scheme by 900mm. The additional roof height is the result of increasing the height of the roof of unit 16 to be the same as the adjoining unit 14.

Clause 5.1.1(c) states that:

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

In view of this fact, it is considered that the additional roof height does not overshadow or have a negative impact on the amenity of adjoining neighbours and therefore the administration recommends that this discretion be allowed.

Wall Heights

The wall height for unit 16 exceeds the 6-metre limit imposed by Clause 5.1.1 of the Scheme by 1.8m. The additional wall height is the result of an increase in the ceiling level of unit 16.

As stated above the Scheme allows for a variation to existing buildings and in this situation the wall height will be increased to match the wall height of the adjoining unit 14.

Furthermore this wall is on the southern side of the development which abuts a reserve and therefore does not have a negative impact on the amenity of adjoining properties.

In view of this fact, the administration recommends that this discretion be allowed.

Plot Ratio

The site is zoned "Foreshore Centre Zone" and has a density of R50. The Residential Design Codes allow a maximum plot ratio of 0.6. The lot size of 134 Marine Parade is 2438m² which would allow for 1462.8m² of gross floor area.

The total floor area of the development is currently about 2409m². The total gross floor area of the development, which has been calculated by the applicant, is approximately 2168m². This gives a current plot ratio of around 0.89 which is in excess of the permissible plot ratio.

However clause 2.3.4 of the Residential Design Codes states that:

"Subject to clause 2.3.4(2) and (3) the Council is to exercise its discretion in considering such application having regard to the considerations, standards and requirements provided in the codes."

Clause 2.3.4 (2) and (3) allow council to exercise its discretion for all elements within the codes, except for the minimum and average lot size for dwellings, and taking into account the performance criteria, any local planning policies and scheme provisions.

Therefore it is considered that Council has the power to vary the maximum plot ratio as outlined in the Residential Design Codes, particularly as there are no clauses within the Scheme that prohibit Council from doing so.

The development proposes to increase the gross floor area by 31m², which would give a total area of 2199m² and result in a plot ratio of 0.9. The increase in the plot ratio is relatively minor in the context of the overall development. However, Council has to be mindful of the impact of future similar renovations and extensions.

Notwithstanding the above the administration believes that the overall impact on the plot ratio is minor and therefore Council should allow for a variation to the maximum plot ratio to 0.9.

Boundary Setbacks

The application proposes a variation to setbacks as outlined in the Residential Design Codes.

A variation is being sought to the setback requirement for the southern wall of unit 16. The wall of unit 16 is currently setback 2.8m from the southern boundary. The application is looking to reduce this to 1.4m.

Table 2a of the Residential Design Codes, requires the setback to be 6.0 metres. Therefore the development will have to comply with the relevant performance which state:

“P1 - Buildings setback from boundaries other than street boundaries so as to:

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

The administration considers that the proposed 1.4 metre setback fulfils the performance criteria as the southern boundary of this property abuts land reserved for “Parks and Recreation”. Adequate ventilation and sunlight will be available to the proposed extensions to unit 16 as there is no development abutting the southern side of the development and there is no possibility this development will obstruct sunlight or ventilation to adjoining properties. In addition the existing setback does not comply with the current requirement.

Design Advisory Panel

The application was sent individually to each member of the Design Advisory Panel for comment on the proposed finishes on the southern and eastern side. The administration is awaiting advice from the design advisory panel members and these comments will be presented to the March Development Services Committee Meeting.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Additions and Renovations to Units 9,15 and 16 and New Entry Statement at No 134 (Lot 51) Marine Parade, Cottesloe in accordance with the plans submitted on 23 January 2003, subject to the conditions outlined below.

- (1) 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) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (3) 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.
- (4) 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.

REASON FOR CHANGE

Design Advisory Panel comments were presented via a Memo tabled at the Committee meeting.

The Committee had concerns regarding details of the materials to be used and would further details to be submitted for their approval.

Cr. Furlong declared a proximity interest and left the meeting at 7:51pm. He did not take part in the debate and did not vote.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the Additions and Renovations to Units 9, 15 & 16 and New Entry Statement at No 134 (Lot 51) Marine Parade, Cottesloe in accordance with the plans submitted on 23 January 2003, subject to the conditions outlined below.

- (1) 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) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (3) 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.**
 - (4) 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.**
 - (5) Further details of the finishes to be used, including coloured elevations, are to be submitted to the Development Services Committee for approval.**
-

Carried 9/1

Cr Furlong returned to the Chamber at 7.53pm.

10.1.8 NO 144 (LOT 52) GRANT STREET - 2 STOREY SINGLE HOUSE

File No:	144 Grant Street
Attachments	Location Plan Plans & Elevations Submissions
Author:	Mr Daniel Heymans
Author Disclosure of Interest:	Nil
Report Date:	10 March, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Nigel Paul
Applicant:	APG Homes
Date of Application:	8 January 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	442m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek Council approval for the development of a two storey single house. Conditional approval is recommended

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- 005 – Building Heights

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 | Claremont Hill Heritage Area – Vacant Site |
| • Municipal Inventory | N/A |
| • National Trust | N/A |

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 – Building Height	6.0m	6.25m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
005 – Building Heights	6.0m	6.25m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3	Boundary setback to lounge room on eastern boundary of 1.0m	0m	Clause 3.3.2
3	Boundary setback to family room on eastern boundary of 1.0m	0m	Clause 3.3.2
3	Boundary setback to garage on eastern boundary of 1.0m	0m	Clause 3.3.2
8	Visual privacy setback to bedroom 4 of 4.5m	4.0m	Clause 3.8.1
8	Visual privacy setback to living room of 6.0m	3.4m	Clause 3.8.1
8	Visual privacy setback to front balcony of 7.5m	Within the front setback	Clause 3.8.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. There was 1 submission received, which was not an objection. Details of the submission received is set out below:

29 Parry Street

The owners of 29 Parry Street stated that they have no objections to the proposed development at 144 Grant Street.

BACKGROUND

The subject property is vacant and located on the northern side of Grant Street. The application proposes a new two storey dwelling with three walls abutting the eastern boundary. The original site received subdivision approval for the creation of 4 lots in July 2001. The finished ground levels for the centre of each of the lots was set as a part of the original subdivision approval. This lot has a set finished ground level of RL40.91m. The site is also located within the draft Claremont Hill Heritage Area.

STAFF COMMENT**Wall Heights**

The wall height for the front of the dwelling exceeds the 6-metre limit imposed by Clause 5.1.1 of the Scheme by 250mm. The additional wall height is the result of the lot sloping towards the front boundary. This issue was of concern when the original subdivision was approved and Council was concerned about the possibility of lots being filled in the front to enable a flat site.

In view of this fact, it is considered that the additional wall height will impact negatively on the streetscape and therefore the administration recommends that the wall height be reduced to 6m to comply with the Scheme.

Boundary Walls

The development consists of 3 separate walls abutting the eastern boundary. The lounge room boundary wall is a 4.2m long. The family room boundary wall is 5.2m long and the garage boundary wall at the rear of the lot is 7m long and abuts an already approved garage boundary wall at 29 Parry Street.

The codes allow for 1 wall to abut a boundary, up to 9 m in length, and with an average height of 2.7m.

Clause 3.3.2 of the Residential Design Codes state that:

“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:

- (i) Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; or*
- (ii) In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary.”*

However, Council has resolved to prepare a Streetscape Policy that will enforce boundary setbacks throughout the Scheme Area in order to preserve streetscape character.

The preservation of the streetscape is of particular concern in the draft Claremont Hill Heritage Area where boundary walls are considered to severely impact the streetscape. Boundary walls result in the loss of an open aspect streetscape and increase the amount of building bulk visible from the street.

The proposed two boundary walls exceed the 9m length limit set by the Residential Design codes therefore these walls need to be assessed under the performance criteria (P2) for this clause which states;

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

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

The development does make effective use of space, however it does not enhance privacy and the administration believes that it does not enhance the amenity of the development for the reasons outlined above. In addition the proposed development will have an adverse impact on the adjoining property by having a boundary wall up to 3.5m in height.

Therefore the administration recommends that the lounge room and family room boundary walls be setback 1.0m from the Boundary in accordance with Table 1 of the Residential Design Codes.

The Garage boundary wall, which is located at the rear of the lot and abuts an approved garage boundary wall at 29 Parry Street, is of less concern as it does not affect the streetscape of Grant Street. Furthermore the owners of 29 Parry Street have also stated that they have no objection to the garage boundary wall.

Therefore the administration recommends that the garage wall be approved as outlined on the submitted plans.

Visual Privacy

Under the Design 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 performance criteria state 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 bedroom 4 indicates that there is the potential to overlook the adjoining property at 142 Grant Street, however the area of overlooking is very minimal, as outlined in the plans and is not considered to be of concern. Therefore this variation is deemed to be acceptable under the above performance criteria.

The cone of vision applied to the living room indicates there is potential to overlook the adjoining property at 29 Parry Street. This overlooking is of little concern as it is very minor in nature and is not considered to impact on the adjoining owners. In addition the adjoining owners have supported the proposed development. Therefore this variation is deemed to be acceptable under the above performance criteria.

The cone of vision applied to the front balcony indicates that there is potential to overlook the adjoining property at 29 Parry Street. This overlooking is of little concern as it only affects the front setback area. Therefore this variation is deemed to be acceptable under the above performance criteria.

Heritage

The development site is located within the draft Claremont Hill Heritage Area as identified by the Draft Heritage Strategy. The Draft Strategy requires new development to take into consideration the following guidelines:

“Overall Design Approach – new development should preferably be designed in a contemporary manner that is sympathetic to the surrounding area.

Scale, Proportions and Bulk – new development should not be visually dominate.

Views – should not obstruct views of heritage places.

Materials, Colours, Details Setbacks, Roofs, Openings, Fencing and Landscaping – should take into consideration and relate to adjacent properties.”

The administration believes that the proposed development is sympathetic to the surrounding area and in compliance with the Residential Conservation & Development Guidelines for the following reasons:

- The roof pitch is 32 degrees;
- The design is contemporary in style and is a product of its time and does not create a false impression of its age or style;
- The windows are vertical in style.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the 2 Storey Single house at No 144 (Lot 52) Grant Street, Cottesloe in accordance with the plans submitted on 8 January 2003, subject to the conditions outlined below.

- (1) 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) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (3) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The lounge room wall and the family room wall located on the eastern side boundary being set back 1.0m from the side boundary in accordance with the provisions of the Residential Design Codes;
 - (ii) The wall height of the proposed development being reduced to 6.0m to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;
- (4) 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.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) The 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.

REASON FOR CHANGE

The Committee discussed the proposed boundary walls. The Manager, Development Services advised the Committee of the background to other decisions made by Council in relation to boundary walls in close proximity to this site.

The Committee resolved to add the standard open aspect fencing condition and delete condition 5 as it was irrelevant.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the 2 Storey Single house at No 144 (Lot 52) Grant Street, Cottesloe in accordance with the plans submitted on 8 January 2003, subject to the conditions outlined below.

- (1) 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) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (3) Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (a) The lounge room wall and the family room wall located on the eastern side boundary being set back 1.0m from the side boundary in accordance with the provisions of the Residential Design Codes;**
 - (b) The wall height of the proposed development being reduced to 6.0m to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;**
- (4) 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.**
- (5) 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.**
- (6) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**

Carried 11/0

10.1.9 NO. 45 (LOT 36) MARGARET STREET - 2 STOREY HOUSE

File No:	45 Margaret Street
Attachments	Location Plan Plans & Elevations Submissions
Author:	Mr Daniel Heymans
Author Disclosure of Interest:	Nil
Report Date:	6 March, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	S Wright

Applicant:	Morley Davis Architects
Date of Application:	6 March, 2003
Density:	R20
Lot Area:	364m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek Council approval for the development of a two storey single house. Conditional approval is recommended

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3	Boundary setback to privacy screen on northern boundary of 1.0m	0m	Clause 3.3.2
3	Boundary setback to entry gate and wall on northern boundary of 1.0m	0m	Clause 3.3.2

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3	Boundary setback to parapet walls on southern boundary of 1.1m	0m	Clause 3.3.2
8	Visual privacy setback to bedroom 4 of 4.5m	4.0m	Clause 3.8.1
8	Visual privacy setback to rear balcony of 7.5m	5.0m	Clause 3.8.1
9	Overshadowing of adjoining property no more than 25%	35%	Clause 3.9.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

- Letter to Adjoining Property Owners

Submissions

There were 4 letters sent out. There was 1 submission received, which was concerned about the development. Details of the submission received is set out below:

47 Margaret Street

The owner of 47 Margaret Street raised a number of issues as outlined below:

- That the original plans that were submitted blocked views of the ocean from 47 Margaret Street because of the unusual roof design of the proposed development. However this issue has since been resolved through a compromise design submitted by the applicants.
- Supported the privacy screen on the northern boundary.
- Is concerned about the risk of subsidence on his property, due to the slope of the site and the possible impact that excavation will cause. The architect has advised that a meeting between the builder and the submitter be organised to address these concerns.

BACKGROUND

The subject property is located on the western side of Margaret Street. The application proposes a new two storey dwelling with a boundary wall on the southern boundary and a 4.2m high privacy screen on the northern boundary. The front setback area of the site is about 1.5m higher than the rest of the lot, which is mainly level. The applicants also own the adjoining property at 43 Margaret Street.

STAFF COMMENT

Boundary Walls

The development has 3 walls that are located on the boundary. The first is a 9m long wall on the southern boundary to the living room. The second is a 4.2m high privacy wall on the northern boundary and the third is a 3.5m high entry wall and gate on the northern boundary.

The codes allow for 1 wall to abut a boundary up to 9 m in length and with an average height of 2.7m.

Clause 3.3.2 of the Residential Design Codes state that:

“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:

(ii) in areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary.”

However, Council has resolved to prepare a Streetscape Policy that will enforce boundary setbacks throughout the Scheme Area in order to preserve streetscape character.

Notwithstanding the above, enforcing a setback of 1.1m on the boundary wall to the living room on the southern boundary will significantly limit the development potential of the site as it is only 364m² in size. Council’s concerns with this type of development stem from the impact on the streetscape, however this wall is about 16m from the front boundary and would not adversely impact the streetscape.

Therefore the administration recommends that this boundary wall be approved, as it complies with the Residential Design codes acceptable development standard.

As the acceptable development standards of the Residential Design Codes only allow for one boundary wall on land coded R20 the remaining two boundary walls in this development would have to comply with the performance criteria (P2) for clause 3.3.2 which state:

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

- Make effective use of space; or*
 - Enhance privacy; or*
 - Otherwise enhance the amenity of the development; and*
 - Not have any significant adverse effect on the amenity of the adjoining property; and*
-

- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

The proposed privacy screen was originally located 1.0m from the boundary, however after the applicant liaised with the affected property owner at 47 Margaret Street and received support for the privacy screen on the boundary, the applicant subsequently changed the plans to reflect this.

The privacy screen is actually designed to restrict views from 47 Margaret Street, as the dwelling at 47 Margaret Street is on a higher level. The proposed outdoor living area of 45 Margaret Street will be severely overlooked from the existing windows at 47 Margaret Street.

The applicant believes that the proposed privacy screen does make effective use of space and enhances the privacy for both parties concerned and allows direct sunlight to both dwellings.

However, as stated previously Council has resolved to prepare a Streetscape Policy that will enforce boundary setbacks throughout the Scheme Area in order to preserve streetscape character.

The proposed 4.2m high privacy screen will have an adverse impact on the streetscape and is not the best solution to the problem. The administration believes that there are a number of other ways to solve the overlooking from 47 Margaret Street without the need for a 4.2m high privacy screen. This could include pergolas covering the outdoor living area of 45 Margaret Street.

Therefore the administration recommends that the privacy screen be deleted from the plans submitted. The applicant is advised to liaise further with Council to find other alternatives to solve the issue of overlooking and lodge another planning application at a later stage.

In relation to the entry wall and gate which is 3.5m in height and located on the northern boundary is required to have a setback of 1m from the boundary according to the Residential Design Codes.

This structure will adversely impact on the streetscape, as it is clearly visible from the street and will affect the amenity of the adjoining owner, as it will be nearly 1.7m above the boundary fence.

Therefore the administration recommends that this wall be reduced in height to 1.8m to match the boundary fence.

Visual Privacy

Under the Design 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 bedroom 4 indicates that there is the potential to overlook the adjoining property at 43 Margaret Street. However the area of overlooking is only minor and doesn't affect any outdoor living areas.

The cone of vision applied to the rear balcony indicates there is potential to overlook the adjoining property at 43 Margaret Street and 218 Marine Parade. This overlooking is not of concern as a parapet wall is proposed rising above the ensuite which restricts overlooking onto the outdoor living area of 43 Margaret Street (see overshadowing diagram)

In relation to the overlooking onto 218 Marine Parade this also does not affect any outdoor living areas and as such is not of concern.

Solar Access

The Design Codes state that it is acceptable to overshadow an adjoining lot by no more than 25% on land coded R20. The overshadowing is calculated without regard for any building on the adjoining land but taking into account its natural ground levels. The proposed development overshadows the adjoining lot by approximately 35%.

In the event that a proposed development does not meet the acceptable standard, the applicant is required to demonstrate that the development meets the performance criteria set out in clause 3.9.1 of the Residential Design Codes which state:

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

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

The subject Lot is very narrow, 10m wide, and as such any two storey solar sensitive design on this site will invariably overshadow the adjoining lot by more than 25%.

The overshadowing diagram illustrates that the overshadowing is mainly cast upon the adjoining building at 43 Margaret Street and only a small part of the outdoor living area.

The adjoining building at 43 Margaret Street has 4 windows on its northern side. 3 of these are under a shade sail which covers a small courtyard, the fourth window (Lounge Room) is on the ground floor and would be overshadowed partially by a single storey development as it is only about 1.5m from the boundary.

Therefore it is the administrations view that the proposed development does not adversely affect the sunlight of the adjoining property as only one window (Lounge Room) is directly affected by the overshadowing and that the lot is only 10m wide.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the two storey residence at No. 45 (Lot 36) Margaret Street, Cottesloe in accordance with the plans submitted on 5 March 2003, subject to the conditions outlined below.
 - (a) 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.
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (c) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (d) 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.
 - (e) The crossover is to be reduced to a single width crossover unless the Manager, Engineering Services, grants approval for a wider crossover.
 - (f) 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.
 - (g) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The entry gate wall located near the northern side boundary being reduced in height to 1.8m;
 - (ii) The privacy screen being deleted.
- (2) Advise the submitters of this decision.

REASON FOR CHANGE

The Committee were of the opinion that Condition (1)(e) was very open and could be misinterpreted. The condition was to be amended to read:

The crossover is to be reduced to a single width crossover unless, due to design constraints, it is demonstrated to the satisfaction of the Manager, Engineering Services that a wider crossover is required.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council:

- (1) **GRANT its Approval to Commence Development for the two storey residence at No. 45 (Lot 36) Margaret Street, Cottesloe in accordance with the plans submitted on 5 March 2003, subject to the conditions outlined below.**
- (a) **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.**
 - (b) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (c) **Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
 - (d) **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.**
 - (e) **The crossover is to be reduced to a single width crossover unless, due to design constraints, it is demonstrated to the satisfaction of the Manager, Engineering Services that a wider crossover is required.**
 - (f) **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.**
 - (g) **Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (i) **The entry gate wall located near the northern side boundary being reduced in height to 1.8m;**
 - (ii) **The privacy screen being deleted.**
- (2) **Advise the submitters of this decision.**

Carried 11/0

**10.1.10 NO 7 (LOT 70) PARRY STREET - PROPOSED GARAGE,
RETAINING WALLS, FRONT FENCE AND STORAGE AREA**

File No: 7 Parry Street
Attachment: Location Plan
Plans & Elevations
Submissions

Author: Mr Daniel Heymans
Author Disclosure of Interest: nil
Report Date: 7 March, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Mr & Mrs Weller
Applicant: Mark Anthony Sertorio
Date of Application: 9 January 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 544m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to seek Council approval for the development of a new garage, front fence, storage area and retaining walls. The garage is the only part of this development that does not conform with existing policies and therefore is the subject of this report. Conditional approval is recommended

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Garages and Carports in the Front Setback Area Policy No 003

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 Claremont Hill Heritage Precinct - Essential
- Municipal Inventory N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
003	6m	4.1m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
2 – Streetscape	6m	4.1m	Clause 3.2.3
3 – Boundary Setbacks	1m	0m	Clause 3.3.2

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owner

Submissions

There was 1 letter sent out. There was 1 submission received, which was in support of the development. Details of the submission received is set out below:

5 Parry Street

The owner of 5 Parry Street stated that he supported the proposed development subject to a number of conditions:

- The finish on the garage parapet wall being rendered and coloured dark grey
- The section of fencing to the east of the parapet wall being replaced with a 1.8m high wall, which matches the proposed parapet.
- The footing of the parapet wall be designed to take into account the levels and existing tree.
- The removal of the existing fence may contain asbestos and therefore would not want it to be reused.

BACKGROUND

The subject property is located on the western side of Parry Street. The application proposes a new garage within the front setback, front fencing, and storage area, together with retaining walls at the rear of the property. The existing house is located in the draft Claremont Hill Heritage Area and is categorised as essential.

STAFF COMMENT**Vehicle Access**

The proposed garage is located within the front setback 4.1m from the boundary. In addition the subject property has an existing right-of-way at the rear. The codes state that a garage should be located at the rear if there is an existing right-of-way.

Clause 3.5.4 (A4.1) of the Residential Design Codes states that:

“Access to on-site parking to be provided, where available, solely from a right-of-way available for the use of the relevant lot and adequately paved and drained from the property boundary to a constructed street.”

In this instance the existing right-of-way does not appear to be in use, as there is vegetation growing in the right-of-way and a trailer blocking the entrance. The right-of-way also rises steeply from the subject lot to the street and is very boggy. The works department has advised that access to the right-of-way is not possible without a 4-wheel drive vehicle.

The plans show the right-of-way has a width of 5m, however this is incorrect and from our records the right of way is 3.4m wide. Given this a total length of 8.1m is required in the rear of the lot to accommodate a garage and the required turning circle. A distance of 9.1m is available at the rear of the lot between the house and the right-of-way, which would allow for the construction of a garage and the required turning circle.

However as access to the right-of-way is not deemed to be available then the administration recommends that the front setback is the only practical location for the garage.

Front Boundary Setback

Town Planning Scheme Policy No. 3: Garages and Carports in Front Setback Area requires carports and garages to be positioned behind the front setback line in accordance with Table 1 of the Residential Design Codes, which on land coded R20, is 6 metres. The policy further states that Council may, in a particular case, allow lesser setbacks including a 4.5m setback to the primary street in the case of a garage.

The criteria for assessing lesser setbacks are as follows:

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

Further the location of the building:

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

The proposed garage is setback 4.1 metres from the primary street. The policy allows for garages to be setback a minimum of 4.5m from the boundary.

The administration believes that a variation in the setback for a garage in this instance is not warranted, as the garage would:

- Create a precedence for garages located in front setback area;
- Add extra building bulk in the front set back which would adversely affect the amenity and streetscape of the area.

Therefore the administration recommends that the garage be modified to a carport.

Boundary Walls

A garage boundary wall on the northern boundary with 5 Parry Street is proposed. The owner of 5 Parry Street has supported the boundary wall with a number of conditions as outlined previously.

Clause 3.3.2 of the Design Codes state that:

“Except where otherwise provided for in an adopted Local Planning Policy, walls built up to a boundary behind the front setback line.”

As the proposed boundary wall does not comply with the acceptable development standards, as it is in front of the setback line, it is necessary to look at the performance criteria (P2) which state:

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

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

In addition Council has resolved to prepare a Streetscape Policy that will enforce boundary setbacks throughout the Scheme Area in order to preserve streetscape character.

However the administration believes that the proposed garage boundary wall is not acceptable for the following reasons:

- *Adversely affect the amenity of the adjoining property, as the height of the parapet will be about 2.7m on the boundary;*
- *Affect the amenity of the area with a solid wall 2.7m high within the front setback area;*
- *Is not in keeping with existing development in the area;*

Therefore the administration recommends that the proposed garage be setback 1 metre from the side boundary.

Heritage

The development site is located within the Draft Claremont Hill Heritage Area, and is categorised as essential, as identified by the Draft Heritage Strategy. The Draft Strategy requires new carports and garages to take into consideration the following guidelines:

“Any new carport or garage should be carefully considered and be an integral part of the overall design of the house. Incorporation of garaging within the roof configuration, as part of any new extension, is desirable, particularly on corner sites.”

As the site slopes down to the north by about 1.5m it is not possible for the roof of the garage to be attached to the roof of the dwelling. However the proposed garage has a roof pitch of 25 degrees which is in keeping with the existing dwelling and the new gable is proposed on the front of the garage which is in the same style as the existing gable on the front of the dwelling.

Therefore the administration believes that the proposed style of the garage is in keeping with both the existing dwelling and the surrounding development and therefore adequately addresses the above guidelines in terms of style. However the guidelines state that carports are preferred in the front setback area to avoid the solid, closed nature of garages which adversely affect the streetscape and amenity of the area.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Ewing, seconded Cr Miller

That Council:

- (1) GRANT its Approval to Commence Development for the new garage, front fence, storage room and retaining walls at No 7 (Lot 70) Parry Street, Cottesloe in accordance with the plans submitted on 11 March, 2003, subject to the conditions outlined below.
 - (a) 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.

- (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (c) 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.
 - (d) 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.
 - (e) Revised plans being submitted for approval by the Manager of Development services showing:
 - (i) The garage being modified to a carport;
 - (ii) The carport being setback from the side boundary by 1 metre.
- (2) Advise the submitters of this decision.

AMENDMENT

Moved Cr. Morgan, seconded Cr. Rattigan

That the motion be amended by deleting (1)(e)(ii).

Lost 4/7

The original motion was put.

COUNCIL RESOLUTION

That Council:

- (1) **GRANT its Approval to Commence Development for the new garage, front fence, storage room and retaining walls at No 7 (Lot 70) Parry Street, Cottesloe in accordance with the plans submitted on 11 March 2003, subject to the conditions outlined below.**
 - (a) **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.**
 - (b) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (c) **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.**
 - (d) **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.

(e) Revised plans being submitted for approval by the Manager of Development services showing:

(i) The garage being modified to a carport;

(ii) The carport being setback from the side boundary by 1 metre.

(2) Advise the submitters of this decision.

Carried 10/1

10.1.11 NO. 25 (LOT 29) ELIZABETH STREET - PROPOSED 2 LOT GREEN TITLE SUBDIVISION

File No: WAPC 121515
Attachment(s): Location Plan, Subdivision Plan
Author: Ms Janine McDonald
Author Disclosure of Interest: Nil
Report Date: 12 March, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: R W & J M Barnett
Applicant: As Above
Date of Application: Received 11 March 2002

Zoning: Residential
Density: R20
Lot Area: 969m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to make a recommendation to the Western Australian Planning Commission with respect to the above subdivision application. It is recommended that Council refuse the application.

STRATEGIC IMPLICATIONS

N/A.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

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

CONSULTATION

Neighbour notification is not required for subdivision referrals from the Western Australian Planning Commission.

BACKGROUND

The subject land is on the western side of Elizabeth Street and is developed with a single storey brick and tile home with an undercroft single bay garage which the applicant proposes to retain. The house is not contained on Council's current or draft Municipal Inventory. The subject site has frontage only to Elizabeth Street and does not abut a right-of-way at the rear.

DISCUSSION

PROPOSAL

The proposal seeks to subdivide the land into two green title lots of 438.8m² (front) and 530.3m² (rear). The proposed lots are in battleaxe formation and the proposed access leg to the rear lot is 3.25m wide.

RESIDENTIAL DESIGN CODES

Lot Size

The subject land is zoned "Residential R20" under the Town of Cottesloe Town Planning Scheme No. 2. The Residential Design Codes specify a minimum lot size of 440m², an average lot size of 500m² and a battleaxe lot size of 540m². The proposal seeks to create lots under those specified by the Design Codes. Western Australian planning Commission Policy allows a 5% variation to the minimum lot size but states that no such concessions apply with respect to battleaxe subdivision.

Minimum Outdoor Living Area

Element 4 of the Design Codes state that development on lots coded R20 should have a minimum outdoor living area of 30m² which is to be behind the front setback line and have minimum dimensions of 4m. Retention of the existing house as is proposed means that this requirement would not be met if the subdivision were approved.

Boundary Setbacks

Element 3 of the Design Codes state that all development must be setback from boundaries to preserve amenity, privacy and ameliorate the impacts of building bulk and the like. Retention of the existing house as is proposed means that the requirement for setbacks would not be met if the subdivision were approved.

WESTERN AUSTRALIAN PLANNING COMMISSION POLICY

Access Leg Width

Western Australian Planning Commission Policy DC 2.2 sets out other requirements for battleaxe subdivision and states that Access legs to battleaxe lots should be a minimum of 4m in width to allow for a constructed driveway and the necessary public utility services.

CONCLUSION

The proposed subdivision is inconsistent with the Residential Design Codes and Western Australian Planning Commission Policy with respect to lot size, battleaxe width, minimum outdoor living area and boundary setbacks. As a result, it should be recommended that the Western Australian Planning Commission refuse the application.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council advise the Western Australian Planning Commission that it objects to the proposed subdivision at No. 25 (Lot 29) Elizabeth Street, Cottesloe (WAPC Ref: 121515) for the following reasons:

- (1) The proposal is contrary to the Residential Design Codes as it does not meet the battleaxe lot size requirement.**
- (2) The proposal is contrary to Western Australian Planning Commission Policy as the battleaxe access leg is under width.**
- (3) The proposal is contrary to Element 4 of the Residential Design Codes as proposed front lot and development thereon will not meet the minimum outdoor living area requirements.**
- (4) The proposal is contrary to Element 3 of the Residential Design Codes as the existing development on proposed front lot will not meet the required boundary setback distance from the new boundary.**
- (5) Approval of the subdivision as proposed would create an undesirable precedent for the creation of other lots contrary to the requirements of the Residential Design Codes.**

Carried 11/0

10.1.12 TOWN PLANNING APPEAL TRIBUNAL – MEDIATION HEARING – NO. 5A OVERTON GARDENS

The Manager, Development Services addressed the Committee meeting and explained the issues in relation to the mediation hearing and sought direction from the Committee in relation to the revised plans received on 5 March 2003.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council advise:

- (1) **Mr Robinson that it is prepared to accept the revised plan received on the 5 March, 2003 in relation to the revised wall height for the development; and**
- (2) **The Town Planning Appeal Tribunal that in relation to the appeal at No. 5A Overton Gardens, it holds no objection to the:**
 - (a) **roof of the development being restricted to a height of RL21.0; and**
 - (b) **parapet wall exceeding a height of RL19.76**

Carried 11/0

11 BUILDING**11.1.1 NO. 9A (LOT 107) CHAMBERLAIN STREET - CONSIDERATION OF CONDITION OF PLANNING CONSENT - FRONT FENCE**

File No:	R4863
Attachments:	Correspondence from Applicant Aerial photography of property Photographs of residence
Author:	Mr Lindsay Stone
Author Disclosure of Interest:	Nil
Report Date:	11 February, 2003
Senior Officer:	Mr Stephen Sullivan

SUMMARY

To make a determination on a fence, constructed within the front setback, which does not comply with the Fencing Local Law.

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY IMPLICATIONS

Town of Cottesloe – Fencing Local Law.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If the applicant did not comply with Council's request on this matter, then legal action may be required to be taken under the Town Planning Scheme.

BACKGROUND

Council granted Planning Consent to Buildwise Designs on 7 September 2001. The Planning consent was granted conditional to "any front boundary fencing to Chamberlain Street shall be of an "Open Aspect" design and the subject of a separate application to Council."

A Building Licence was issued to Buildwise Designs on 3 December 2001 for the construction of a two storey dwelling at No.9a (Lot 107) Chamberlain Street. The approved plans contained details of a front fence that complied with the current Fencing Local Law.

On 18 October 2002 Council's Building Surveyor was driving along Chamberlain Street and noticed that a limestone screen wall was being constructed adjacent to the front boundary and within the front setback. The wall was approximately 1.8m high. It was clearly evident that the fencing did not comply with the approved plans or Council's Fencing Local Law (see attached photographs). The Owner of the property, Mr Michael Trudori, who was on site at the time, was advised to bring the construction into accordance with the approved plans.

Mr Trudori explained that he was unaware of Council's Fencing Local Law and had constructed the fence to be similar to other fencing in Chamberlain Street (see attached photographs). He was also concerned that the adjoining lots were vacant which allowed access to the side of his property.

On 28 October Mr Michael Trudori provided a written submission requesting that Council give consideration to the solid screen wall for privacy reasons (see attached).

STAFF COMMENT

The two storey dwelling was completed in early October 2002. It is located on the western side of Chamberlain Street and is situated approximately 15m from a shopping centre. The dwelling has a finished floor level of RL8.850 and is approximately 810 mm below the footpath (RL 9.660), adjacent to the front boundary.

The dwelling is setback 6 metres from the front boundary. The main bedroom and ensuite are located at the front of the house. The two rooms have an open plan and the front window provides direct vision to the street.

The footpath provides pedestrian access to the shopping centre located at the corner of Eric and Chamberlain Streets. Car parking is permitted directly opposite the dwelling in Chamberlain Street and is used constantly by shopping centre patrons. The shopping centre has operating hours of 8.00 am to 8.00 pm.

The garage is located at the rear of the property with access off the Right of Way. There are no implications in terms of visual truncations for crossovers and protection of pedestrians along the footpath.

Council Policy in relation to fences within the front setback area is as follows:

- (1) A person shall not, without the written consent of the Building Surveyor, modify an existing fence to create or erect a freestanding fence greater than 900mm in height within the front setback area of a Residential Lot within the district.
- (2) To obtain the approval of the Building Surveyor for a fence within the front setback areas greater than 900mm in height, the fence shall be of an open aspect design in accordance with the specifications.
- (3) Side boundary or secondary street boundary fences which fall within the front setback areas, must comply with requirements of front setback fencing i.e. no greater than 900mm unless of an open aspect design.
- (4) Any application for a fence must include provision of sight lines where a boundary fence abuts the footpath. Sight lines must be provided for neighbour properties, if neighbour garages are within two (2) metres of the applicant's property. Sight lines are satisfied by open aspect requirements.
- (5) Where any new application for a driveway is to occur within two (2) metres of a dividing fence, the existing dividing fence must be modified to be open aspect within front setbacks, where a footpath abuts this property.

For the owners to comply with the Fencing Local Law and achieve privacy to the master bedroom and en-suite, one or more of the following measures would need to be implemented:

- (a) install blinds and have them drawn while the rooms are in use.
- (b) plant shrubs or small trees in front of the bedroom window.
- (c) plant shrubs or small trees directly behind an open aspect fence.

Options (a) and (b) would affect the available light into the bedroom and may result in the loss of the rooms amenity.

Options (b) and (c) may take some time to achieve the screening necessary to provide the privacy required by the occupants.

After assessing the objectives of Council's Fencing Local Law, it is recommended that the fence constructed at the above address be modified to be of open aspect, above 900mm in height.

The options open to Council include:

- (1) requiring the removal of the unauthorised fence within the front setback;
- (2) requiring the modification of the front fence so that it complies with Council's Fencing Local Law; or
- (3) allowing the fence, as constructed, to remain.

VOTING

Simple majority

OFFICER RECOMMENDATION

For determination by Council.

REASON FOR CHANGE

The Committee were of the opinion that option 2 of the Officers report is the most appropriate course of action.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council advise the owner of No. 9A (Lot 704) Chamberlain Street that it:

- (1) Is not prepared to support the departure from the approved plans for the non-complying fence front fence; and**
- (2) Requires the unauthorised fence to be modified so that it conforms to the approved building plans.**

Carried 9/2

12 HEALTH**12.1.1 BEACHES CAFE OUTDOOR EATING AREA LICENCE**

File No:	122 Marine Parade
Author:	Ms Ruth Levett
Author Disclosure of Interest:	Nil
Report Date:	12 March, 2003
Senior Officer:	Mr Stephen Sullivan

SUMMARY

The purpose of the report is to review the extension of the temporary Outdoor Eating Area Licence as approved until March 2003, at the meeting of Full Council in February, 2003. The recommendation is for a further extension of one month to the end of April, 2003.

STATUTORY ENVIRONMENT

- (1) Activities on Thoroughfares and Trading in Thoroughfares and Public Places
Local Law – Division 3 – Outdoor eating facilities on public places.**
- (2) Building Code of Australia 1996 Part F2 – Sanitary and Other Facilities.**

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Annual licence fee \$1,800.

CONSULTATION

The Administration has consulted the Strata Manager by telephone and in writing, requesting that they provide a response to the proprietors of Beaches Café in relation to the use of the existing exhaust ducting.

BACKGROUND

Whilst the issue of Outdoor Eating Area Licence is not entirely dependant on the installation of a kitchen exhaust system, in the case of Beaches Café the business could not continue to trade in its current capacity as a Class 1 food premises without this equipment.

As requested by the Administration, the proprietors of Beaches Café submitted details of an approved kitchen exhaust system by 31 January 2003. Body corporate approval is required to use the ductwork on the exterior of the building for the discharge of exhaust air. At the time Council considered this matter in February, 2003 this approval had not been received and it was deferred to the March, 2003 meeting of Council.

STAFF COMMENT

At the time of preparing this report a response had still not been received from the Body Corporate. However, the Administration has been advised that the Body Corporate is negotiating with the proprietors of the cafe and will be able to provide a response by early April, 2003. It is therefore recommended that the matter be referred to the April, 2003 meeting of Council and that the temporary Outdoor Eating Area Licence be extended for a further month to the end of April, 2003.

As this issue has been deferred over an extended period of time without resolution, it is also recommended that a time frame be imposed on the approval of the kitchen exhaust system. In the event that Council has not received an approval to use the existing exhaust ducting by Tuesday, 8 April, 2003, it will be recommended that the café becomes a Class 3 food premises where no cooking is permitted. Written advice of this proposed action is to be given to the proprietors of Beaches Café and the Strata Manager.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council, having received no response from the Body Corporate:

- (1) Approve an extension of the temporary permit under the same conditions until the end of April 2003;

- (2) The Administration write to the proprietors of Beaches Café with a copy to the Strata Manager, requesting Body Corporate approval to use the existing exhaust ducting to be provided by 8 April, 2003;
- (3) The Administration provide a report to Council in April 2003; and
- (4) Authorise the CEO to withdraw the temporary approval should a breach of the conditions occur.

REASON FOR CHANGE

A memo was presented to Mayor and Councillors with a copy of correspondence attached from the Body Corporate requesting an extension of time for one month as the strata owners needed more time to consider the issues and provide a response to Council.

The recommendation be amended to replace 'April' with 'May'.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Ewing, seconded Cr Miller

That Council, having received a response from the Body Corporate dated the 14 March, 2003 requesting further time to consider this matter:

- (1) **Approves an extension of the temporary permit under the same conditions until the end of May 2003;**
- (2) **The Administration write to the proprietors of Beaches Café with a copy to the Strata Manager, requesting Body Corporate approval to use the existing exhaust ducting to be provided by 8 May, 2003;**
- (3) **The Administration provide a report to Council in May 2003; and**
- (4) **Authorise the CEO to withdraw the temporary approval should a breach of the conditions occur.**

Carried 11/0

13 WORKS AND CORPORATE SERVICES COMMITTEE MEETING – 18 MARCH 2003

13.1 ADMINISTRATION

13.1.1 CEO'S PERFORMANCE REVIEW

File No:	X9.12
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	The author has a direct financial interest in the matter.
Report Date:	12 March, 2003
Senior Officer:	Mr Stephen Tindale

SUMMARY

At the December 2002 meeting of Council, a decision was made to engage an independent consultant to work with the CEO's Performance Appraisal Committee in undertaking the performance review process for the CEO.

The report and recommendations of the CEO's Performance Appraisal Committee were circulated to elected members as a confidential document.

STATUTORY ENVIRONMENT

The relevant sections of the Local Government Act read, in part, as follows:

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

(1) *The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section."*

5.23. Meetings generally open to the public

(1) *Subject to subsection (2), the following are to be open to members of the public —*

(a) *all council meetings; and*

(b) *all meetings of any committee to which a local government power or duty has been delegated.*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

(a) *a matter affecting an employee or employees;*

(b) *the personal affairs of any person;*

(c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;...*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The recommendation relating to the CEO's salary package envisages an increase of approximately \$10,000 per annum.

BACKGROUND

The following extract is taken from the "Executive Summary" of the CEO's Performance Appraisal Committee Report:

The review of Mr Stephen Tindale's performance as the Chief Executive Officer of the Town of Cottesloe has been carried out in accordance with Council's statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Tindale's contract with the Town, in particular as it relates to clause 4 'Performance Development and Review'.

Council's Review Committee conducted the performance review with Mr Stephen Tindale at the Council's Offices on Wednesday, 5 March, 2003. This meeting was facilitated by Mr John Phillips, Executive Manager Workplace Relations & Training Services, WALGA.

Councillors are of the view that, overall, Mr Tindale has met all of the performance requirements of the position and has provided a high standard, above average service as the Town's Chief Executive Officer.

CONSULTATION

Nil

STAFF COMMENT

The Committee/Council can decide whether the meeting should be closed or not for the consideration of this agenda item.

If it is felt that it is appropriate, the Committee/Council can also decide the extent to which the content and recommendations contained within the report of CEO's Performance Appraisal Committee should be published for broader consumption.

VOTING

Simple Majority

OFFICER RECOMMENDATION

- (1) That the Committee/Council close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.
- (2) That the recommendations contained within the report of CEO's Performance Appraisal Committee be adopted.

OFFICER & COMMITTEE RECOMMENDATION

That the recommendations contained within the report of CEO's Performance Appraisal Committee be adopted.

The Mayor noted the confidential nature of Item 13.1.1 at 8.02pm and after seeking the agreement of the meeting deferred the item until the end of the meeting.

13.1.2 COTTESLOE PRIMARY SCHOOL P & C SAFETY HOUSE COMMITTEE - DONATION REQUEST

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 11 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the Cottesloe Primary School P & C Safety House Committee's request for a donation of \$200. The recommendation is for approval.

STATUTORY ENVIRONMENT

The Local Government Act provides that a local government may apply money held in its municipal fund to the performance of functions conferred by the Act (Section 6.7) and that the general function of the local government is to provide for the good government of persons in its district (Section 3.1). It is suggested that the proposed use of the requested donation aligns with the general function.

POLICY IMPLICATIONS

Council has a Donations Policy that provides for the CEO to make donations of up to \$50 form an annual budget provision \$500. The requested amount exceeds the CEO's authorisation under this policy.

STRATEGIC IMPLICATIONS

The Plan provides under the heading "Environment" in the area of "District Development" that *Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.* It is suggested that the project, to be funded by the proposed donation, is inline with the stated objective.

FINANCIAL IMPLICATIONS

A \$1,500 provision was made in the budget for "Donations" in the area of "Governance". No expenditure has been allocated to this area to date and it is recommended that a portion of this provision be used for the requested donation of \$200.

BACKGROUND

The Cottesloe Primary School P & C Safety House Committee wrote to Council seeking a donation of \$200 to assist with its Safety House promotion.

The Committee's aim is to create a safe environment for children to encourage them to walk or ride to school as often as possible within their area. All Safety Houses are

Police cleared under its Safety House program. The Committee aims to improve children's fitness, reduce traffic congestion around the school, increase awareness of surroundings and promote a safer environment for everyone. It plans to raise the awareness of the Safety House campaign with many activities throughout the year. These activities will include:

- a letter drop to all other schools in the area informing them of the Committee's commitment to the program and houses which are involved
- publicity in the local paper
- Safety House colouring competition
- yellow balloons attached to all Safety Houses to celebrate Safety Hose Day
- yellow food to be given out on Safety House Day
- a strong promotion of yellow throughout the year.

The School's P & C will commit funding to the Committee's program and the Committee is seeking a contribution from Council to ensure its campaign is adequately funded.

CONSULTATION

Nil.

STAFF COMMENT

It is recommended that Council donate the \$200 as requested.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council donate \$200 to the Cottesloe Primary School P & C Safety House Committee as requested to assist with its Safety House promotion.

Carried 11/0

13.1.3 COMPLIANCE AUDIT RETURN FOR 2002

File No:	X4.13
Attachment:	Compliance Audit
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	12 March, 2003
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2002 and
 - (2) authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.
-

STATUTORY ENVIRONMENT

Regulation 14 of the Local Government (Audit) Regulations 1996 reads as follows:

14. Compliance audit return to be prepared

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister*
- (3) A compliance audit return is to be —*
 - (a) presented to the council at a meeting of the council;*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

One of the management objectives of Council's Strategic Plan is that all procedures and decisions comply with external and internal statutes.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Each year the Local Government Department issues a compliance audit return that covers a wide range of mandatory actions under the terms of the Local Government Act (1995).

The return for 2002 has been compiled and a copy is enclosed with this agenda for each Councillor to review and make comment to the Council.

CONSULTATION

Nil.

STAFF COMMENT

The compliance audit return indicates that there were no areas of non-compliance during 2002.

VOTING

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council adopt the Compliance Audit Return for 2002 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

Carried 11/0

13.1.4 OUTSTANDING DEBTOR - REQUEST FOR A REDUCTION IN INVOICED AMOUNT

File No: C7.9
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 12 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

A debtor of the Town of Cottesloe believes that the Town of Cottesloe should bear some of the costs raised against the debtor rather than the debtor carrying all the costs.

STATUTORY ENVIRONMENT

Relevant extracts from the Local Government Act read as follows:

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *of a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following — ...*
- (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - or (iii) *information about the business, professional, commercial or financial affairs of a person,*
-

- (iii) *information about the business, professional, commercial or financial affairs of a person,*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may — ...*
 - (a) *when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*
which is owed to the local government.
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges...*

FINANCIAL IMPLICATIONS

The amount of the outstanding debt is \$18,168.33.

BACKGROUND

See confidential report.

CONSULTATION

Nil

STAFF COMMENT

See confidential report.

VOTING

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

- (1) **That the Committee/Council close the meeting for the consideration of this agenda item on the grounds that it relates to:**
 - **a contract entered into by the Town of Cottesloe**
 - **legal advice obtained or that may be obtained by the Town of Cottesloe and**
 - **information about the financial affairs of a person.**

- (2) That the recommendation contained within the confidential report be adopted together with the additional direction as given by the Committee.

Carried 11/0

13.1.5 PROPOSED CENTRAL METRO COASTCARE OFFICER

File No:	C9.1
Attachment:	Budget Sheet
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	12 March, 2003
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to provide office space and associated facilities for the proposed Central Metro Coastcare Officer.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of Cottesloe has the following strategic plan objective:

“A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environments.”

FINANCIAL IMPLICATIONS

A budget for the proposed position is attached. Cash costs over and above the actual grant received, range from \$18,775.62 down to \$10,075.62 p.a.

It has been argued that as the Town of Cottesloe is providing significant in-kind support for the position, the Town of Cambridge and City of Stirling should split these additional cash costs between them.

However, the Town of Cottesloe may be expected to pick up 1/3 of these costs in a joint cost-sharing arrangement with the Town of Cambridge and City of Stirling. This will depend on the individual decisions of the Councils at their March round of meetings.

At the outside, the Town of Cottesloe may be called upon to provide a cash contribution of up to \$6,000 for the position.

BACKGROUND

Funding of \$39,000 for Central Metro Coastcare Officer has been approved through the Priority Projects stream of Natural Heritage Trust (NHT) Interim Funding Bid for the Swan Catchment Council.

The officer will support two well-established and very active Coastcare groups (Cottesloe and Cambridge) and one new Coastcare group (Stirling).

The funding bid to the NHT is focused on the provision of “...resources to a sub region experiencing the high urban pressures to a fragile coastal ecosystem.”

The officer will:

- Assist in strategic planning and implementation of coastal restoration and rehabilitation work;
- Assist in the organisation and supervision of re-vegetation days at South Cottesloe dunes, North Cottesloe (Grant St) dunes, South City Beach, Floreat and Scarborough;
- Establishment of ongoing education programs within surrounding schools and the general local community;
- Promotion of the Group’s activities through production of newsletters and liaison with media;
- Attend CoastCare group meetings as required;
- Liaising with the community, industry and Government to develop funding and project support;
- Assist Cottesloe CoastCare in the finalisation of the North Cottesloe Management Plan;
- Assist Cambridge CoastCare and Town of Cambridge in the development of its Environmental Management Plan as a benchmark for Central Metropolitan region;
- Production of signage for coastal projects;
- Prepare necessary reports for funding bodies;
- Assist in the development of grant applications;
- Research, develop and trial best practice rehabilitation techniques;
- Develop ongoing monitoring and evaluation programs;
- Develop and promote training and skills enhancement;
- Provide other services and activities as required with the approval of the Management Committee.

CONSULTATION

Nil.

STAFF COMMENT

On behalf of the Town of Cottesloe, the CEO has offered to host the position (through the provision of office space, computer facilities etc) while the other two local governments are being asked to provide cold hard cash in terms of meeting additional direct expenses (fuel reimbursement and other overheads).

While it is recognised that we are pushed for office accommodation, it was felt that Cottesloe was in a position to offer to host the position because of:

- a likely synergy between the Coastcare Officer and the about to be appointed Sustainable Development Officer. The two will be expected to share the same office space (the former Mayor's Office).
- local lobbyists who wanted the position based in Cottesloe
- a perception that we miss out on desired levels of service when shared project officers are employed by other local governments on our behalf.

The actual recruitment of the Coastcare Officer will be undertaken through a management committee comprised of representatives of the three local governments and the three Coastcare committees - once the three local governments have ratified the appointment of such an officer.

VOTING

Simple majority for recommendations 1 and 3.

Absolute majority for recommendation 2.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) **Provide office space and associated facilities for the proposed Central Metro Coastcare Officer;**
- (2) **Provide short term funding of up to \$2,000 towards the position for the balance of the 2002/2003 financial year - if required; and**
- (3) **Set aside such additional sums as may be required in the 2003/2004 budget.**

Carried 11/0

13.2 ENGINEERING

13.2.1 POLICY - AMENDMENT - RESIDENTIAL PARKING

File No: E 18.8
Attachment: Parking – Residential (Policy)
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 10 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

To review the Residential Parking Policy of 1996. It is recommended that the Parking – Residential Policy be endorsed for a further period of five years, subject to deletion of the requirement to use "BG" blocks and approving the use of paving blocks with the consent of the Manager of Engineering.

STATUTORY ENVIRONMENT

Local Law - Subdivision 2 of Activities on Thoroughfares and Trading in Thoroughfares and Public Places of Jan 2001.

POLICY IMPLICATIONS

Policy - Residential Parking of 1996.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The policy was adopted in 1996 as a means of protecting verges from vehicle damage by providing guidelines for the construction of a porous hardstand on the verge where on-site parking cannot be provided and a conventional "vehicle crossing place" is not permitted. Council's longstanding policies and local laws do not allow the construction of a standard vehicle-crossing place unless there is vehicle access to a hardstand area on the property. The policy also has an objective of encouraging property owners to provide sufficient on-site parking.

CONSULTATION

Nil.

STAFF COMMENT

Since the introduction of the policy in 1996 there have been less than a dozen sites where verge-parking areas have been approved and built in accordance with the policy. The policy has been of more use in preventing the construction of verge parking areas and is now supported by the Local Law - Activities on Thoroughfares and Trading in Thoroughfares and Public Places of January, 2001.

There are also properties where original crossing places have been made redundant by re-development, but have not yet been removed in accordance with the local law as builders and owners conveniently forget their obligations. The older examples can be very difficult to deal with and really only come to notice when there is a special problem, or when road pavements are rehabilitated and new kerbing is to be laid.

There are a few sites where owners have responded to drought conditions by brick paving sections of the verge without Council authority and these will be addressed shortly.

The existing objectives of the verge parking policy are still valid, but there are other issues that also need to be addressed when considering the broader issues of streetscape maintenance and improvement.

The form of construction stipulated is for a standard concrete crossover apron and two parking bays constructed of "BG" (below ground) blocks. The idea is that the

grass can grow under and through the blocks to achieve a natural looking surface. The reality is that grass seldom grows though the blocks unless owners maintain the areas with as much care as a lawn. If not well maintained the surface can become a checkerboard of exposed concrete nibs, which are difficult to walk on. Installation is also extremely difficult as the 600 x 600 x 150 blocks are very heavy, can be difficult to source and are expensive. Excavation needs to be 150 mm, which can be counter-productive if tree roots are encountered and removed, or futile when widespread surface rock is encountered. The only saving grace is that they are said to be permeable to water and therefore do not contribute to road drainage problems. There is a plastic version of below ground matting available in Sydney but this product has not yet been tested by Council.

If vehicles are driven off the BG blocks the surrounding area can also become eroded, which defeats the objective. Since there are so few properties that qualify for construction of a verge parking area, consideration needs to be given to allowing a brick paved area subject to provision of adequate drainage and the remainder of the verge being properly maintained.

Evidence is now emerging that a number of mature trees have suffered as a result of indiscriminate use of verges for vehicle access and storage combined with the current drought conditions. . This has become more evident in the past two years where residents have totally abandoned the practice of maintaining the verge. Mature trees, which have developed a dependence on a reticulated water supply are particularly vulnerable, especially where vehicle access has resulted in root exposure, damage and compaction of the ground.

The huge increase in the numbers of four-wheel drive vehicles and the driving behaviour of some drivers has made previously inaccessible verges vulnerable to damage, as conventional barrier kerbing is in fact no barrier and damage has certainly increased. Large four-wheel drive vehicles do not need the luxury of a vehicle entry as stipulated in the existing policy and would not be disadvantaged if none were provided. There has also been an increase in the number and size of boats and trailers permanently stored on the verge which contribute to the degradation of vegetation that would otherwise stabilise the sand soil.

VOTING

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council endorse the amended Parking – Residential Policy, which is attached, for a further period of five years.

Carried 11/0

Crs Morgan, Furlong, Sheppard and Walsh, in accordance with the Code of Conduct, disclosed their membership of the Sea View Golf Club.

13.2.2 SEA VIEW GOLF CLUB INC. - PROPOSED BORE

File No: E10.10
Attachment: Jarrad Street "A" Class Reserve Review Group Inc. Correspondence
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 11 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The Sea View Golf Club has requested permission to install a new bore on the course to replace one that has been taken out of service because of increased salinity levels.

Because of concerns about the proposal to construct a new bore on the course consultants were engaged to review the options. The consultants have now completed the first part of the investigation and recommend that the bore be located near Curtin Avenue.

STATUTORY ENVIRONMENT

The lease requires Council permission for construction on site and Council would need to approve any bore located on a road reserve.

The Waters and Rivers Commission controls the total annual groundwater abstraction by way of a licence, which is subject to the approval of the local authority.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The quality of groundwater in the whole of the peninsular is of particular concern as it has the potential to impact negatively on the whole area and will need to be considered in terms of sustainability.

FINANCIAL IMPLICATIONS

Nil at this time.

BACKGROUND

The Hydro-Plan report now to hand is restricted to the issue of the Golf Club's groundwater supply. The second report relating to sustainability of groundwater abstraction in the whole peninsular has proved to be far more complex and will be completed in April.

The Project Consultant from Hydro-Plan has reported that the superficial aquifer underlying the Cottesloe peninsula is a narrow lens of fresher groundwater overlaying saline water; very similar to the Halls Head peninsula in the Mandurah area.

The aquifer relies solely on rainfall for recharge and seasons of low rainfall have had an increasing impact on the available resource. Increasing demand has exacerbated this.

The bores/wells displaying the most stable salinity levels, i.e. the OBH well, Jasper Green Reserve and the Wearne Hostel bore are also the most remote from the Golf Course/Cottesloe Oval/Harvey Field area. This is attributable to the lower draws even with the thinner lens in these areas and highlights the fact the heavy draws in the Golf Course area are not sustainable. The rising salinity that has negated the use of the Golf Course well will be repeated if a high draw bore is located adjacent to the Kindergarten.

From study of the available information on the groundwater lens underlying the peninsula, the lens is at its thickest along the east/west alignment of the railway line/Curtin Avenue and concurs with your original premise that a new bore would be better situated in this area.

The Hydro-Plan recommendations are as follows:

- (1) Construct a new golf course irrigation bore adjacent to the intersection of Curtin Avenue and Jarrad Street, or alternatively the intersection of Curtin Avenue and Webb Street.
- (2) In line with the proposal of Quinti & Co., reduce the draw on the existing Forrest Street bore to 8 litres per second and equip the new bore to produce a similar amount. (A total supply of 12LPS from 2 bores as per Graham Partridge's letter of 23 January, 2003 would not sustain the course.)
- (3) Run a new 80mm supply line from the new bore location to intersect the existing Golf Course mainline.
- (4) If the total of 16LPS is inadequate, construct a third (100mm) bore adjacent to the Kindergarten to produce a maximum additional flow of 3LPS. This flow should be sustainable.
- (5) There is potential for the bore drilled adjacent to the old golf course well to stabilise in salinity level over time. This should be monitored and re-equipped for limited (2-3LPS) additional supply if quality improves sufficiently.

The consultant goes on to state that overall many issues will affect the long-term sustainability of draw for the golf course. The current attitude of the Golf Club Committee is conducive to the best possible outcome, but no guarantee of permanent suitable supply should be assumed. Careful monitoring of the salinity levels on all sources should be part of the Club's maintenance routine and reduced pumping regimes instituted if quality declines.

The Chairman of the "Jarrad Street" "A" Class Reserve Review Group (Inc.) has also made comment on original proposal to locate a new bore on the course and the Golf Club's recent watering practices and suggest that watering in daylight not be tolerated.

CONSULTATION

Nil.

STAFF COMMENT

Locating a new bore at Curtin Avenue will add significantly to the cost for the Sea View Golf Club and will probably require the Club to raise a loan through Council so the cost can be absorbed by future users who will gain the benefit. There may also be implications for the new lease.

In fairness to the Golf Club, it should be stated that the Club has experienced some recent mechanical problems with the only remaining bore and after a three day shut down had to catch up with some fairway watering. It is also important to apply sufficient water to ensure that salts do not accumulate in the root zone. There may be other occasions when daytime watering has occurred but no explanation has been sought. While the practice of regular daytime watering may be frowned upon, it is not illegal at this time and some circumstances may warrant an occasional exception. The State Government has already decided that as from July 2003 it will not be permissible for Local government groundwater licence holders to water after 9:00am or before 6:00pm.

Coincidentally this week the Works Supervisor and I attended a presentation by the Waters and Rivers Commission arranged by WALGA to explain the new watering restrictions that will be imposed on local governments. One graph showed that the drought commenced in 1975 and that the runoff into dams in the past 28 years has been at 50% of the previous average. It is now thought that the recharge of groundwater has been reduced to similar levels. A fifty percent reduction in groundwater recharge over such a long period could have very significant implications for all groundwater users.

The "Cottesloe Mosman Peninsular" is particularly vulnerable and would be one of the first to suffer. It is of particular concern that the government is continuing encouraging property owners to install bores even though the peninsular is shown on the Water and Rivers maps as being an area unsuitable for drilling garden bores. There is no requirement to licence bores and the discovery of this information is left to chance and residents engage drilling contractors at will. These matters will be addressed in the second report.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That Council receive the report from Hydro-Plan Pty Ltd and advise the Sea View Golf Club that Council:

- (1) cannot support the installation of the additional bore on the Golf Course due to the risk of saltwater intrusion;
- (2) will give consideration to a proposal to install a new bore and pump in Jarrad Street, near Curtin Avenue, subject to a meter being installed and maintained and sustainable abstraction rates being adhered to;
- (3) will give consideration to funding a self-supporting loan if additional funds are required;

- (4) request that abstraction rates for the existing bore in Forrest Street be reduced to sustainable levels in line with the original design specification; and
- (5) require that meter readings for each pump be provided to Council on a monthly basis.

REASON FOR CHANGE

A revised recommendation was distributed by the Manager Engineering Services on 17 March, 2003 and reads as follows:

“An amended recommendation follows as the recommendations in the March agenda does not anticipate that the Sea View Golf Club may take action contrary to professional advice or may choose not to construct a new bore near Curtin Avenue. Either action could jeopardise the ground water source and in turn the sustainability of the course.

Two issues have come to notice since preparing the report and recommendations for consideration at the March round of meetings. The first is the decision to re-equip an old bore and the second is the possible ongoing risk of over drawing the main bore which would risk salt-water “intrusion” or “up coning” in both bores.

I am not aware if the Golf Club will accept the consultant’s advice and provide for the construction of an additional off site bore as recommended. However, it is clear that the Golf Club has been in a very vulnerable position for at least three years because of its reliance on a single water source and not having any fall back position in the event of salinity problem or mechanical fault occurring. The Club is again vulnerable and is in the same position as it was prior to constructing the Forrest/Curtin Bore.

In further discussion with the Secretary of the Sea View Golf Club on 13 March I discovered that the Club had proceeded to install a new pump in the bore on the north side of the course. The Club apparently intends to draw approximately 6 -8 litres per second from the old bore on the north side of the course compared to the 17 litres per second drawn prior to abandonment three years ago. However, the Consultant’s recommendation (point 4) is that any future draw from this location must be limited to 2-3 litres per second and be subject to regular monitoring. It therefore seems likely that this bore will again suffer from salt-water intrusion and be rendered useless.

I immediately advised the Secretary that this was contrary to my understanding of the recommendations of Hydro-Plan, which had only been faxed to Council and the Club on the preceding day. The Secretary disagreed and suggested that there was a misunderstanding. I then contacted the Consultant who expressed great concern about this latest action as he had met with the club representatives in the previous week and had gone over the issues at great length. The Consultant has attempted to clarify the recommendations in further discussion with the Secretary and forwarded a further fax to the Club on Thursday, 14 March.

While the decision to extract water from the old bore at a rate that is considered unsustainable is disappointing, the only risk is that there will be a return of elevated salt levels and a waste of money. Given the number of bores and wells that have

had to be abandoned in this location it is surprising that the club should repeat past actions and hope for a different outcome.

The consultant also recommended that the draw from the bore at Forrest/Curtin be reduced by about 50% to 8 litres per second as the current rate is likely to cause an up coning of salt water. This recommendation was made after consultation with the drilling contractor who constructed the bore 1989. A reduced pumping rate would not satisfy the Club's quest for more water and would certainly require the additional bore.

Council will need to reconsider the position if the Club chooses not to construct a new bore off site and ignores the consultant's recommendation to reduce the rate of water abstracted from the Forrest /Curtin Avenue bore. In the absence of any fall back position any sharp deterioration in water quality or loss of supply could decided the future of the course.

Consideration therefore needs to be given to contingency planning in case the golf water supply is lost for any reason at height of summer, as urgent action would obviously be needed. Snap decisions in such circumstances may not have long-term benefits. Council should ask the Sea View Golf Club to advise the full details of planning for a sustainable groundwater source and contingency planning in the event of an emergency.

Council will also have to consider the broader question of sustainability as the whole district is very close to the coast and to the river estuary where the fresh superficial groundwater overlies a wedge of salty water extending up to a kilometre inland. Excessive pumping from bores in these areas can increase the size of the salt-water wedge at the expense of the fresh water, so that the bores start to pump salty water. Once this occurs it can take decades with no extraction before the system can recover.

Council will need to decide if it needs to exercise greater control over the actions of the Sea View Golf Club and the means by which this may be achieved. If greater power is needed then the new lease document is the most obvious option.

Council has control over the bore at the intersection of Curtin Avenue and Forrest Street, as it is located on a road reserve, which is under the care and control of Council. If groundwater is being extracted at unsustainable rates Council could intervene and require the Club to reduce consumption without reference to any other authority.

The Waters and Rivers Commission could also intervene as it implements water allocation decisions and regulates the use of water through the powers assigned to it under the Rights in Water and Irrigation Act (1914). All groundwater licences are issued subject to responsible usage.

The Sea View Golf Club should therefore be requested to reduce the volume of water extracted from the Curtin Avenue/ Forrest Street Bore to a maximum of 8 litres per second with a total volume not to exceed 56,000 kilolitres in any twelve month period."

COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council receive the report from Hydro-Plan Pty Ltd and advise the Sea View Golf Club (Inc) that Council:

- (1) Will not support the installation of any additional bores on the Sea View Golf Course due to the risk of further saltwater intrusion;
- (2) Will give consideration to a proposal to install a new bore and pump in Jarrad Street, near Curtin Avenue, subject to abstraction rates being set at sustainable levels after test pumping rates have been professionally analysed and reported to Council and a meter being installed and maintained;
- (3) Will give consideration to arranging a self-supporting loan if additional funds are required to construct and equip an off site bore;
- (4) Directs that abstraction rates for the existing bore on the north side of the course near Forrest Street be restricted to a maximum of 2 to 3 litres per second until pumping rates and salinity levels have been professionally analysed and reported to Council and a meter being installed and maintained;
- (5) Directs that abstraction rates for the existing bore at Forrest Street/ Curtin avenue be reduced to a maximum of 8 litres per second with a total volume not to exceed 56,000 kilolitres in any twelve month period in order to achieve sustainable levels in line with the original design specification;
- (6) Directs that meter readings and consumption for each pump be provided to Council on a monthly basis; and
- (7) Request the Sea View Golf Club (inc) advise details of any contingency plan that they may have in place in the event of existing groundwater supplies being restricted by mechanical failure or water quality being compromised by salt water intrusion;
- (8) Investigate the cost and feasibility of establishing an artesian water supply.

AMENDMENT NO. 1

Moved Cr Ewing, seconded Cr Whitby

That motion be amended by adding the following:

“(9) That the Cub be requested to produce a Management Plan to demonstrate how it will reduce its water consumption over the next 10 years.”

Moved Cr Furlong, seconded Cr Ewing that the amendment be put.

Carried 9/2

The amendment was put.

Lost 5/6

AMENDMENT NO. 2

Moved Cr Whitby, seconded Cr Ewing

That the motion be amended by deleting paragraph (3).

Moved Cr Furlong, seconded Cr Utting

That the amendment be put.

Carried 10/1

The amendment was put.

Lost 2/9

The original motion was put.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

That Council receive the report from Hydro-Plan Pty Ltd and advise the Sea View Golf Club (inc) that Council:

- (1) Will not support the installation of any additional bores on the Sea View Golf Course due to the risk of further saltwater intrusion;**
- (2) Will give consideration to a proposal to install a new bore and pump in Jarrad Street, near Curtin Avenue, subject to abstraction rates being set at sustainable levels after test pumping rates have been professionally analysed and reported to Council and a meter being installed and maintained;**
- (3) Will give consideration to arranging a self-supporting loan if additional funds are required to construct and equip an off site bore;**
- (4) Directs that abstraction rates for the existing bore on the north side of the course near Forrest Street be restricted to a maximum of 2 to 3 litres per second until pumping rates and salinity levels have been professionally analysed and reported to Council and a meter being installed and maintained;**
- (5) Directs that abstraction rates for the existing bore at Forrest Street/ Curtin avenue be reduced to a maximum of 8 litres per second with a total volume not to exceed 56,000 kilolitres in any twelve month period in order to achieve sustainable levels in line with the original design specification;**
- (6) Directs that meter readings and consumption for each pump be provided to Council on a monthly basis; and**
- (7) Request the Sea View Golf Club (inc) advise details of any contingency plan that they may have in place in the event of existing groundwater supplies being restricted by mechanical failure or water quality being compromised by salt water intrusion;**

- (8) Investigate the cost and feasibility of establishing an artesian water supply.

Carried 10/1

**13.2.3 NORTH STREET/MARINE PARADE ROUNDABOUT- PROPOSED
SCULPTURE CONTRIBUTION**

File No: E 17.10.71
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 18 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

To consider a request from the City of Nedlands to include \$40,000 in the draft budget as a 50% contribution towards the cost of a sculpture to be commissioned and located in the roundabout at the intersection of North Street and Marine Parade.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

\$50,000

BACKGROUND

When this roundabout was first being designed, the City of Nedlands gave an undertaking to the residents in the vicinity not to plant a pine tree. There was mention of the possibility of the City acquiring a sculpture in the future, but this was not pursued until now.

CONSULTATION

Nil.

STAFF COMMENT

A sculpture would have very low priority.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Receive the correspondence from the City of Nedlands; and
- (2) Decline the offer to participate in the commissioning of a sculpture to enhance the streetscape at the corner of North Street and Marine Parade.

Carried 11/0

13.2.4 WEST COAST HIGHWAY - DEDICATION OF ROAD RESERVE

File No: E 17.10.87
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 18 March, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

Concurrence to dedication of road reserve.

STATUTORY ENVIRONMENT

Land Administration Act (1997).

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Main Roads WA has advised DOLA requires Council's concurrence to the dedication of a road reserve.

CONSULTATION

Nil.

STAFF COMMENT

This is an administrative formality

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council advise the Main Roads WA that the Town of Cottesloe supports the dedication as road reserve those lots of land between Curtin Avenue and North street that have previously been acquired for the construction of West Coast Highway.

Carried 11/0

13.3 FINANCE**13.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003**

File No:	C7.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	12 March, 2003
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 28 February, 2003.

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

As will be noted from the Operating Statement (page 3 of the Financial Report) there are a number of variances of actual expenditure and income against year to date estimates. Some of the variances can be attributed to differences in timing of actual

expenditure and income to estimates of when these were to occur and the following are brought to Council's attention:

- The statements show expenditure in the area of Health is down by more than \$8,000 overall and indications are that expenditure in this area will be down by \$7,000 at year end.
- Expenditure in the area of Welfare is \$3,373 more than expected at this time and this is mainly due to higher than expected costs associated with playground and gardening works at the Seaview Kindergarten. It is expected that this area will be over spent by a similar amount at year end.
- Expenditure in the area of Recreation and Culture was \$70,242 lower than expected at the end of February and this is mainly due to a lower level of activity in the area of Beach Parks. It is expected that expenditure will continue to be lower than budgeted to year end.

Income In the area of General Purpose Funding was \$28,670 more than expected at the end of February and this is mainly due to a combination of higher than expected income from interim rates and lower than expected income in the areas of general Purpose Grants and interest on investments. It is expected that this trend will continue to year end.

Income in the area of Administration was \$26,859 higher than expected at the end of February primarily due to unplanned income from sponsors for the community bus (\$5,000), reimbursement of staff long service leave entitlement from another Council (\$3,697) and income from an insurance claim and a premium rebate (\$4,430).

Income in the area of rate enquiries – fees and charges was also \$7,600 higher than expected. It is expected that income will continue to be higher than budgeted at year end. Income in the area of Welfare Services was \$7,302 higher than expected primarily due to TAPSS lease income being recorded in this area instead of being combined with Civic Centre income as had been the practice in the past. This change was made to show the lease income in the same area as expenditure on the Old Post Office (the TAPSS building) is being recorded.

Income in the area of Recreation and Culture was \$21,777 higher than expected at the end of February. However it is forecast that income in this area will be in the area of \$260,000 lower than budgeted at year end due to the Commonwealth Heritage grant application not being successful (\$250,000 for the Civic Centre project, planned expenditure has been reduced accordingly) and the transfer of TAPSS lease income to Welfare Services.

Income in the area of Transport was \$42,918 more than expected at the end of February due to timing differences. Income in this area is expected to be in the area of \$55,000 lower than budgeted at year end due to lower than expected grant income under the Roads to Recovery scheme (works expenditure plans have been modified accordingly).

VOTING

Simple majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 28 February , 2003 as submitted to the 18 March meeting of the Works and Corporate Services Committee.

Carried 11/0

13.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 28 FEBRUARY, 2003

File No:	C7.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	12 March, 2003
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 28 February, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

As will be seen from the Schedule of Investments (page 32 of the 28 February, 2003 Statements) \$1,868,715.76 was invested as at 28 February, 2003. Of this \$584,773.64 was reserved and so were restricted funds, and \$1,283,942.12 was unrestricted. 55.75% of the funds was invested with the National Bank, 33.35% with Home Building Society, and 10.90% with Bankwest.

VOTING

Simple majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 28 February, 2003, as submitted to the 18 March meeting of the Works and Corporate Services Committee.

Carried 11/0

13.3.3 ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 28 February, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Significant accounts brought to Council's attention include:

- \$31,214 to the WA Local Government Super Plan for staff superannuation contributions
- \$23,390.40 to Boya market garden Equipment for net cost of ride on mower
- \$12,111.25 to K&F Concrete for concrete works
- \$13,066.83 to Town of Mosman Park for roadworks on Marine Parade
- \$10,450 to Surf Life Saving WA for life guard services

- \$12,407.60 to Western Metropolitan Regional Council for transfer station fees
- \$45,869.84 to Wasteless for Waste collection services
- \$14,106.93 to ATO for January BAS
- \$45,488.66 and \$45,085.94 to Council staff for payroll for February.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the List of Accounts for the period ending 28 February, 2003, as submitted to the 18 March, 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

13.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 28 FEBRUARY, 2003

File No:	C7.9
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	28 February, 2003
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 28 February, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on page 31 of the February 28, 2003, Financial Statements shows a debtors balance of \$157,890.02 at the end of February. Of this, \$107,377 related to February.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 28 February, 2003; and**
- (2) Receive the Sundry Debtors Report for the period ending 28 February, 2003.**

Carried 11/0

CEO'S PERFORMANCE REVIEW – ITEM 13.1.1

The CEO declared an interest in Item 13.1.1 and left the meeting at 8.25 pm.

Moved Cr Walsh, seconded Cr Morgan that Council meet behind closed doors.

Carried 11/0

The public, Managers of Engineering, Corporate Services and Development Services left the meeting at 8.26 pm.

Moved Cr Miller, seconded Cr Birnbrauer that the meeting be reopened to the public.

Carried 11/0

The CEO, Managers of Engineering, Corporate Services and Development Services returned to the meeting at 8.35 pm.

Moved Cr Miller, seconded Cr Birnbrauer

That Council:

- (1) Receive the performance review report and endorse the overall rating of '4' – “Meets all performance requirements. High standard, above average work performance”;**
- (2) Conduct the next review of the CEO's performance in January 2004;**
- (3) Engage Mr Tindale on a new four year contract, operative until 7 January, 2007;**

(4) Increase Mr Tindale’s salary package from \$110,000 to \$120,240 per annum effective from 7 January 2003, comprising:

- 7.06% increase in the base salary to \$91,000 per annum;
- Superannuation (employer contribution) increase from 3% to 5%, additional to the mandatory superannuation guarantee contribution of 9%, commensurate with the increase in the base salary;
- Professional Development Allowance increase from \$1,300 to \$3,000.

Carried 10/1

14 REPORTS OF OFFICERS

Nil.

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

Nil.

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

16.1 MEETING DATES

It was noted that the next scheduled Development Services Committee meeting date would be unsuitable due to Easter public holidays.

Moved Cr Ewing, seconded Cr Walsh

That the April meeting date of the Development Services Committee be held at 5:00pm on Wednesday, 16 April, 2003.

Carried 11/0

17 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:36 pm.

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