

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 25 AUGUST, 2003**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00 pm.

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

Mayor Robert Rowell	(Presiding Officer)
Cr Dan Cunningham	(From 7.01 pm)
Cr Arthur Furlong	
Cr Peter Jeanes	
Cr William Robertson	
Cr Anthony Sheppard	
Cr Victor Strzina	(From 7.04 pm)
Cr Jack Walsh	

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Stephen Sullivan	Manager Development Services
Mr Alan Lamb	Manager Corporate Services

Apologies

Cr Bryan Miller
Cr John Utting
Mr Malcolm Doig
Mrs Kaye MacLean

Leave of Absence (previously approved)

Cr Kevin Morgan.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Mr J.D. Hall, 95 Broome Street – John Street Café - Item 11.1.4

Mr Hall asked that if this matter were to be deferred in line with the advice contained in the CEO's memo, could it be dealt with at the soonest opportunity.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Furlong, seconded Cr Cunningham

The Minutes of the Ordinary Meeting of Council held on Monday, 28 July, 2003 be confirmed.

Carried 7/0

Cr Strzina joined the meeting at 7.04 pm.

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**7.1 Cottesloe Beach Hotel - Development**

The Mayor reported that a number of developers had sought information on what development Council would consider appropriate for the Cottesloe Beach Hotel site. He noted that Multiplex appeared to be the front runner in terms of acquiring the land.

He reported that he had spoken to the media on the matter and advised that Council had not discussed the matter as yet. He noted that a workshop was being held on Saturday morning for Council to look at the whole of Marine Parade. The Design Advisory Panel would also be attending. The planned outcome of the workshop and subsequent planning is for Council to be in a better position to talk with prospective developers.

He noted that no application or decision by Council had been made in relation to the size or height of any proposed development on the Cottesloe Beach Hotel site.

7.2 Freeman – Town of Cottesloe

The Mayor suggested that a Committee be formed to assess and recommend to Council awards of Freeman of the Town of Cottesloe. He suggested the Committee should comprise the Mayor, Deputy Mayor and the two Standing Committee Presiding Officers.

7.3 Australia Day Awards

The Mayor noted that in the near future applications would be called for Citizen of the Year Awards. There are also categories for Junior Citizen of the Year and Event (or Organisation) of the Year.

7.4 Heritage Listed Properties

The Mayor reported that the Chief Executive Officer would be looking at a property in Hillside Avenue where the house had been renovated in keeping with its heritage value, but an adjoining development resulted in overlooking of the backyard. The Mayor suggested that if Council listed properties for their heritage value, then it must not allow adjoining developments to adversely affect them.

8 PUBLIC STATEMENT TIME**8.1 Ms. P.K. Hall – John Street Café - Item 11.1.4**

Mrs Hall spoke against the recommendation for the matter to be deferred. Mrs Hall advised that the property had been operated as a café for five years before promulgation of the Town Planning Scheme No. 2 and that the area used for that purpose at that time exceeded the area recognised in Council's 1988 resolution.

8.2 Mr J.D. Hall – John Street Café - Item 11.1.4

Mr Hall suggested that Council's extension of the non-conforming use right to the whole of the property would result in no change to the operation and no additional affect on neighbours. He pointed to anomalies with the current non-conforming use rights and usage of toilet facilities. He advised that he had obtained a legal opinion that suggested there was no need to rescind its 1988 resolution and suggested that a word in the remaining recommendation could be replaced with the word "expand" or "clarify".

8.3 Mrs Caroline Potter – No. 7 Jarrad Street - Item 11.1.7

Ms Potter spoke in favour of the application and urged Council to remove the property from all heritage listings and approve a demolition application. Mr Potter suggested that heritage constraints had adversely affected the value of the property.

8.4 Mr David Paganin – No. 45 Broome Street - Item 11.1.1

Mr Paganin spoke in support of the application and urged approval of the application to demolish. He noted that his intention was not to subdivide the land but to build a family home on the site.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 AUGUST 2003****11.1 PLANNING****11.1.1 NO 45 (LOTS 1 AND 2) BROOME STREET – PROPOSED DEMOLITION OF EXISTING SINGLE STOREY HOUSE – WESTWARD HO – SECOND APPLICATION**

File No: 45 Broome Street
Author: Mr Stephen Sullivan
Attachments: See list below
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Tindale

Property Owner: Mr David Paganin

Applicant: Hardy Bowen
Date of Application: 7 May, 2003

Zoning: Residential
Use: N/A
Density: R30
Lot Area: 902m²
M.R.S. Reservation: N/A

SUMMARY

To advise Council of a second application for Planning Consent for approval to demolish an existing building.

The first application is still the subject of an appeal to the Town Planning Appeal Tribunal.

It is recommended that consideration of the application be deferred until the Town Planning Appeal Tribunal has made its determination on Council's refusal for the owner's original application to demolish the building at No. 45 Broome Street.

ATTACHMENTS

- Location plan
 - Report from Ronald Bodycoat
 - Correspondence from Heritage Council of WA dated 14 October, 2002
 - Correspondence from Heritage Council of WA dated 29 October, 2002
 - Correspondence and report from Considine and Griffiths Architects dated 29 November, 2002.
 - 2002 December Officer Report to Council
-

- Report from Consulting Engineer, Mr Ian Maitland, on No. 45 Broome Street.
- Letter from owner dated 6 August, 2003.

PROPOSAL

The applicant is proposing to demolish the dwelling at No. 45 Broome Street.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

Property is on the list that forms part of Town Planning Scheme Policy No. 12 - Places of Cultural Heritage Significance.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Refer to comments in report.

CONSULTATION

REFERRAL

Internal

N/A.

External

Previously referred to:
the Heritage Council;
Heritage Consultants – Considine and Griffiths for assessment of building; and
Mr Ian Maitland – Consulting Structural Engineer

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

On the 25 September 2002, Council received an application for the demolition of the building on No. 45 Broome Street. A report prepared by Mr Ronald Bodycoat was submitted in support of the application.

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

"5.1.2 General

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

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

The building known as Westward Ho is included on the list of buildings in Town Planning Scheme Policy No. 12 - Places Of Cultural Heritage Significance. The places of cultural heritage significance are of importance to the District. The objectives for Town Planning Scheme Policy No. 12 are reproduced below:

2. OBJECTIVES

- 2.1 To protect existing places of cultural heritage significance, and to maintain the character, amenity and 'sense of place' of the suburb.*
- 2.2 To ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building.*

Council engaged the firm of Considine and Griffiths in late 2002 to prepare a report on the building to determine whether the building was of architectural interest to the District.

Based on previous and current reports/comments from:

Mr Ronald Bodycoat;
Considine and Griffiths;
Heritage Council; and
McDougal and Vines

and having regard to the provisions of the Town Planning Scheme text, Council resolved to refuse the application for Planning Consent for the demolition of the building at its December, 2002 meeting.

The owner then appealed to the Town Planning Appeal Tribunal against the decision of Council to refuse the application for demolition of the building. The matter was considered by the full Town Planning Appeal Tribunal in April of 2003. To-date, the Tribunal have not handed down their decision on the appeal.

CONCLUSION

Council engaged Consultants (approximately \$2,900) to carry out a review of the importance of this building to the District, which formed the basis for its decision on the application. Council then defended its decision at a cost of approximately \$30,000.

Both parties have spent a considerable amount of time and money to allow the Town Planning Appeal Tribunal to carry out an independent review and determination on the application to demolish the building at No. 45 Broome Street.

The second application does not include any further new information that would warrant changing Council's position on planning grounds.

As the original application for demolition is still before the Town Planning Appeal Tribunal, it is recommended that Council should allow the original application for demolition be determined by the Town Planning Appeal Tribunal first, before considering the second application.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That:

- (1) Council defer consideration of this application for the demolition of the dwelling on No. 45 Broome Street until the Town Planning Appeal Tribunal have made a determination on the original application for the demolition of the building; and
- (2) The owner be advised of Council's decision.

COMMITTEE COMMENT

Mayor Rowell stated that after reading all the reports, he believed there was insufficient grounds to warrant the retention of the building and that Council should:

- (1) Approve demolition subject to standard conditions; and
- (2) Advise the owner of Council's decision.

Cr Miller advised the meeting that the Heritage Council of Western Australia was of the opinion that the building was of significant local heritage. He requested Council wait for the Tribunal's decision.

Cr Jeanes stated that where a private property is affected for community benefit then the community should pay for it. He was concerned about due process taking place, that \$50,000 had been spent in total on this appeal, excluding work of the Officers and the effect of taxes and supported Mayor Rowell's recommendation.

Cr Miller asked Councillors to look at item 1.10 (11 Congdon Street) as an example of a heritage building being restored. Council would give concessions to owner if the property was to be restored.

Mayor Rowell advised that Congdon Street was a special case.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) GRANT its Approval for the demolition of existing house (Westward Ho) No. 45 (Lots 1 & 2) Broome Street, Cottesloe subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
 - (b) A photographic record of the existing residence being submitted to Council prior to a demolition licence being issued.**
- (2) Advise the owner of Council's decision.**

Carried 7/1

11.1.2 NO 27 (LOT 20) DEANE STREET - 2 STOREY SINGLE HOUSE

File No: 27 Deane Street
Author: Ms Lilia Palermo
Attachments: Location Plan
Plans
Correspondence from applicant
Submissions (2)
Author Disclosure of Interest: Nil
Report Date: 8 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: H & A Schmidt

Applicant: Commercial Design Management - A Keen
Date of Application: 8 August, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 911m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application to construct a two storey single house on No. 27 Deane Street. Two submissions were received from adjoining property owners to the east and west of the subject site, commenting on issues of privacy and overlooking.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Building heights Clause 5.1.1	6m – wall height 8.5m – ridge height	Wall height – 6.97m Ridge height – 7.66m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Building heights – policy 005	6m – wall height	Wall height – 6.14m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setbacks	Where the wall abuts an existing wall... Clause A2 (i) page 59	Proposed to develop the adjacent subdivided lot with a boundary wall to the eastern side.	N/A
No 8 Privacy	Clause A1(ii) page 81 Provision of vertical screening	Vertical screening provided to major openings	N/A

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

Building
Engineering
Health

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

Letter to Adjoining Property Owners by registered mail.

Submissions

There were 7 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

The owners of the two adjacent properties to the west raised their concerns in regards to the following:

- Potential overlooking of the habitable rooms and an outdoor living area from the proposed upper floor balcony and bedroom window on the western side;
- Conformity of the proposed windows and balconies to the visual privacy setbacks under the R-Codes.

BACKGROUND

No. 27 (Lot 20) Deane Street has been granted subdivision approval into two 456m² lots by the Western Australian Planning Commission.

This application is for the construction of a single two storey residence on the lot to the west adjacent to properties No 25 and No 23 Deane Street.

The applicant has included plans for the stage 2 development on the adjacent lot to the east. Whilst Stage 2 is not part of this application, it provides better understanding of the final appearance of the development.

The applicant proposes an eastern boundary wall, which complies with the acceptable development standards under the R-Codes as it will abut a boundary wall on the adjacent 456 m² lot (Marked as stage 2 on the plans).

STAFF COMMENT

In response to the two objections the applicant supplied modified plans dated 25 July 2003 showing:

- provision of a visual screen to bedroom 1 balcony;
- reduction of the size of the windows facing 25 Dean Street
- raising upper window sill level to 1.65 m.

The modified plans supplied comply with the acceptable development standard A1(ii) of the Design Element 8 – Visual Privacy, which states:

A1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:

- ii are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space;*

The proposed front balcony complies with the relevant performance criteria of Design Element 8 – Privacy, which is:

P1 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 into 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 diagram shows that the only area overlooked from the proposed balcony is a portion of a driveway, a blank wall and a window glazed with translucent glass bricks.

Building height

The proposal does not comply with the Town of Cottesloe Town Planning Scheme No. 2 (TPS2) Clause 5.1.1 – Building Heights.

It is proposed to have a ceiling level to the upper floor of 34.14m, whereas the required wall height is 34.00m

It is recommended that the applicant submit a revised plan showing the wall height reduced to comply with TPS No. 2 Clause 5.1.1

The proposed development complies with TPS2 requirements for ridge height.

CONCLUSION

It is recommended that the application be approved subject to conditions addressing:

- (a) Proposed increased wall height of the residence.

VOTING

Simple Majority

11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development for the 2 Storey house at No. 27 (Lot 20) Deane Street, Cottesloe in accordance with the application submitted on 28 March 2003 and the plans received on the 14 August, 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 applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (f) 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 the upper ceiling level being reduced to 34.00RL.
- (2) Advise the submitters of this decision.

Carried 7/1

Note: The right of way to the south is privately owned. Permission to access the right of way should be gained from the owner of the right of way.

11.1.3 NO 29 (LOT 18) NAPOLEON STREET - MODIFICATION OF EXISTING APPROVAL TO INCREASE AREA OF UPPER FLOOR RESIDENTIAL UNIT

File No: 29 Napoleon Street
Author: Mr Daniel Heymans
Attachments: Location plan
Correspondence from applicant
Approved plans
Proposed changes
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Raymond & Brian Smith
Applicant: Oldfield Knott Architects Pty Ltd
Date of Application: 11 July 2003

Zoning: Town Centre
Use: P - A use that is permitted under this Scheme
Density: R100
Lot Area: 511m²
M.R.S. Reservation: N/A

SUMMARY

The applicant proposes to modify the existing planning approval granted on the 24 February, 2003 to increase the floor area of the proposed residential unit on the upper level.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal
Building

External
N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

At its Ordinary Meeting held on the 24 February 2003 Council approved an application to commence development for alterations and additions to the existing building.

The owner has commenced works and now requests a change in the approval to enable an increase in the floor area of the upper floor residential apartment.

STAFF COMMENT**Design Advisory Panel**

The application was referred to the Design Advisory Panel (DAP) for comment.

The Panel commented:

- That bringing the upper floor residential apartment further towards the street will not adversely impact on the streetscape;
- That upper floor development right on the street would be desirable for security reasons and help in creating the "village atmosphere" which is the goal of the Council;
- That it must be subject of Council's future policy on Napoleon Street streetscape;

This proposal does not have a detrimental impact on the streetscape of Napoleon Street; the modification is supported.

Assessment of the application shows there will be no impact on the parking required and the development does not exceed the permissible plot ratio limit of 1.0.

CONCLUSION

The proposed development be approved subject to conditions.

VOTING

Simple Majority

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development to increase the area of the upper floor residential unit at No 29 (Lot 18) Napoleon Street, Cottesloe in accordance with the plans submitted on 11 July, 2003, subject to the following conditions:

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

Carried 8/0

11.1.4 JOHN STREET CAFE - NON-CONFORMING USE RIGHTS

File No:	No. 37 John Street
Attachment(s):	Correspondence from applicant Letter & plan from previous lessee
Author:	Mr Chris Warrener
Author Disclosure of Interest:	Nil
Report Date:	24 July, 2003
Senior Officer:	Mr Stephen Tindale

SUMMARY

Mr Peter Webb (Peter D Webb and Associates, Planning Consultants) on behalf of the owner/proprietor seeks Council's Consent to the Non-conforming use right, which applies to No. 37 John Street, to include the whole of the property, including the building and associated facilities at the rear of the property that is used as a café/restaurant.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2, Clause 4.2
Council Resolution dated 28 September 1988.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

No. 37 John Street is zoned "Residential R20" under the Town of Cottesloe Town Planning Scheme No. 2 (TPS 2). It comprises 739m².

The building at No. 37 John Street which is used for the "John Street Café", appears to contravene its approved "non-conforming use right".

The current lessee/s was advised and has responded with a request from Peter Webb for the Council to reconsider the situation with respect to the extent of the non-conforming use rights.

At its Ordinary Meeting held on 28 September, 1988 Council resolved:

"That the owners and tenants of the John Street Café at No. 37 John Street be advised that a dining room licence will be issued for the shop and outside eating areas subject to the following conditions:

- (1) Provision of male and female toilets and hand basins situated in a location to the satisfaction of the Health Surveyor.
- (2) Upgrading of the kitchen area to the satisfaction of the Health Surveyor.

Further that the following areas as designated on the plans submitted 13 September 1988 to have non-conforming use rights as a shop:

- (1) Outside eating area.
- (2) Shop.
- (3) Dry store
- (4) Kitchen.

The balance of the property to be designated as residential use and shall not be used for any other purpose.”

The applicant requests that Council rescinds its resolution of 13 September 1988 and redefine the non-conforming use rights at No. 37 John Street so that they correlate with the actual use of the site, at the time of coming into force of Council's Town Planning Scheme No. 2 (23/12/1988).

The applicant has forwarded a letter from the lessee (Wayne Cormack), who operated the café between November 1987 and March 1989.

This letter states that the area, which was utilised for the café prior to the promulgation of Town Planning Scheme No. 2 applied to an area greater than the area recognised by the Council resolution of September 1988.

STAFF COMMENT

No. 37 John Street has been used as a café/restaurant for the past twenty (20) years.

It is a popular neighbourhood café.

Under the Town Of Cottesloe Town Planning Scheme No. 2 Part IV NON CONFORMING USE OF LAND it states:

“4.1 EXISTING USE RIGHTS

No provisions of the Scheme shall prevent -

- (a) *the continued use of any land or building for the purpose for which it was being lawfully used at the time of the coming into force of the Scheme; or*
- (b) *the carrying out of any development thereon for which, immediately prior to that time, a permit or permits required under the Town Planning and Development Act 1928 (as amended), the Town of Cottesloe Town Planning Scheme, gazetted 19th November 1976, or any other law authorising the development to be carried out had been duly obtained and was current.*

4.2 EXTENSION OF BUILDINGS

Where in respect of land zoned under Part III of the Scheme a non-conforming use lawfully exists or was authorised as mentioned in Clause 4.1 of this Part on

that land, buildings may, at the discretion of the Council, be extended to the limits permitted by the Town of Cottesloe Town Planning Scheme gazetted 19th November 1976, or by any other by-laws made under the Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried out immediately prior to the coming into force of the Scheme. Provided that where the provisions of any by-law referred to in this section are inconsistent with the provisions of this Scheme then the provisions of this Scheme shall prevail."

It is considered appropriate for Council to rescind its resolution number 699 of September 1988 for the non-conforming use right applicable to the "John Street Café" because the uses described in this resolution are inaccurate as evidenced by advice from the operator of the use at that time.

It is evident that other spaces within the building were being utilised in association with the restaurant use.

Under TPS 2 a "Restaurant" is defined as:

"Restaurant – means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of the food for consumption outside the building is not the principle part of the business."

VOTING

Simple Majority

COMMITTEE COMMENT

Manager, Development Services addressed the meeting and explained the history relating to the site. He expressed concern in relation to the officer's recommendation in terms of rescinding a previous decision of Council and granting approval for changes based on a letter. He requested that the matter be deferred so that further investigation can be carried out.

In response to a question from the Mayor, the Principal Environmental Health Officer stated that under health legislation the John Street Café is treated as a restaurant.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

(1) Rescind resolution 699 of September 1988, which states:

"That the owners and tenants of the John Street Café at No. 37 John Street be advised that a dining room licence will be issued for the shop and outside eating areas subject to the following conditions:

- (1) Provision of male and female toilets and hand basins situated in a location to the satisfaction of the Health Surveyor.*
- (2) Upgrading of the kitchen area to the satisfaction of the Health Surveyor.*

Further that the following areas as designated on the plans submitted 13 September, 1988 to have non-conforming use rights as a shop:

- (a) *Outside eating area.*
- (b) *Shop.*
- (c) *Dry store*
- (d) *Kitchen.*

The balance of the property to be designated as residential use and shall not be used for any other purpose.”

- (2) **Grant non-conforming use rights for the entire area of the property including the main building, outdoor eating area and amenities in the back yard, currently known as the “John Street Café” at No. 37 John Street, as a “Restaurant”.**

11.1.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That the Chief Executive Officer be requested to recommend a course of action for the whole of the site to be included in the non-conforming right.

Carried 8/0

Note: Based on advice from the Chief Executive Officer in relation to the proposed rescission of the 1988 resolution, Council chose not to deal with the officer and committee recommendation in its current form.

11.1.5 CORNER OF BROOME STREET & NAPIER STREET - EXTENSIONS TO EXISTING CLUB HOUSE

File No:	Tennis Club Napier Street
Author:	Mr Daniel Heymans
Attachments:	Location Plan Plans Correspondence from applicant
Author Disclosure of Interest:	Nil
Report Date:	11 August, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Town of Cottesloe
Applicant:	Cottesloe Tennis Club
Date of Application:	11 August, 2003
Zoning:	N/A
Use:	N/A
Density:	
Lot Area:	57,642m²
M.R.S. Reservation:	Regional Park and Recreation Reserve

SUMMARY

The Cottesloe Tennis Club proposes to extend and renovate the clubhouse to modernise the facilities. Given the assessment that has been undertaken, the recommendation to the Western Australian Planning Commission is to approve the application.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme.

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

Connection to Sewer

CONSULTATION

REFERRAL

Internal

Building
Engineering
Health

External

Western Australian Planning Commission

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The Cottesloe Tennis Club operates on a site at the corner of Broome and Napier Streets. The land is part of a Parks and Recreation Reserve under the Metropolitan Region Scheme, and a section has been leased to the Tennis Club.

Council is required to make a recommendation to the Western Australian Planning Commission for an application for approval to commence development under the Metropolitan Region Scheme.

This application proposes renovations and extensions to the clubhouse with the aim of attracting a grant from the Community Sports and Recreation Facilities Fund with the support of the Town of Cottesloe.

STAFF COMMENT

The applicant proposes new toilets, kitchen, bar facilities, extensions and removal of asbestos. The administration has no concerns with the proposed development except that the site is not currently connected to the sewer main. Council's health and engineering sections have recommended that the clubrooms be connected to the

sewer as part of this development. The appropriate conditions have been imposed in relation to this matter.

CONCLUSION

It is considered that Council should recommend approval, subject to the conditions outlined below for extensions to the clubhouse, to the Western Australian Planning Commission.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council recommend to the Western Australian Planning Commission that the application for the extensions to the clubhouse at the Cottesloe Tennis Club on the corner of Napier and Broome Streets, Cottesloe, as shown on the plans received on 1 August, 2003 be approved, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) Subject to compliance with the Health (Food hygiene) Regulations 1993 and the Health (Public Buildings) Regulations 1992.**
- (6) Prior to the issue of a Building Licence for the project to proceed, it will be necessary to submit a drainage plan detailing the connection of the premises to the Water Corporation Sewer. Any existing septic tanks and soakwells that are no longer utilised for drainage purposes are to be evacuated by a licensed contractor; and either removed or the bases of the septic tanks are to be demolished and all septic tanks and soakwells filled with soil.**

Carried 8/0

11.1.6 NO 9 (LOT 24) GRANT STREET - 2 STOREY HOUSE

File No: 9 Grant Street
Author: Mr Daniel Heymans
Attachments: Location plan
Revised plans
Correspondence from applicant
Author Disclosure of Interest: Nil
Report Date: 12 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Peter Rattigan

Applicant: Ken Adams
Date of Application: 13 November 2002

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 739m²
M.R.S. Reservation: N/A

SUMMARY

The application is for a 2-storey house at No. 9 Grant Street.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1. – Building Height	Undercroft space not higher than 1 metre above centre of site along front boundary	1.46m
5.1.1. – Building Height	Wall height 6 metres.	7.28m
5.1.1 – Building Height	Roof ridge height 8.5 metres	8.59m

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 Setbacks	2.65m setback from eastern boundary	1.5m setback	Clause 3.3.1 – P1
8 – Privacy	Visual privacy setbacks to balcony from western boundary of 7.5m	1.0m	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

Building
Engineering
Health

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 on two occasions, the first being in November 2002 and the other being in July 2003.

The advertising consisted of:
Letter to Adjoining Property Owners

Submissions

On both occasions 3 letters were sent out. There was 1 submission received in November 2002, which was an objection. The objectors have not written a further submission, as their concerns on both occasions were the same. Details of the submission received is set out below:

Nos 11 & 11A Grant Street

The owners objected to the following:

Loss of westerly views due to the location of the proposed study on each floor

Potential glare from the proposed Zincalume roof

Front setback less than 6 metres

Setback from eastern boundary less than required under R-Codes

Queries if the eastern walkway is to provide access to the rear house and proposed house or both (it is common property and is therefore for the use of both units)

Other points raised by the submitters relate to landscaping and are outside the scope of the development approval.

BACKGROUND

The subject site is located on the southern side of Grant Street adjacent to Reserve 1203: Grant Marine Park. The land has a south easterly to north westerly cross fall of approximately 1 metre and abuts a privately owned right-of-way to the south. The site is developed with 2 dwellings, one of which was listed as a category 3 building in Council's municipal inventory but was granted demolition approval in September 2002.

This application was submitted in November 2002 and was considered at the February round of Council meetings in 2003. At the applicants request Council resolved to defer the application until the March meeting.

This was in response to the officer's recommendation, which required revised plans dealing with the following issues:

- Front setback being 6 metres;
- Wall height being reduced;
- The parapet wall height being reduced;
- The eastern boundary setback being increased;
- The undercroft height being reduced.

The applicant did not submit revised plans until the 25 June 2003, which is now the subject of this report.

STAFF COMMENT

The following changes were made on the revised plans submitted on the 25 June 2003:

- An increase in the height of the building;
- An increase in the upper floor area;
- Internal layout changes;

- Change in the location and size of windows.

Assessment of the new application has shown that none of these concerns, have been addressed by the applicant.

A number of concerns have been exacerbated by an increase in the overall height of the building.

Design Advisory Panel

The revised plans were referred to the Design Advisory Panel for comment. The panel advised that the following issues are of a concern:

- Number of storeys;
- Height;
- Use of basement;
- No pedestrian accessway to street for rear unit;
- Front door to front unit opening onto walkway; and
- No front door visible to the street;

Assessment of the application has revealed that the following issues still do not comply with the acceptable development standards of the Codes or the relevant Scheme provisions:

Front Setback

The proposed development is setback from Grant Street 5.65m. On land coded R30, the Design Codes state that an acceptable setback distance is 4.0m with averaging permitted.

Council resolved in September 2002 to enforce a 6 metre, non-averagable setback throughout the district. This development is to be setback 6 metres from Grant Street to be consistent with the setback of other recently constructed dwellings. This is not considered unreasonable as it should have little impact upon the design of the dwelling.

Undercroft Height

Clause 5.1.1 of the Scheme states that Council will not regard an undercroft space used for the parking of vehicles as a storey where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage. The proposed undercroft garage exceeds this requirement by approximately 460 mm and must therefore be considered a storey.

As Council's general policy for development within the district is for low rise development not exceeding 2 storeys, the undercroft height should either be reduced to within Scheme limits or removed altogether.

Wall and Parapet Height

The Scheme requires a wall height of 6m and it has been Council's practice to apply a 7m height limit to parapet walls. The wall height is 1.28m higher than the Scheme requirement and the parapet wall is approximately 500 mm higher than 7m. It is the

contemporary nature of the design that dictates the wall and parapet heights however this is insufficient grounds to deviate from the Scheme controls.

Reducing the wall heights will lessen the impact of the scale of the building on this site which already enjoys an elevated aspect and unimpeded westerly views. It is not considered unreasonable to require the walls to be lowered to accord with the scheme.

Eastern Boundary Setback

In the past, the Codes have applied to the whole of a Grouped Dwelling development as a collective rather than to individual strata lots. The Codes now require development of each Grouped Dwelling to individually comply with the Codes in relation to strata lot area, setbacks, car parking, etc. For grouped dwelling proposals, a defined site must be identified. The defined site is the area set aside for the exclusive use of that dwelling, but excludes any areas of common property.

The common property walkway proposed is the boundary of the defined site for the proposed building at the front of Lot 24 and therefore the setback distance from the eastern boundary should be measured from the walkway, although this is not expressly stated in the Codes.

Clause 3.3.1 (v) states that a boundary setback distance may be reduced by half the width of an adjoining right-of-way, pedestrian access way or battleaxe access leg to a maximum of 2 metres.

The setback distance based on the wall length and height should be 1.9m, the proposed walkway is 1.5m. The development therefore should be setback 1.15m from the walkway or 2.65m from the eastern boundary. There is room on the defined site to accommodate a greater setback without losing the desired floor area and the greater setback required.

The landowner has lodged a detailed submission in support of the proposed 1.5 metre setback from the eastern boundary.

Visual Privacy

The cone of vision diagram indicates that there is the potential to overlook from the proposed development into adjoining properties to the east, west and south. The overlooking is of no concern however as it is either into public property, the front setback of No. 11 Grant Street, the side utility passage of No. 11 Grant Street or the front setback area of the grouped dwelling south of the development site.

Submission

The owners of No. 11 Grant Street raise the issues of potential roof glare and loss of westerly views. The standard condition is imposed which requires the roof to be treated in the event Council considers the glare to be a problem when development is completed.

The front boundary setback is greater than the 4 metres required by the Codes and this report recommends that it be increased an additional 350mm to 6 metres. As a result, it is considered unreasonable to require the development to be setback even

further. The occupants of 11 Grant Street retain their north-westerly views of the ocean.

CONCLUSION

The proposed development be approved subject to an increased front setback, an increased eastern boundary setback and compliance with the height controls set out in clause 5.1 of the Scheme.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Miller enquired about the height of the neighbours building. Manager, Development Services will look at the report on No. 11 Grant Street.

Mayor Rowell stated that Design Advisory Panel pointed out a lot of negative issues with the proposal.

Cr Miller queried condition (1)(v) regarding the large side setback requested. Manager, Development Services advised that it is for an access way and a side setback.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) **GRANT its Approval to Commence Development for the two storey grouped dwelling at No. 9 (Lot 24) Grant Street Cottesloe, as shown on the revised plans received on the 31 January 2003 and the defined site plan received on 3 December 2002, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, in accordance with the local law.

- (f) Any front boundary fencing to Grant Street being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (h) The gradient of the driveway being to acceptable engineering standards.
- (i) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The development being setback 6 metres from the Grant Street boundary.
 - (ii) The wall height being reduced to a maximum relative level of 24.31m.
 - (iii) The ridge height being reduce to a maximum relative level of 26.81m
 - (iv) The parapet height being reduced to a maximum relative level of 25.31m.
 - (v) The development being setback a minimum of 2.65 metres from the eastern boundary.
 - (vi) The undercroft height being reduced to a relative level of 18.42 or being removed.

(2) Advise the submitters of this decision.

(3) Advise the owners that the defined sites set out in this development application will form the basis for the Council's determination of any strata application that may be lodged in the future.

11.1.6 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That the matter be deferred in accordance with the applicant's request.

Carried 8/0

11.1.7 REQUEST FOR REMOVAL OF NO. 7 JARRAD STREET FROM DRAFT MUNICIPAL INVENTORY

File No: No. 7 Jarrad Street
Author: Mr Chris Warrener
Attachments: Location Plan
Correspondence from owner
Report by architect Ronald Bodycoat
Author Disclosure of Interest: Nil
Report Date: 30 July, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The owner of No. 7 Jarrad Street has requested removal of the property from the Draft Schedule of Places that contribute to the John Street Heritage area.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2, Schedule 1

POLICY IMPLICATIONS

Policy No. TPSP 012 Places of Cultural Heritage Significance

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

A letter was forwarded from the owner of No. 7 Jarrad Street and a property report by architect Ronald Bodycoat.

The owner has applied to remove her property "from the Draft Schedule of Places that contribute to the Character of the John Street Heritage Area."

At its Ordinary Meeting in February 2003 Council considered a similar request and an application for a "Demolition Licence".

Council resolved:

"That Council REFUSE its Approval to demolish a single residential dwelling at No. 7 (Lot 10) Jarrad Street, in accordance with the application and plans submitted on 3 January, 2003 as Council believes that the proposed dwelling is essential to the draft John Street Heritage Area."

The Draft John Street Heritage Area report was advertised for comment in July/August 2001.

At its Ordinary Meeting held on 23 July, 2001 Council resolved:

“That:

- (1) consideration of the draft final report be deferred to the September meeting of Council.*
- (2) the administration undertake a public consultation process that includes the following:*
 - (a) two public meetings scheduled for the 25 and 26 July;*
 - (b) a press statement being released advising of the consultation process and submission period closing date;*
 - (c) posting of the draft report on Council's website;*
 - (d) copy of the report being displayed in the Council Library;*
 - (e) copies of the report being made available at the Council offices;*
 - (f) written notification to the property owners within the two proposed precincts, of the submission period to comment on the heritage report.*
- (3) the closing date for submissions on the draft report be 22 August, 2001.*
- (4) the administration be authorised to commence the public submission process.*
- (5) the administration make enquiries to determine whether the State or Federal Governments might contribute to a local heritage fund.*
- (6) any submissions on the report be referred to the Consultants for comment, and their recommendations be submitted to the September meeting of the Development Services Committee for consideration.*
- (7) the administration prepare a report on the draft final report for consideration at the September meeting of Council.”*

An examination of the list of affected properties and the mail-out list (see (2)(f) of the above resolution) reveals that a number of property owners were not contacted, including the owners of Nos 7, 9, 11 and 19 Jarrad Street. These properties are in the proposed John Street Heritage Area.

No submission was received in respect to No. 7 Jarrad Street during the advertising period.

No. 7 Jarrad Street is not listed in Schedule 1 to the Town of Cottesloe Town Planning Scheme No. 2, nor is it listed in the 1995 Municipal Inventory, which is

Council's "currently adopted" inventory (Ordinary Meeting held on 27 September 1995).

It is not on the State Register of Heritage Places.

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No. 7 Jarrad Street is listed as "Essential" in the proposed Heritage Areas under the Town of Cottesloe Heritage Strategy John Street Heritage Area August 2001 with the following description and recommendations:

***"Aesthetic Significance** - a 1930s intact bungalow retaining original elements including face red brick base, timber casement windows (with lead-light), half timber gable ends and front verandah detailing. The house is given added prominence by its elevated position on the hill. It retains a face limestone plinth. It is part of a row of three houses (7, 9, 11) from the same period and possibly the same builder.*

***Recommendations** - this house is essential to the current character of the John Street Heritage Area. It should be retained as a place of local heritage significance within this area. Any alterations or extensions should reinforce the character of the area. Refer to the Residential Conservation and Development Guidelines."*

The Manager Development Services does not have delegated authority to issue a Demolition Licence for No. 7 Jarrad Street because it is classified as "essential to the current character of the Heritage Area" (refer to delegated authority resolved at Council's Ordinary Meeting held on 26 May, 2003 (Item 10.1.11, page 64).

STAFF COMMENT

In response to Ms Potter's request it is pertinent to take into consideration:

- (1) 7 Jarrad Street is not listed in Schedule 1 under the Town of Cottesloe Town Planning Scheme No. 2 (TPS 2).

TPS 2 contains a list of 27 "Places of Natural Beauty and Historical Buildings and Objects of Historical or Scientific Interest" (Schedule 1) and special provisions, which apply to listed places (see sub-clauses 6.2.1 to 6.2.4, TPS 2)

Four (4) of the places are included on the State Register of Heritage Places; therefore applications for development at any of these places must be referred to the Heritage Council for approval.

- (2) No. 7 Jarrad Street is not on the State Register of Heritage Places;

The Heritage Council of Western Australia maintains a "State Register of Heritage Places", which is a register/schedule of places considered to be of heritage significance to Western Australia.

Places listed on this Register require Heritage Council approval for any work, whether it be demolition, improvement, or construction of additions.

No. 7 Jarrad Street is not listed on the State Register and the Heritage Council does not intend that it be registered.

It is not considered to be of State significance.

- (3) No. 7 Jarrad Street is not listed in Council's "adopted" 1995 Municipal Inventory (MI);

This MI was researched and put together by distinguished Western Australian historian Dorothy Erickson in association with Philip Griffiths, Chairman of the Heritage Council.

It contains a list of 272 properties including trees and aboriginal sites and 12 streetscapes.

There is a graduated scale of classification from Category 1 – "Possible inclusion on State Register of Heritage Places", which is the highest classification level, down to Category 5 – "Significant in Contributing to Local Character" and Category 6 – "Modern dwelling – Future Heritage or Recycled Building".

Under this MI the subject property is not classified, even at a lower level.

- (4) No. 7 Jarrad Street is not a property that is the subject of Town Planning Policy 12.

At its Ordinary Meeting held on 26 November 2001 Council adopted Town Planning Policy 12 – Places of Cultural Heritage Significance.

This Policy provides statutory protection for the places listed as Category 1 and 2 in the 1995 MI, and includes a list of 26 additional places, which Council considers are "...buildings of architectural and historical interest" pursuant to sub-clause 5.1.2 (b) to the Town of Cottesloe Town Planning Scheme No. 2.

No. 7 Jarrad Street is not on the additional list of places under Policy 12.

- (5) No. 7 Jarrad Street is not listed in the Draft Municipal Inventory (DMI) June 2002.

The DMI June 2002 contains 327 buildings classified in Categories 1 to 5, 24 Category -6 places, 11 significant sites, 12 trees and plantings and 3 aboriginal sites.

This inventory is proposed to be referred in Council's proposed new Town Planning Scheme No. 3 (TPS 3).

TPS 3 will contain heritage provisions, which will provide statutory power for the protection of places listed in the DMI.

No. 7 Jarrad Street is not in this DMI.

However, No. 7 Jarrad Street is contained in a report titled:

“Town of Cottesloe, WA Heritage Areas Report – Volume 2 John Street Heritage Area August 2001”.

It is listed as “essential” to the current character of the Heritage Area.

This report states that the objectives for the John Street Heritage Area are:

“to ensure the significant historic and physical features of the heritage area are retained and conserved; to ensure the conservation of existing buildings, alterations and extensions, fencing and new development are all carefully monitored and guided by reference to the Town of Cottesloe Conservation and development guidelines; to ensure that consent for the demolition of any building which has been identified as “essential” or “contributory” to the character of the area is not given unless an assessment of the effect upon the heritage character of the area is undertaken.”

(6) The report by architect Ronald Bodycoat;

The “Bodycoat Report” is a more thorough assessment of the property than the assessment, which was undertaken for the “John Street Heritage Area”.

It states:

“The house at no. No. 7 Jarrad Street was constructed in 1936 as a small, single residential building in one expression of the then popular and so-called Californian Bungalow style.....examples are....found scattered across the Town and elsewhere in the metropolitan region. It is not a rare or endangered architectural type.....The condition of the external fabric is deteriorated. Close inspection reveals leaking roof tiles, fretting brickwork, corroded metal gutters and a major loss of paintwork on external timberwork. Casement sashes have failed at corner joints.....Other houses in both directions beyond no.'s 7 to 11 are recent or new houses of a different character. Houses opposite are of a totally different character.....hardship that retention of the place....unreasonably impose.....retirement.”

Based upon its non-inclusion on five (5) of six (6) ‘heritage’ lists, only two having any statutory power – Council’s TPS 2 and Policy 12 (7 Jarrad Street is on neither of these “statutory” lists), it is recommended that Council reconsider its position in respect to this particular property.

Council does not offer any financial incentives to ratepayers whose properties are considered worthy of heritage protection for the benefit of the general community.

In many cases these properties are a financial burden on the owners/ratepayers.

No. 7 Jarrad Street appears not to have any historical significance given that it is not listed in TPS 2, the 1995 MI, Policy 12 or the 2002 DMI.

The concern with the identification of "heritage areas" (Note - John Street and Claremont Hill) is the need to preserve "streetscapes".

The Western Australian Residential Design Codes, the Building Code of Australia and the Health Act and Regulations provide a significant level of control over the appearance and use of residential development in Western Australia.

The application of these statutory controls and their approved variations in Cottesloe contributes to the preservation of the existing streetscapes and character of the area. Heritage Area controls duplicate established development assessment practices.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Advise the owner that it is not in a position to remove No. 7 Jarrad Street from the Draft John Street Heritage Area until such time as the submissions to the Heritage Area reports have been formally considered.
- (2) Rescind the resolution made at its Ordinary Meeting held on 24 February 2003, Item 10.1.18, page 96, which states:
 - "(1) That Council REFUSE its Approval to demolish a single residential dwelling at No. 7 (Lot 10) Jarrad Street, in accordance with the application and plans submitted on 3 January, 2003 as Council believes that the proposed dwelling is essential to the draft John Street Heritage Area."*
- (3) Grant approval to the issue of a Demolition Licence for No. 7 Jarrad Street.

COMMITTEE COMMENT

The recommendation was amended as it does not have the powers to rescind a previous decision of Council and that the request for demolition was by way of a letter and not a formal application for planning consent.

11.1.7 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council advise the owner that:

- (1) It is not in a position to remove No. 7 Jarrad Street from the Draft John Street Heritage Area until such time as the submissions to the Heritage Area reports have been formally considered; and**
- (2) Should an application for planning consent be received for the demolition of the property, the Manager of Development Services is given delegated authority to approve the demolition of No. 7 Jarrad Street.**

Carried 8/0

11.1.8 NO 108 (REAR LOT) FORREST STREET - TWO STOREY HOUSE

File No: 108 Forrest Street
Author: Ms Lilia Palermo
Attachments: Location plan
Plans
Correspondence from applicant
Photos
Author Disclosure of Interest: Nil
Report Date: 8 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: K. Montano

Applicant: APG Homes
Date of Application: 20 Junet, 2003

Zoning: Residential and Office
Use: P - A use that is permitted under this Scheme
Density: R40
Lot Area: 201m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for construction of a two storey single house at 108 Forrest Street. There were no submissions received in response to the proposal.

The proposal does not comply with the Residential Design Codes (RDC) or allowable variations and Council Policy No. 003 – Garages and Carports in Front Setback Area.

Deferral is recommended to enable the applicant to amend the plans for further 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
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
Policy No.003 – Garages and Carports in front setback area	6m or 4.5m variation at Council discretion	1.9m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
2 – Streetscape	4m setback to primary street – in accordance with Table 1	1.9 – setback to garage	Clause – 3.2.1
3 – Boundary Setbacks	1.5m setback to lower eastern wall – in accordance with Table 1;	Nil	Clause – 3.3.2
6 – Site Works	1.5 setback to southern and portion of eastern retaining walls in accordance with Table 1	Nil	Clause 3.62

STRATEGIC IMPLICATIONS

It is recommended that Council initiate preparation of a local planning policy/design guidelines for the Vera Street precinct to ensure a consistent approach in assessing the development applications.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

Building
Engineering
Health

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 (TPS2) and Residential Design Codes (RDC).

The advertising consisted of:
Letter to Adjoining Property Owners

Submissions

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

BACKGROUND

The original 506m² lot was recently approved for subdivision into two lots with one lot fronting Forest Street and the other fronting Vera Street.

The application is for development of the Vera Street lot, which comprises 211m².

It is proposed to construct a two-storey house with a reduced front setback of 1.9m for a double garage.

STAFF COMMENT

The application does not comply with the Residential Design Codes in a number of areas. Setback to the proposed garage from the front boundary does not comply with Council Planning Policy 003 –“Garages and Carports in Front Setback Area”.

Front Setback

The applicant proposes a 1.9 m setback for the garage and 3.2m for the house from Vera Street.

The property is in an area, which is designated with an R40 code. The Residential Design Codes (RDC) specify a 4m front setback for development on land coded R40.

The reduced front setback does not comply with the Acceptable Development Standards under Design Element 2 “Streetscape Requirements” (RDC).

The proposal is therefore considered under the relevant Performance Criteria, which are:

3.2.1 Set Back of Buildings Generally

P1 Buildings set back an appropriate distance to ensure they;

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

3.2.3 Setback of Garages and Carports

P3 The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

The existing dwellings along Vera Street have varying setbacks. Many of the properties have two street frontages to Vera Street and Forrest Street. A number of residences back onto Vera Street.

Setbacks to Vera Street can be reduced as the lots can be accessed in accordance with the requirements for a rear setback under Table 2 of the RDC.

It is difficult to determine if the proposed single residence and garage are “*contributing to the desired streetscape*”. There are no Local Planning Policies and/or Design Guidelines to guide/regulate frontage to Vera Street, or to Forrest Street.

Setback of the garage of 1.9m does not comply with the Council’s Planning Policy 003, which requires garages to be located behind the front setback line in accordance with the Table 1 of the RDC. The policy allows reduced setbacks in some cases, subject to development complying with certain criteria among which the following is specified:

“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.

- *The effect of such variation on the amenity of any adjoining lot;*
- *The existing and potential future use and development of any adjoining lots;*
- *Existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

The land between Vera and Forrest Street is zoned Residential and Office and is assigned an R40 coding. Lots may be subdivided to R40 density with additional properties fronting Vera Street in the future.

Staff conducted a land use survey on 13 August 2003 and determined that the average setbacks to Vera Street are 6m for residences and 2m for garages.

Planning approval for this application in accordance with the submitted plans may create a precedent for similar applications seeking reduced setbacks in the future.

It is recommended that the applicant be required to comply with the 4m average front setback as prescribed under the RDC for land coded R-40. In this way a consistent approach is taken when dealing with setbacks to Vera Street.

Setback of Retaining Walls

Three retaining walls are proposed with a nil setback to the South, East and West boundaries.

Retaining walls at the rear of the Western and Eastern boundaries and the whole of the rear retaining wall to the South of the subject site are higher than 0.5 metres.

Design Element 6 – Site Works of the Residential Design Codes specifies the following

“Retaining walls higher than 0.5m only meet the Acceptable Development requirements where:

- *The retaining wall is set back in accordance with the requirements for a major opening with a wall height 2.4m in addition to the height of the retaining wall; or*
- *The retained area is screened to prevent views of the neighbouring property and is set back in accordance with the requirements for a wall height of 1.8m without major openings in addition to the height of the retaining wall”.*

The proposed retaining walls were assessed in accordance with the R-Codes requirements as follows:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
South	retaining	0.68 – 0.38	12	Yes	1.5	Nil
West	retaining	0.65 – 0.38	13	Yes	1.5	Nil
East	retaining	0.38 – 0.14	7.1	Yes	1.5	Nil

The proposed retaining works at the rear of the property do not meet the acceptable development standards of the Design Element 6 – Site Works; the proposal is therefore assessed under the relevant performance criteria, which are as follows:

Notes:

- li In view of the potential impact on the adjoining properties, and the desirability for retaining walls to be built on the boundary rather than set back a small distance, Council approval in accordance with the performance criteria should be sought where a retaining wall higher than 0.5m retains an area that is accessible, or potentially accessible, for use as an outdoor living area”*

3.6.2 – Setback of Retaining Walls.

- P2 Retaining walls designed or set back to minimise the impact on adjoining property*

The applicant states that the rear of the site proposed to be retained will be used as an outdoor living area. Retaining of that area above the existing natural ground level may create issues with overlooking and privacy for the adjoining site to the south.

It is recommended that Council require that all the portions of the retained areas higher than 0.5m be provided with appropriate screening.

Visual Privacy

Certain aspects of the development have a potential to overlook adjoining properties:

- upper floor balcony to the front (2.15m front setback; 2.7m setback to western side boundary)
- Bedroom 3 upper floor window to the south (3.2 m south side boundary setback)

The applicant states:

Two variations proposed with application of visual privacy cone:

First floor balcony;

- *Overlooks rear of adjoining property to west;*
- *Aesthetic feature rather than functional – only 2.3m² and 1.0m wide (less when door open)*
- *Balcony too small for entertaining purposes;*
- *Wall of subject house prevents looking back towards neighbouring house.*

First Floor Bed 3 window;

- *Minor overlooking into adjoining properties to west and south;*
- *Visual cone projects only 0.5m into western neighbouring property – side setback area;*
- *Only overlooks existing shed and rear of neighbouring house to the south.*

The balcony and the bedroom 3 upper floor window do not comply with the required setbacks under the acceptable development standards of the Design Element 8 – Privacy of the RDC (4.5m - bedrooms; and 7.5 – balcony). Therefore the application has been assessed under the following Performance Criteria:

P1 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 into 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 upper floor balcony complies with the performance criteria, as it only overlooks the rear car parking area of the adjoining lot to the west.

The bedroom 3 upper window overlooks a small portion of the adjoining property to the west, which is a 0.5m area within the side boundary setback. Bedroom 3 window also overlooks the rear area of the adjoining property to the south, which contains a shed and a brick paved area.

Overlooking the rear of the property to the south might not be considered a serious issue. However if the lot to the south is redeveloped the rear area, which is subject to overlooking might be proposed for use as a primary outdoor living area.

It is recommended that the lower portion of the bedroom 3 window be made non-opening with opaque glazing to the minimum height of 1.6m measured from the floor level to prevent overlooking of the rear area of the adjoining lot to the south.

CONCLUSION

The proposal be deferred pending submission of revised plans.

VOTING

Simple Majority

11.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by APG Homes for a two storey residence at No. 108 Forrest Street, Cottesloe:**
- (2) Request that the applicant submit revised plans incorporating the following changes to the proposed development:**
 - (a) The front setback being increased to an average of 4 metres in accordance with clause 3.2.1 A1 (i) of the Residential Design Codes of Western Australia;**
 - (b) Screening of retained areas higher than 0.5m;**
 - (c) Prevention of overlooking from bedroom 3 window on the southern side in accordance with 3.8.1 of the Residential Design Codes.**

Carried 8/0

11.1.9 NO. 40 (LOT 87) MARINE PARADE - SINGLE STOREY BRICK, LIMESTONE AND METAL AGED CARE HOSTEL ADDITION.

File No: 40 Marine Parade
Author: Mr Chris Warrener
Attachments: Plans of proposed hostel
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Tindale

Property Owner: Minister for Lands

Applicant: Woodhead International
Date of Application: 9 July, 2003

Zoning: N/A
Use: P - A use that is permitted under this Scheme
Density:
Lot Area: 2.0626ham²
M.R.S. Reservation: N/A

SUMMARY

Plans have been submitted to provide 30 new beds and associated support structure, including minor refurbishment to the existing adjacent building.

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

PROPOSAL

It is proposed to expand the Wearne Hostel for the Aged by building additional accommodation units and facilities in the north-west corner of the site.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Vehicle Parking Requirements Policy No 001
Places of Cultural and Heritage Significance Policy No 012

HERITAGE LISTING

State Register of Heritage Places	Permanent
TPS No 2	Schedule 1
Town Planning Scheme Policy No 12	N/A
Draft Heritage Strategy Report	N/A
Municipal Inventory	Category 1
National Trust	Listed

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:
Letter to Surrounding Property Owners

Submissions

There were 24 letters sent out. No submissions were received.

BACKGROUND

On 9 July 2003 Council received correspondence and plans for the expansion of the Wearne Hostel Aged Care facility, which is situated on a Crown reserve (reserve No. 27229) that is bordered by Marine Parade, Gibney Street and Warton Street.

The proposed expansion of the facility is for extensions in the north west corner of the site.

The proposal was considered by Council's Design Advisory Panel (DAP) on 7 August 2003.

DAP requested further information regarding the following:

- have the plans been through the licensing body yet;
- the applicants should advise Council the additional number of staff required and anticipated number of visitors (concern was expressed in relation to the new entry from Gibney Street and the potential for parking problems in Gibney Street); and
- concern over the nil setback to a portion of the development in Gibney Street.

STAFF COMMENT

The concerns raised by the DAP were conveyed to the applicant, which has provided the following response:

- (a) The Commonwealth Dept of Health and Ageing allocated 18 new funded bed licences to the site in January 2002, on the condition that "substantial development" is completed by January 2004. 12 of the new beds will be unfunded (i.e. no subsidy). Upon completion, the building is inspected by the Department and will provide their accreditation assessment, depending on what Class the provider is seeking (i.e. 9C in this case). If it fails the assessment, then it is the provider's responsibility to remedy any discrepancies. There is no Licensing body that reviews the plans at this stage.
- (b) The 'house concept' is still relevant and applicable because it is:
 - in keeping with the scale of residential development in the area
 - is appropriate to environment of area to have single storey that is
 - less exposed to weather in a west orientation
 - accommodation has a more homely feel and protects resident privacy
 - resident type is less able to negotiate stairs
 - servicing is on same level offering a better solution for staff, management and safety
 - it is a contextually sensitive approach to beach side environment and current neighbours.
- (c) Parking requirements for additional staff have been determined by the operator as 4 bays and for visitors, as an additional 8 bays. Bays not provided for in the Gibney Street setback (ref drawings), will be provide as a part of the upgrade works proposed for the existing buildings, in the existing carpark off Gibney Street.

and specifically,

- (i) The landscaping treatment along Marine Parade has exposure to the street and the marine environment, including the soil type. It must preserve and enhance the existing streetscape.

The landscape will:

- Screen the retaining wall of the proposed development,
- Provide a buffer from wind exposure to the building and a bind in for soil in front of the building and
- Provide an element of privacy visually and acoustically for residents.

Currently the landscape is a native coastal shrub. We intend to match existing as closely as possible. The proposed planting will be native, hardy and dense and include the following types:

- Native wisteria
- Coastal shrubbery
- Spinifex
- Rottnest Island Pines and Tea Trees
- Pigface.

The Gibney Street difference in ground level and building level is generally, significantly less (varies) than along the Marine Parade elevation. Landscaping will screen this grade difference and soften the streetscape experience. A native wisteria or similar, will be planted along with the traditional plumbago to form a hedge.

- (ii) The entry to Gibney Street has a nil setback for 9 metres, adjacent to a generous street verge. This nil setback section of wall clearly communicates to visitors and the community, a point of entry to the facility. The entry wall has a wrought iron gate and open portholes in a stone wall leading to a semi-public space that is covered from the weather prior to entering the building.
- (iii) The car parking layout in the Gibney Street road reserve allows residents to be dropped off and picked up safely. The on-grade parking and drop-off is easier than present arrangements. This alternative entry minimises walking distance for the new residents and their families. The car parking area is designed in a similar manner to Lady Lawley's across the road, but smaller. It will be designated as short visit times and sign posted accordingly by management.

CONCLUSION

The extensions proposed to Wearne Hostel are in keeping with the character and appearance of the existing buildings on-site.

The applicant has addressed the matters raised by the DAP and the application is recommended for approval.

VOTING

Simple Majority

COMMITTEE COMMENT

Manager, Development Services advised that comments have not been received from the Heritage Council of WA and Western Australian Planning Commission to

date and approval cannot be granted until this has been received. The Acting Manager, Development Services was requested to follow up on this correspondence.

If the correspondence is not received in time for the meeting of full Council then the Committee supported Council delegating to the Manager, Development Services authority to issue an approval. This would be subject to the receipt of the correspondence from the HCWA and WAPC and there being no comments.

Further comments will be made to Council by the Manager of Development Services on these points.

OFFICER & COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Single storey brick, limestone and metal aged care hostel addition. at No. 40 (Lot 87) Marine Parade, Cottesloe in accordance with the plans submitted on 11 August, 2003, subject to the following conditions:

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

FURTHER INFORMATION FROM MANAGER DEVELOPMENT SERVICES CIRCULATED ON 25 AUGUST, 2003

As indicated in the Development Services Committee minutes, Council was awaiting advice from the Heritage Council and the Department for Planning and Infrastructure on this item.

Those comments have yet to be received and therefore it is recommended that the following recommendation be adopted:

AMENDED OFFICER RECOMMENDATION

Moved Cr Furlong, seconded Cr Strzina

That Council delegate to the Manager of Development Services authority to make a determination on the application for planning consent for Wearne Hostel, subject to the receipt of comments from the relevant authorities.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That the matter be referred back to the committee for more information, including a parking analysis.

Cr Strzina withdrew as seconder.

The motion lapsed for want of a seconder

The substantive motion was put.

11.1.9 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council delegate to the Manager of Development Services authority to make a determination on the application for planning consent for Wearne Hostel, subject to the receipt of comments from the relevant authorities.

Carried 8/0

11.1.10 NO 11 (LOTS 3 & 4) CONGDON STREET - 2 STOREY EXTENSIONS TO EXISTING BUILDING

File No: 11 Congdon Street
Author: Mr Daniel Heymans
Attachments: Location Plan
Plans
Correspondence from applicant
Codes approval application form

Author Disclosure of Interest: Nil
Report Date: 7 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Jeremy Carlberg & Danielle Newman

Applicant: Considine & Griffiths Architects
Date of Application: 18 June, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 1227m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to seek Council approval for 2 storey extensions to an existing 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	Claremont Hill Heritage Precinct - Essential
Municipal Inventory	Category 2
National Trust	N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 - Roof ridge height limit	9.01m	9.81m
Clause 5.1.1 - Wall height limit	6.51m	7.78m

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
8 - Privacy	Setback from upper floor balcony to northern boundary of 7.5m	4.0m	Clause 3.8.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

InternalBuilding
Engineering**External**

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:
Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. No submissions were received.

BACKGROUND

The subject property is located on the western side of Congdon Street. The application proposes two storey additions to an existing single storey house. The existing house is registered as category 2 on the Municipal Heritage Inventory and it is located in the draft Claremont Hill Heritage Area as essential.

STAFF COMMENT

Building Heights

The proposed development exceeds the permissible heights allowed under Town Planning Scheme No. 2 clause 5.1.1 (c), which states:

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

<i>Two Storey</i>	<i>Wall Height</i>	<i>6.0 metres</i>
	<i>Roof Height</i>	<i>8.5 metres”</i>

However the clause also states that:

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

The application proposes a wall height of 7.78m and a roof height of 9.81m. The existing house has a first storey wall height of 3.4m and the applicant would like the extensions to be in keeping with the existing building. Therefore the proposed 2nd floor ceiling height matches the existing lower ceiling height, and the proposed roof pitch also matches the existing roof pitch.

The wall height is 1.27m over the allowable limit and the roof ridge height is 0.81m over the roof ridge height limit.

The applicant has stated that the development will not have an adverse impact on adjoining neighbours, as the development is well setback from the boundaries. The applicant believes that there will be no affect on views, overshadowing or amenity.

The adjoining property owners did not comment on the proposed development when it was advertised.

The building is listed as a category 2 building on the Municipal Heritage Inventory and the owner would like to retain the existing house in its current form whilst adding an additional storey.

In this instance the administration believes that a variation to the permissible wall and roof height is warranted to enable this heritage listed house to maintain its character and allow the additions to harmonise with the existing style and bulk of the development.

Visual Privacy

The rear balcony does not meet the acceptable development standard for privacy however the administration believes that it complies with the relevant performance criteria.¹

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

11.1.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the 2 storey extensions to existing building at No 11 (Lots 3 &4) Congdon Street, Cottesloe in accordance with the plans submitted on 18 June, 2003, subject to the following conditions:

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

Carried 8/0

11.1.11 NO. 36 (LOT 50) ERIC STREET - COTTESLOE MEWS - ERECT A SIGN ADVERTISING PHARMACY 777

File No: 36 Eric Street
Attachment(s): Advertising sign
Author: Mr Chris Warrener
Author Disclosure of Interest: Nil
Report Date: 4 August, 2003
Senior Officer: Mr Stephen Tindale

Property Owner: Deltaking Holdings Pty Ltd
Applicant: FPD Savills
Date of Application: 4 August, 2003

Zoning: Business
Use: P - A use that is permitted under this Scheme
Density:
Lot Area: 2023m²
M.R.S. Reservation: N/A

SUMMARY

The owner of No. 36 Eric Street (Cottesloe Mews shopping centre), has applied to erect a 4500 mm X 1500 mm advertising sign atop the building.

PROPOSAL

It is proposed to manufacture and erect a steel famed aluminium sign on the roof of the Cottesloe Mews shopping centre at 36 Eric Street.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2 (TPS 2) – Sub-clauses 5.7.1, 5.7.3

POLICY IMPLICATIONS

Policy 010 Advertising

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

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

On 29 July 2003 Council received an application from FPD Savills for Delltaking Holdings Pty Ltd to erect an advertising sign on top of the roof at the Cottesloe Mews shopping centre (see Attachment).

The sign comprises a 40 mm steel tube frame into which an aluminium plate sign will be fixed with the words:

“Pharmacy 777
8.00 am – 8.00 pm Everyday”

The dimensions of the sign are 4500 mm X 1550 mm.

The sign reiterates the wording of an existing sign, which is painted on the west-facing wall of the shopping centre.

Presently, there is no signage information for traffic travelling west along Eric Street; the proposed signage will provide business exposure to traffic in both directions.

The profile of the sign is rectangular and repeats the building line/shape of the shopping centre.

Staff Comment

The proposed sign is not one, which is exempted from requiring Planning Approval under TPS 2 (see Schedule 4 – Exempted Advertisements).

The application is subject to sub-clauses 5.7.1 and 5.7.3, which state:

“5.7.1 Power to Control Advertisements

- (a) For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Sub Clause 5.7.5, the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such an approval to commence development is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting By-Laws.
- (b) Applications for Council's approval shall be submitted in accordance with the provision of Part VII of the Scheme.

In addition to the relevant information required at Part VII of the scheme, the applicant shall provide full details of the dimensions of the proposed sign including its height above ground level, the nature including the colour and material to be displayed on the sign, and state whether the advertisement is to be moving, steady, flashing, alternating, digital, illuminated, animated or scintillating.

- (c) With the exception of "Excepted Advertisements" referred to in sub-clause 5.7.4 and Schedule 4 of the Scheme,
 - (i) no advertisement is permitted within the Residential Zone.
 - (ii) no advertisement is permitted within the Foreshore Centre, Hotel, Special Industrial, Office and Residential, Service Station and Places of Public Assembly Zones unless the advertisement is directly related to, and incidental to the predominant use of the site and to the activities occurring, the services provided or goods traded thereon.

5.7.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.”

Council Policy on Advertising (Policy 010) in the Business Zone states:

“6.2

Business Zone

The area of advertising shall not exceed 0.5m² to 1 metre of site frontage. The maximum size of an advertising sign shall be 10m². Council may permit the development of advertising of a general nature

(i.e. not related to the business). Council shall not permit the development of roof signs in the zone.”

The proposed advertising sign is 6.75m² in area.

The sign is proposed to be erected on the roof of the building, therefore it contravenes Council policy.

Council is not bound by its policies under the Town of Cottesloe Town Planning Scheme No. 2, which states at sub-Clause 7.7.4:

“7.7.4 A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”

The Objectives under Policy 010-Advertising state:

“2.1 To preserve the character and amenity of the locality in which the advertisement is to be displayed.

2.2 To provide guidelines for the development and use of advertising in various zones and on reserved land in accordance with relevant Town Planning Scheme provisions and By-law controls.”

Taking into consideration that the proposed sign will be no more “obtrusive” than the existing signage, which is painted on the wall of the building and would not negatively impact on the character and amenity of the locality, the sign can be approved.

CONCLUSION

To approve the application for a Sign Licence.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development and issue a Sign Licence for the erection of a 4500 mm X 1500 mm roof sign advertising Pharmacy 777 at No. 36 (Lot 50) Eric Street - Cottesloe Mews, Cottesloe in accordance with the plans received on 29 July 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) 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.

COMMITTEE COMMENT

The Committee expressed concern in relation to the application and the adverse impact that the roof sign would have on the locality. In this particular situation, the Committee were not prepared to support the departure from the Town Planning Scheme Policy.

COMMITTEE RECOMMENDATION

That Council:

- (1) Hereby REFUSES its Approval to Commence Development for the erection of a 4500 mm X 1500 mm roof sign advertising Pharmacy 777 at No. 36 (Lot 50) Eric Street - Cottesloe Mews, Cottesloe in accordance with the plans received on 29 July 2003. Council is of the opinion that the proposed sign is in contravention of Town Planning Scheme Policy No. 10 – Advertising, which does not support roof signs within the Business Zone and the sign would have a detrimental impact on the character and amenity of the locality.
- (2) Advise the applicant of its decision.

**FURTHER INFORMATION FROM MANAGER DEVELOPMENT SERVICES
CIRCULATED ON 25 AUGUST, 2003**

Clause 5.7.3 of the Town Planning Scheme text states the following:

5.7.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.

In order to address the Town Planning Scheme provisions of this Clause, it is recommended that the committee recommendation be amended by reference to this clause as shown below:

That Council:

- (1) Hereby REFUSES its Approval to Commence Development for the erection of a 4500mm X 1500mm roof sign advertising Pharmacy 777 at No. 36 (Lot 50) Eric Street - Cottesloe Mews, Cottesloe in accordance with the plans received on 29 July 2003. Council is of the opinion that the proposed sign is in contravention of Town Planning Scheme Policy No. 10 – Advertising, which does not support roof signs within the Business Zone and having regard to the provisions of clause 5.7.3 of the Scheme Text, the sign would have a detrimental impact on the character and amenity of the locality.
- (2) Advise the applicant of its decision.

11.1.11 AMENDED OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Hereby REFUSES its Approval to Commence Development for the erection of a 4500 mm X 1500 mm roof sign advertising Pharmacy 777 at No. 36 (Lot 50) Eric Street - Cottesloe Mews, Cottesloe in accordance with the plans received on 29 July, 2003 as Council believes that the proposed sign is in contravention of Town Planning Scheme Policy No. 10 – Advertising, which does not support roof signs within the Business Zone and having regard to the provisions of clause 5.7.3 of the Scheme Text, the sign would have a detrimental impact on the character and amenity of the locality.**

- (2) Advise the applicant of its decision.**

Carried 8/0

11.1.12 NO 9 (LOT 23) NAPOLEON STREET – INCREASE IN HEIGHT OF EXISTING FACIA AND AWNING

File No: 9 Napoleon Street
Author: Mr Daniel Heymans
Attachments: Location plan
Plans
Correspondence from applicant
Photo of front facade

Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: P & N Algeri
Applicant: Tixie Holdings Pty Ltd
Date of Application: 4 August 2003

Zoning: Town Centre
Use: P - A use that is permitted under this Scheme
Density: R100
Lot Area: 511m²
M.R.S. Reservation: N/A

SUMMARY

The applicant proposes to increase the height of the facia of the building and the height of the awning.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

That Council prepare a comprehensive Town Centre Development Plan which deals with access, heights, land uses, design of buildings, plot ratio, parking etc.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal
Building

External
Design Advisory Panel

ADVERTISING OF PROPOSAL

The application was not advertised

BACKGROUND

The applicant also has an application in to modify the existing shop front by replacing the existing fixed windows with bi-folding glass doors. This application will be dealt with under delegated authority. The applicant is proposing a remodelling of the store to keep in line with their other outlets in the Metropolitan Area.

STAFF COMMENT

Design Advisory Panel

The application was referred to the Design Advisory Panel for comment. The panel considered that the increase in height of the fascia is not in keeping with buildings on either side.

The proposal results in a building fascia that is about 1.3m higher than the other buildings.

The panel considered that Council should prepare a Town Centre Plan that directs and guides development in an orderly manner including design; this would alleviate the possibility of ad-hoc development.

Town Planning Scheme & Strategic Plan - Clause 3.4.2 (a) of the Town of Cottesloe Town Planning Scheme No. 2 states that:

“when assessing developments Council shall have regard to how a proposal will affect the amenity of the zone, including such matters as staging of development, integration of buildings, access, parking, pedestrian movement, services and landscaping.”

In addition the Mission Statement contained within the Strategic Plan for Cottesloe states:

“To preserve and improve the unique village and coastal character of Cottesloe by using sustainable strategies in consultation with the community.”

The administration considers that any development in Napoleon Street should take into account the surrounding development and be in keeping with the character and the objectives of the scheme and the strategic plan for the Town of Cottesloe.

The administration considers that the increase in height is minor and will not have an adverse impact on the streetscape or the surrounding development and should be approved.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

11.1.12 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council Grant its Approval to Commence Development for the increase in height of the fascia and the awning at No 9 (Lot 23) Napoleon Street, Cottesloe in accordance with the plans submitted on 4 August 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) 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.**

Carried 8/0

11.1.13 NOS 81-83 FORREST STREET - HERITAGE LISTING

File No: Nos 81-83 Forrest
Author: Mr Chris Warrener
Attachments: Location plan
Correspondence from HCWA
Response from TOC's Town Clerk
Author Disclosure of Interest: Nil
Report Date: 8 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting on Friday 8 August 2002 the Register Committee of the Heritage Council voted Interim Registration for the former Cottesloe Post Office & Telephone Exchange at Nos 81-83 Forrest Street.

STATUTORY ENVIRONMENT

Heritage Act Western Australia 1990.

POLICY IMPLICATIONS

Town Planning Policy 12, Clause 6 Heritage Places.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

On 30 July 2003 Council received an invitation from the Heritage Council to comment on its proposed "Interim Registration" of the former Cottesloe Post Office & Telephone Exchange at 81 – 83 Forrest Street Cottesloe.

The Acting Manager Development Services attended the meeting of the Register Committee on Friday, 8 August, 2003, at the offices of the Heritage Council and voted on behalf of the Town of Cottesloe to register the place.

The proposal for registration of the place had been canvassed in 1991/1992 and at its Ordinary Meeting held in August 1992 Council resolved in response to proposed registration:

"That Council advise the Heritage Council of Western Australia that it has no objection to the entry of the Old Post Office, 81-83 Forrest Street Cottesloe, in the Register of Heritage Places."

STAFF COMMENT

81-83 Forrest Street is included in Clause 6 under Council's Policy 12 – Places of Cultural Heritage Significance, which is a list of Heritage Places that according to the policy:

"3.1 The Council considers that those properties described in Clause 6. are "...buildings of architectural and historical interest" for the purpose of Clause 5.1.2(b) of Town Planning Scheme No. 2."

Council's 1992 resolution and its inclusion under Policy 12 indicates a recognition and commitment to the conservation of the place formerly used as the Cottesloe Post Office and Telephone Exchange.

It is appropriate for this place to be on the State Register of Heritage Places.

VOTING

Simple majority.

11.1.13 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council note the information received.

Carried 8/0

11.1.14 AUTHORISATION FOR PLANNING OFFICER, MS LILIA PALERMO, TO ENTER PREMISES IN ACCORDANCE WITH THE PROVISIONS OF CLAUSE 7.5 OF THE NO. 2 TOWN PLANNING SCHEME TEXT

File No: D2.3
Author: Ms Georgina Cooper
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Sullivan

SUMMARY

To confirm authorisation for Ms Lilia Palermo, Planning Officer to inspect sites for the purpose of ascertaining whether the provisions of the Scheme are being observed.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council is requested to authorise Ms Palermo, a town planner working in the Development Services Department to inspect sites for the purposes of administering the Town of Cottesloe Town Planning Scheme No. 2 (TPS 2). Clause 7.5 states:

"An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed."

STAFF COMMENT

Ms Lilia Palermo, Planning Officer, requires Council authority to enter buildings or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

This will overcome technicalities that might arise in any future court action taken by Council.

VOTING

Simple Majority

11.1.14 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That for the purposes of Clause 7.5, Council authorise Ms Lilia Palermo, Planning Officer, at all reasonable times to enter any building or land to enforce the provisions of the Town of Cottesloe Town Planning Scheme No. 2.

Carried 8/0

11.1.15 SEA VIEW GOLF CLUB INC. - HERITAGE LISTING

File No: E10.10
Author: Mr Chris Warrener
Attachments: HCWA Interim Entry
Correspondence from HCWA 10/03/03
Correspondence from HCWA 14/04/03
Correspondence from HCWA 30/06/03
Author Disclosure of Interest: Nil
Report Date: 29 July, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The Heritage Council has entered the whole of the Sea View Golf Course including the rugby fields, roads and kindergarten on its Interim Register for the State Register of Heritage Places.

STATUTORY ENVIRONMENT

Heritage Act Western Australia 1990

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

On 20 December 2002 the Sea View Golf Club Course was entered on the State Register of Heritage Places with an "interim" status.

It notes in Item 10 Statement of Significance, that the clubhouse, maintenance shed, nursery, water pump building, child care centre, Cottesloe Oval and Harvey Field are considered to be of little significance.

On 28 March 2003 a meeting of the Heritage Council's Register Committee discussed permanent registration of the Sea View Golf Course.

Representing the Town of Cottesloe Ms Marion Ewing, objected to the listing if it includes the rugby fields, road and kindergarten because registration of these areas and the road will result in delays in progressing any work to these elements, as they will require the Heritage Council's approval.

The Register Committee agreed to defer consideration of permanent registration to allow for further negotiation on options for dealing with development proposals for the area post registration.

A further meeting was held on 20 June 2003. Representing the Town of Cottesloe were the Mayor and the Manager of Development Services, Mr Phillip Griffiths (A/Chairman) and Mr Steven Carrick for the Heritage Council.

The Town's representatives reiterated its concerns regarding registration of the entire area.

The Heritage Council advised by letter dated 30 June 2003 that matters of maintenance be discussed and agreed with it "(perhaps on an annual basis) to ensure that these issues do not need to be referred to the Heritage Council."

The Heritage Council has requested receipt of a list of routine maintenance items, which can also include minor works in order to agree by exchange of letters that these matters do not need referral to the Heritage Council.

The Heritage Committee also discussed that if at some future stage the Sea View Golf Course cannot continue to function as a golf course would the Heritage Council require it to continue.

Many heritage places cannot continue in accordance with their original use, the Heritage Council acknowledges this situation and discussed the possibility of the heritage values of the Golf Course being interpreted within a public open space, if the Golf Course's future use was not viable.

STAFF COMMENT

Council's Engineering Department provided the following list of routine maintenance items and minor works:

- (1) Kindergarten:
Council is responsible for structure of building and grounds maintenance.
- (2) Old Pumphouse and Well:
Sea View Golf Club responsibility.
- (3) Rugby Club House:
Leased to the Cottesloe Rugby Club. Council is responsible for the building structure and exterior.
- (4) Jarrad Street:
Road maintenance as required.

VOTING

Simple Majority

11.1.15 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council seeks agreement with the Heritage Council that the following items of routine maintenance and minor works do not need to be referred to it after permanent registration of the Sea View Golf Club course:

- (1) Kindergarten building and grounds maintenance;**
- (2) Cottesloe Rugby Club building and Harvey Field maintenance;**
- (3) Sea View Golf Clubhouse, maintenance shed, nursery and water pump building maintenance;**
- (4) Cottesloe Oval; and**
- (5) Jarrad Street road and verge maintenance.**

Carried 8/0

11.1.16 TOWN PLANNING SCHEME NO. 2 AMENDMENT NO. 32

File No: Amendment 32
Author: Mr Chris Warrener
Author Disclosure of Interest: Nil
Report Date: 29 July, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The Minister for Planning and Infrastructure has decided not to approve Amendment 32 until such time as modifications have been made.

It is recommended that the modifications be made.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Residential Design Codes

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its Ordinary Meeting held on 16 December 2002 Council resolved:

“(1) That Council hereby resolves to proceed with Proposed Amendment No. 32 subject to the proposed amendment being modified by amending part (c) of the proposed amendment, by adding the following words after the word “Scheme” in sentence three:

“including any standard or requirements of the Residential Planning Codes,”

(2) the Mayor and the Chief Executive Officer be authorised to sign and affix the seal of the Municipality of the Town of Cottesloe on the modified amendment documents.

(3) a copy of the Report and the modified Scheme Amendment documents be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning and Infrastructure;”

Amendment 32 proposes:

“a) Recoding Lots 64 and 65 (being Nos. 1 and 3) John Street, Cottesloe from ‘R30’ to ‘R50’ in accordance with the Scheme Amendment Map;

- b) Deleting paragraph 3.4.4 (d) of the Scheme Text and replacing it with the following new paragraph:

“d) *Residential Use*

May be permitted in accordance with the Residential Planning Codes and the general and amenity provisions of the Scheme.”

- c) Adding a new clause to Part III the Scheme Text as follows:

“3.4.11 *Development Exceptions/Concessions*

Despite anything contained in this Scheme, the Council may grant exemptions/concessions to any standard or requirement of the Scheme, including any standard or requirements of the Residential Planning Codes, relating to the development of, or on land listed in Column 1 at Schedule 5 of the Scheme. Exemptions/concessions granted by the Council shall be limited to the terms and conditions listed in Column 2 at Schedule 5.”

- d) Adding a new Schedule (being Schedule 5) and particulars [relocated from item b) above] after Schedule 4 to the Scheme Text as follows:

	<i>COLUMN 1 PARTICULARS OF LAND</i>	<i>COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL</i>
1	<i>Lot 28, Corner Eric Street and Marine Parade, Cottesloe [previously listed in paragraph 3.4.4 (d) of the Scheme]</i>	<p><i>Council may:</i></p> <ul style="list-style-type: none"> <i>(i) Permit a building exceeding the height controls of Part V of the Scheme so long as the building conforms with the height of adjoining buildings;</i> <i>(ii) Permit departures from the side and rear boundary setback requirements;</i> <i>(iii) Approve a development to a maximum plot ratio of 1.0 and allow it to exceed a site cover of 0.5;</i> <i>(iv) Notwithstanding the plot ratio limits prescribed in (iii) above, permit a higher maximum plot ratio for No. 150 (Lot 28) Marine Parade (north-east corner) Eric Street, subject to:</i> <ul style="list-style-type: none"> <i>a) the maximum allowable plot ratio for the site does not exceed 1.2;</i> <i>b) the additional 0.2 plot ratio is used for the purpose of allowing a caretaker’s house and office to be developed on the site; and</i> <p><i>the development which incorporates the caretaker’s house and office, is generally in accordance with the drawings prepared by Oldfield Knott –</i></p>

	<i>COLUMN 1 PARTICULARS OF LAND</i>	<i>COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL</i>
		<i>drawing No. 96147 – and received by Council on the 15 October, 1999.</i>
2	<i>Lots 64 and 65 (being No. 1 and 3) John Street, Cottesloe.</i>	<i>Council may permit, in relation to residential development on the land, an increase in plot ratio to a maximum of 0.70:1.0 subject to: (v) Development on the land being generally consistent with the Concept Plan approved 'in principle' by the Council at its September 2001 meeting; (vi) Retention of all mature trees on the land; (vii) Filling associated with the rear dwelling (not fronting John Street) shall not exceed 500 mm; and (viii) All fencing shall comply with any Local Law of the Town of Cottesloe.</i>

A copy of the Report and the modified Scheme Amendment documents were forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning and Infrastructure.

The Minister has responded requiring the following modifications:

"1 Insert clause 5.2.2(e) as follows:

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

2 Insert clause 3.4.11 as follows:

"3.4.11 Special development Standards and Requirements"

With respect to development in any of the zones listed under section 3.4 of the Scheme, specific exemptions/concessions may apply to the sites listed in Schedule 5 of the Scheme.

Insert item 2 in Schedule 5, as follows:

2	<i>Lots 64 and 65 (being No. 1 and 3 John Street, Cottesloe.</i>	<i>Council may permit, in relation to residential development on the land, an increase in plot ratio to a maximum of 0.70:1.0 subject to: (i) Development on the land being generally consistent with the Concept Plan approved 'in principle' by the Council at its September 2001 meeting and received by Council on the 8 August 2001, or any</i>
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		<p><i>other subsequent development application approved by the Council;</i></p> <p>(ii) <i>Retention of all mature trees on the land; and</i></p> <p>(iii) <i>The finished ground levels adjacent to the eastern boundary shall not generally exceed 500mm.</i></p>
--	--	---

Staff Comment

The changes required by the Minister do not affect the intention of Amendment 32 to increase the allowable density for development on Lots 1 and 3 John Street.

The additional sub-clauses 3.4.11 and 5.2.2(e) ensure that there is reference in the body of TPS 2 to Schedule 5 in line with the provisions/wording of the Model Scheme Text.

The Secretariat for the Western Australian Planning Commission advised that the Scheme Amendment does not have to be re-endorsed by Council, and that the relevant pages, signed and sealed on 16 December 2002 can be included in the modified proposal for the purposes of seeking the Minister's Final Approval.

VOTING

Simple Majority

11.1.16 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council

- (1) **Modify Amendment 32 to the Town of Cottesloe Town Planning Scheme No. 2 in accordance with the requirements of the Minister for Planning and Infrastructure specified in the advice letter dated 25 July, 2003 from the Western Australian Planning Commission.**
- (2) **Forward the amending documents to the Western Australian Planning Commission requesting that the Minister for Planning and Infrastructure grants Final Approval.**

Carried 7/1

11.1.17 TOWN PLANNING SCHEME NO. 2 AMENDMENT NO. 34

File No: Amendment 34
Author: Mr C. Warrener
Attachments: Submission (1)
Author Disclosure of Interest: Nil
Report Date: 24 July, 2003
Senior Officer: Mr S Tindale

SUMMARY

Amendment 34 to the Town of Cottesloe Town Planning Scheme No. 2 (TPS 2) was advertised for public comment. The submission period closed on 16 July, 2003.

One (1) submission was received one day after close of advertising on 17 July, 2003 (Attachment 1).

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The purpose of Amendment 34 is to eliminate the uncertainty, which arises when Council is required to exercise its discretion in response to multiple dwelling applications on land coded R30 and below.

This uncertainty arose when Council considered an application to redevelop No. 24 Princes Street.

In response to that application Council resolved at its Ordinary Meeting on 26 August, 2002:

“That Council:

- (1) advise the applicant that it is of the opinion that Option 1 is the preferred form of development for the site; and*
- 2) hereby resolves to amend its existing No. 2 Town Planning Scheme Text by prohibiting Multiple Dwellings in areas coded R30 or less; and*
- (3) the administration prepare a draft amendment for Adoption at the September, 2002 meeting of Council.”*

At its Ordinary Meeting held on 23 September 2002 Council resolved:

“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 affects Table 1 – Zoning Table of the Scheme Text, by amending the Table to prohibit Multiple Dwellings in areas coded R30 or less.*
- (2) Adopt proposed Scheme Amendment No. 34 of the Town of Cottesloe Town Planning Scheme No. 2, which is attached and forms part of these minutes.*
- (3) Undertake a 42 day advertising period for the proposed Amendment.*
- (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.”*

Advertising closed on 16 July 2003; one (1) submission was received after close of advertising.

STAFF COMMENT

The submission promotes retaining flexibility in TPS 2 for multiple dwellings based on a project at No. 19 Eric Street, which has been ‘successfully’ developed.

At its Ordinary Meeting held on 27 August, 2001 Council conditionally approved the construction of three (3) multiple dwellings at No. 19 Eric Street. This land is zoned Residential R30 and development of the 3 multiple dwellings has completed as the submission states.

Other multiple dwelling developments occur at No. 2 Gadsden Street, No. 4 Gadsden Street and No. 4 Hamersley Street in the Town of Cottesloe.

There are many examples of multiple dwelling developments on sites coded R30 and below.

This indicates the market demand for this lifestyle choice.

However, Council and its staff are not able to provide prospective developers with prescribed development standards for multiple dwelling development on land coded R30 and below.

Amendment 34 eliminates this uncertainty when dealing with proposals for multiple dwelling development on land coded R30 and below.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager, Development Services advised that there is no development standards for Multiple dwellings in the R Codes for areas zoned R30 and lower. Without these standards, there could be no guidance of development on land in the R30 coded areas.

Mayor Rowell stated that there have been some successful multiple dwellings in R30 and would like this amendment to be changed to address this issue.

Mayor Rowell recommended that Amendment 34 be deferred subject to the Planning Department reconsidering the amendment document to include guidelines for developing Multiple Dwellings in areas zoned R30 and to advise WAPC of this decision.

OFFICER RECOMMENDATION

That Council:

- (1) Note the submission received and adopts Amendment 34 for Final Approval;
- (2) Delegate authority for the Mayor and Chief Executive Officer to endorse the documentation;
- (3) Forward Amendment 34 to the Western Australian Planning Commission to request Final Approval from the Minister for Planning and Infrastructure.

11.1.17 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council DEFER the decision to adopt Amendment 34 subject to the following:

- (1) **Manager, Development Services reviewing the document to include guidelines for developing Multiple Dwellings in areas zoned R30;**
- (2) **Council advising Western Australian Planning Commission of Council's decision and ceasing consideration of the current document pending receipt of the revised amendment document.**

Carried 7/1

11.2 HEALTH**11.2.1 OCEAN BEACH HOTEL - PUBLIC BUILDING ASSESSMENT**

File No: PB 1 Eric St
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to consider the application by the Ocean Beach Hotel to recalculate the number of patrons permitted in the ground floor of the hotel. It is recommended that the application be supported.

STATUTORY ENVIRONMENT

Health (Public Buildings) Regulations 1992 as amended June, 2002.

7. Maximum number of persons

- (1) Subject to this regulation and regulation 9A, the maximum number of persons that may be accommodated in a public building other than large licensed premises* shall be ascertained in accordance with the Table to this sub regulation.

TABLE
AREA PER PERSON ACCORDING TO USE

Reg. 7(1)]

	Measurement units where not otherwise specifically mentioned
Type of use	- m² per person
Licensed premises having a floor area of 850m ² or less	0.85
Meeting/conference room	1
Restaurant	1

* The Ocean Beach Hotel does not constitute a large licensed premises.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Health (Public Buildings) Regulations 1992 were amended in June, 2002. One of the changes to this legislation allows the Accommodation numbers within licensed premises to be recalculated based on the ratio of 0.85m² per person rather than the previous 1 m² per person. Licensed premises having a floor area of 850m² or less may be automatically recalculated without the permission of the local authority. Whilst the individual areas of the Ocean Beach Hotel are within this definition, due to conditions imposed on the hotel's licence by the Director of Liquor licensing, the hotel must make application to the Director for a reassessment of the numbers.

The Town of Cottesloe's Principal Environmental Health Officer is required to inspect and assess public buildings for compliance with the legislation. As a result of the recent inspection of public buildings the Ocean Beach Hotel and the Cottesloe Beach Hotel were advised that reassessment of the number of patrons will require the support of the Council and the approval of the Director of Liquor Licensing.

The effect of the proposed reassessment of the number of patrons for the Ocean Beach Hotel is outlined in the following table:

Area	Current Number of patrons	Proposed Number of Patrons
Public Bar	380	355
Garden Bar	523	590
Saloon Bar	340	340
Total	1243	1285

The overall effect of the change in total numbers is minimal due to the change in the way that the measurements are now taken. However, Condition 9 of the hotel's Liquor Licence currently permits a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times.

STAFF COMMENT

In 1995, the Town of Cottesloe commenced an action against the Ocean Beach Hotel for reasons of anti-social behaviour of patrons in the vicinity of the hotel and the impact of the hotel on the community. In 1996 an agreement was reached between the parties and a number of conditions were imposed on the hotel's Liquor Licence by the Director of Liquor Licensing.

Since this time the hotel has continued to meet with the Council, the Police, the Office of Racing, Gaming & Liquor and residents to minimise the impact of the hotel on the community and to resolve any problems associated with the hotel's operation. Based on the number of complaints received from the community, an average of three over a summer period, this process has been very successful.

In addition to this measure, the hotel has undergone extensive renovations and is now focusing on the service of food and pre arranged functions, as opposed to the previous focus, primarily the service of alcohol.

The purpose of the Public Building Regulations is to ensure that the public health and safety of members of the public who assemble at a particular place or building is protected. The number of people permitted to be accommodated at a particular place or in a building at any time is determined according to its use.

Council's Principal Environmental Health Officer (PEHO) is authorised to take action where the number of people in the venue exceeds those permitted under the Regulations. Where numbers are set by the Director of Liquor Licensing, the PEHO is unable to enforce those numbers and any action must be taken by the Office of Racing, Gaming & Liquor. It is unlikely that this would occur. The Police and Security personnel are also required to check the number of patrons in the venue. Variations in numbers set by different authorities causes confusion to all parties who have a role in controlling patron numbers.

Whilst there was a valid reason in 1996 for the Director of Liquor Licensing to impose a condition restricting patron numbers in the hotel, based on the history of complaints received since 1996, it is believed that this condition is no longer required.

It is therefore recommended that Council supports the application by the Ocean Beach Hotel to reassess the number of patrons permitted in the ground floor of the hotel and that Council confirms its position in writing to the Director of Liquor Licensing. It is also recommended that Council request that the Director review Condition 9 of the hotel's Liquor Licence and remove the restriction permitting a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times.

VOTING

Simple Majority

COMMITTEE COMMENT

The PEHO addressed the Committee.

11.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Support the application by the Ocean Beach Hotel to recalculate the number of patrons permitted in the ground floor of the hotel based on the ratio of 0.85m² per person, to a total number of 1285 patrons;**
- (2) Confirm its support for the recalculation of numbers in writing to the Director of Liquor Licensing; and**
- (3) Request that the Director of Liquor Licensing review Condition 9 of the Ocean Beach Hotel's Liquor Licence and remove the restriction permitting a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times.**

Carried 8/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 19 AUGUST 2003**12.1 ADMINISTRATION****12.1.1 LIFEGUARD SERVICE**

File No: C2.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 12 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to bring this matter back to Council following the call for tenders and recommend that Council accept the tender received.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act requires that tenders be called for the supply of goods or services where the value is expected to be more than \$50,000. It was expected that a five year agreement to supply beach lifeguard services would exceed that amount.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Providing a lifeguard service is in keeping with the objective of providing "*A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs.*"

FINANCIAL IMPLICATIONS

Council had provided for the costs of a contracted lifeguard service each year in its budgets since 2000/01 and provision of \$50,985 (excluding GST) has been made in Council's budget for 2003/04 for the service to continue. The tendered price payable in this financial year is \$51,624 (plus GST) and so the actual cost will exceed the budget provision by \$639.

BACKGROUND

Council passed the following resolution at its June 2003 meeting:

That Council call for tenders for the provision of beach lifeguard services at Cottesloe Beach for a period of five years.

Tender documents were drawn up in-house. An advertisement calling for tenders was placed in the West Australian dated 23 July, 2003. This advert was incorrectly printed with the Town of Claremont logo and name as a heading but with the correct

address, which included the name Town of Cottesloe, at the bottom. A corrected advertisement was placed in the West Australian dated 26 July. Legislation requires that the close of tenders is a minimum of 14 days following statewide publication of the first notice and both advertisements were published more than 14 days prior to the advertised closure date. At the advertised close of tenders date of 11 August one tender had been received. This tender was from Surf Life Saving Western Australia (SLSWA) Inc.

CONSULTATION

SLSWA, as the previous provider of lifeguard services, was contacted to alert them of the tender.

STAFF COMMENT

Whilst the receipt of only one tender might generally raise some concerns, it is suggested that the lifeguard service package that SLSWA provided Council in past years is fairly specialised. The package includes the provision of all labour, materials and equipment, a high level of experience and expertise and annual beach safety audits conducted by suitably qualified people.

The tender lodged by SLSWA is for the same level of service as provided last season and that is the supply of one lifeguard as follows:

- September school holidays to Christmas school holidays – Monday to Friday* - 6.00 am to 6.00 pm
- Christmas school holidays – Monday to Friday* - 6.00 am to 6.00 pm (including a 4 hour lifeguard overlap)
- First school term to 31 March - Monday to Friday* - 6.00 am to 6.00 pm
- 1 April to 30 April – Monday to Sunday – 7.00 am to 4.00 pm.

* Excluding public holidays (the Surf Life Saving Club provides a lifeguard service at week ends and public holidays during these periods).

The tendered price is \$51,624 (plus GST) for the services to the above schedule and \$26.90 per hour (plus GST) for additional hours. The contract price is to be reviewed annually for CPI and payments are to be made in 6 equal instalments of \$8,604 (plus GST).

SLSWA has provided a very high level of service in past years and it is recommended that Council accept its tender.

VOTING

Simple majority

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council accept the tender from Surf Life Saving Western Australia Inc. for the supply of lifeguard services at Cottesloe Beach for a term of five years

commencing 29 September, 2003 and ending 30 April, 2009 for an annual cost of \$51,624 (plus GST) in accordance with its tender.

Carried 8/0

12.1.2 DONATION REQUEST - CLAREMONT POLICE & CITIZENS YOUTH CLUB INC.

File No: C17
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 12 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put the request from the Claremont Police and Citizens' Youth Club (PCYC) request for a donation toward the holding of its Extreme Games for Youth to be held on 8 November, 2003.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council has a donations policy, however it does not appear to apply to this request.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is a \$1,500 provision in the 2003/04 budget for donations where the recipient is not specified. \$500 of this is earmarked for donations made by the CEO in accordance with Council's donation policy (which sets an annual amount of \$500 to be set aside for donations and restricts the amount of each donation to \$50.00).

BACKGROUND

Senior Constable Mike Mayes, Manager of the Claremont PCYC, seeks a donation of \$1,500 from Council to assist with the cost of holding the games this year. The inaugural games were held last year and Mr Mayes noted that they attracted over 100 entrants and over 300 spectators. He expects a larger crowd this year and notes that events include skateboard, rollerblade, BMX and three on three basketball events. These will be supported by a bouncy castle, rides etc for younger children and there will be displays on road safety, crime prevention and home security.

Mr Mayes points out that the PCYC is a regional club and that a large contingent of Cottesloe children participate in the t-ball section which plays at Mann Oval, also that Cottesloe youth attend their monthly discos. He notes that the Club's skateboard park attracts youth of all ages from all over the Western Suburbs.

Mr Mayes notes that there will be cash and skating merchandise prizes for games contestants and that the fund raising is in part to cover this. Other costs to be covered are advertising, hire equipment and fees.

CONSULTATION

Nil

STAFF COMMENT

Council has made a practice of not making donations generally and especially to events or organisation outside the district. However some years ago Council did make a donation toward the establishment of the skate park facility built at PCYC.

No provision was made in the 2003/04 for a donation to PCYC. Of the \$1,500 set-aside for unspecified donations, \$500 is earmarked by policy and the remaining \$1,000 is available but its use now would result in no funds being available for any other request that may be deemed worthy of support. On the other had Council does have the option of amending the budget to increases the provision in this area.

It is suggested that the games may provide Cottesloe youth with some benefit, however considering budgetary constraints it is recommended that Council offer a donation of \$500.00.

VOTING

Simple majority

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council donate \$500 to the Claremont Police & Citizens Youth Club Inc. toward the running of its Extreme Games for Youth to be held 8 November 2003.

Carried 8/0

12.1.3 AUDIT SERVICES

File No: C7.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Whilst the author has no financial interest in the appointment of an auditor, the audit work is conducted on areas of operation under the control of that officer.
Report Date: 12 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to bring to Council's attention that the appointment of Council's auditors, Mr G LeGuire and Mr S McGurk of Grant Thornton, has expired and to recommend that they be re appointed for a further two years.

STATUTORY ENVIRONMENT

Part 7 of the Local Government Act provides that Council is to appoint one or more persons to be its auditor and that the appointment must be by absolute majority. The term of appointment may not exceed five years but an auditor is eligible for reappointment.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2003/04 Budget contains an audit provision of \$7,000. The quoted price for audit work in relation to the 2003/04 year is \$7,750. It should be noted that an interim and annual audit is conducted for each financial year under review. The interim audit is conducted and invoiced within that financial year however the annual audit is conducted some time after the close of the financial year and invoiced at that time and, as the practice has been to not accrue for this cost, the second payment appears in the subsequent years accounts. Audit payments expected to be made in 2003/04 are \$4,380 for the audit of the 2002/03 annual accounts and \$2,325 for the 2003/04 interim audit, a total of \$6,705 and so \$295 less than the provision of \$7,000.

BACKGROUND

Council has employed the process of making requests for quotations for audit services to selected organisations since at least 1989. In 1999 this practice was followed again to appoint an auditor for the three years 98/99 to 2000/01. At its April 1999 meeting Council appointed Mr G LeGuier and Mr T Wallace of Grant Thornton as its auditors for three years. In March 2001 Council reappointed Mr LeGuier and appointed Mr S McGurk (Mr Wallace had retired) of Grant Thornton for the 2001/02 and 2002/03 financial years.

Following consultation with the CEO a quotation was sought from Messes LeGuier and McGurk for audit services for the two years 2003/04 and 2004/05. A quotation was received based on the scope and terms of the previous appointments. The quotation set the price for the financial year ended 30 June, 2004 at \$7,750 and the price for the year ended 30 June, 2005 at \$8,500 (both plus GST).

CONSULTATION

Apart from internal consultation, including with the CEO, the matter was discussed with Mr LeGuier and other people at Grant Thornton.

STAFF COMMENT

The audit terms specify that the interim audit will be conducted February/May and final Audit in September/October of each year. Also that the final audit will be completed each year in time to enable printing and presentation of the Annual Financial Statements to the Annual Electors' Meeting. The firm is aware that the Annual Electors' Meeting is to be scheduled for November each year.

From an operational perspective, the audit teams assigned to do the fieldwork and others that we come into contact with, have provided good advice and appear to have been thorough.

Prices for the first three years of the auditors' term were 98/99 \$5,250, 99/2000 \$5,500 and 2000/01 \$5,750, and these prices compared well with the other quotation received at that time. Prices for the next two year terms were 2001/02 \$6,000 and 2002/03 \$6,250. It is noted that the quotation for the next two years at \$7,750 and \$8,500 represents an increase at a greater rate than for previous years. This reflects a higher charge out rate by the firm due, in part, to increases in insurance costs, especially professional indemnity. It is suggested that audit firms generally would now employ a higher charge rate for audit work, rather than use the audit relationship to get other accounting work as this practice was called into question following the collapse of large American companies in recent years.

VOTING

Absolute majority

12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council appoint Mr LeGuier and Mr S McGurk of Grant Thornton as its auditors for 2003/04 and 2004/05 at the quoted fees of \$7,750 and \$8,500 respectively.

Carried 8/0

12.2 ENGINEERING**12.2.1 NORTH COTTESLOE SURF LIFE SAVING BOATSHED DECK**

File No: E 2.9
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 11 August, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The proprietor of the Blue Duck has asked if Council would give consideration to provision of some furniture and shade to provide an additional amenity for visitors who elect to purchase takeaway food and improve the landscaping in the area.

Council does have an outstanding obligation to provide landscaping and public seating on the deck area. The recommendation is to recommence investigation of options for the treatment of the bare concrete surface, provision of seating and shade.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Would depend on the extent of works agreed to and any shared arrangement agreed to for funding.

BACKGROUND

The deck in question is part of the boat and equipment facility build by the North Cottesloe Surf Life Saving Club in 1995 on reserve land vested in Council and in effect is owned by the Town of Cottesloe.

Correspondence from the Coastal Planning Branch of the Department of Planning and Urban Development in January 1994 included the following comment:

...the proposed landscaped deck above the proposed extension should be a public space well designed to give protection from the south/west winds and accessible to beach users and not seen as an extension to the adjacent restaurant.

In March 1995 the Western Australian Planning Commission gave approval to commence development subject to various conditions including:

- (4) A landscaping plan for the roof garden and deck is to be submitted to and approved by the Commission. The plan should address species of vegetation and public seating.
- (6) Provision being made for access for the disabled to the roof garden and deck.

Council has considered the project on a number of occasions and in September 1995 a Committee recommendation was moved that would have authorised the committee to further investigate the options for the final pavement treatment. The recommendation was amended to read *suitable shade treatment at Council expense*.

Council also resolved:

The Council confirm that the deck area above the storage area is public open space and will remain in Council control.

In November 1995 Council resolved to selected the type and colour of pavers, engage engineers to provide a specification for an impervious membrane and sought a budget amendment to provide \$20,000. The colour selection was later rescinded after Council had sought independent advice from an urban designer.

In March 1996 the Council proposal was approved by the Ministry of Planning and Council resolved:

Proceed with the paving and landscaping of the deck level of the North Cottesloe Surf Life Saving Club as detailed in Option 1, submitted to the Ministry for Planning in accordance with the original planning approval and Resolution. No. W112.

In the absence of readily available funding, Council then sought a "Coastwest Grant" from the Western Australian Planning Commission. As the application was not successful the works did not progress. Later there were significant changes in Council membership the proposal was allowed to lapse.

While the issue has not been raised in recent years, Council is still obliged to meet the conditions imposed as part of the development.

CONSULTATION

Nil.

STAFF COMMENT

North Cottesloe Beach is almost devoid of any of the amenity expected at Cottesloe Beach. While it may not be possible to provide the terraced banks and shade trees, there is certainly an opportunity to soften the surrounds and improve the public amenity.

The provision of public seating and a shade structure on the deck area would be more in line with the amenity provided by the trees and grass at Cottesloe Beach and meet an outstanding obligation. At some later date consideration could also be given to the construction of a retaining wall and steps adjacent to the dual use path on the north side of the clubrooms. Sally Grainger, a landscape architect, prepared a concept sketch for the wall and steps together with some of the preliminary pattern design and colour selection for the brick paved deck design in 1995.

One of the difficulties faced in planning the paving was the need to provide an effective seal and free drainage under the pavers and also to resist the attack of salts on the reinforced structure. This cost alone was estimated at \$10,000.

The ongoing development of decorative sealants such as those recently used on the North Cottesloe Beach steps has provided more options for Council to consider. While decorative stone paving has considerable appeal, the additional cost of subsurface drainage and surface sealants adds a significant cost to the option.

The cost of sealing the 300m² boatshed deck with a decorative 5mm thick, non-slip, coating is approximately \$20,000. A contrast colour could be introduced, but may not prove to be worth the additional cost, as the areas would eventually include a selection of street furniture and shade sails and perhaps planter boxes.

The criteria for the selection of furniture would need to take into account the vulnerability to weather, vandalism, corrosion and the fact that it cannot be fixed to the deck without the risk of compromising the steel reinforcing. For this reason the original plan was to use a selection of "Urbanstone " furniture. There are now many more similar products available. The cost would depend on quality and quantity but would be in the order of \$20,000.

Shade sails would certainly add to the public amenity and add some colour to this potentially very usable area. Cost would be expected to range from \$20,000 to \$40,000 depending on the design size and specification necessary to cope with the high wind loading. There would be an ongoing maintenance cost, as replacement of sails would probably be needed on a seven-year cycle.

While Council has not budgeted for these works, consideration could perhaps be given to a staged development. Logically the sealing should be the first step - particularly as the sealing process could be completed within a few days as the surface is in sound condition. The area could be improved immediately by the provision of some park bench type seating as an interim measure. The provision of the shade could be staged. It would have the advantage of providing an immediate public benefit even if it were necessary to use lightweight furniture in the interim.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council investigate the cost of sealing the surface of the North Cottesloe Surf Life Saving boatshed deck, providing shade over approximately 50% of the area and supplying robust street furniture to provide seating for up to thirty persons.

12.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That:

- (1) Council investigate the cost of sealing the surface of the North Cottesloe Surf Life Saving boatshed deck, providing shade over approximately 50% of the area and supplying robust street furniture to provide seating for up to thirty persons;**
- (2) A public consultation process be undertaken if Council sees merit in this project once it has indicative costings.**

Carried 7/1

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY, 2003**

File No: C7.4
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 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 31 July, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It will be noted from the Operating Statement and the General Purpose Funding Statement, on pages 3 and 10 respectively of the Financial Statements, that the rates were not raised in July as planned. The raising of the rates and sending out notices was delayed due to teething problems associated with the introduction of the Fire and Emergency Services (FESA) Levy. Rate notices were posted Friday, 8 August and, as was expected, a number of enquiries/complaints have been received in relation to the FESA levy. Most appear to be in relation to the equitability of the levy and the phasing in process this financial year where the levy charge is discounted by 35% (and the FESA charge component of insurance policies continues until the end of this calendar year) i.e. some suggest that they are paying the levy twice.

VOTING

Simple majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2003, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 8/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 JULY 2003

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 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 31 July 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

The Schedule of Investments on page 37 of the Financial Statements show that Council had a total of \$833,789.80 in various interest bearing accounts as at 31 July, 2003. Of this, \$8,642.12 was in the current account and earning minimal interest (1.85%), \$303,740.77 was in an investment call account earning 4% per annum and the balance was in term deposits earning interest at rates of between 4% and 4.83% per annum. \$513,681.33 of the funds was reserved and so restricted in use.

VOTING

Simple majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 July, 2003, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 8/0

12.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 MAY, 2003

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 May 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 31 May 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

As will be noted from the Schedule of Investments on page 33 of the May Financial Statements, \$859,038.31 was invested as at 31 May, 2003. Of this \$ 593,192.02 was reserved and so were restricted funds. 2.41% of funds were invested with the National Bank, 73.61% with Home Building Society and 23.98% with Bankwest.

VOTING

Simple majority.

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2003, as submitted to the June meeting of the Works and Corporate Services Committee.

Carried 8/0

12.3.4 ACCOUNTS FOR THE PERIOD ENDING 31 JULY 2003

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 July 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the List of Accounts commencing on page 30 of the Financial Statements are as follows:

- \$11,960.38 to RentWorks Limited for quarterly lease payment.
- \$13,275.80 to Building and Construction Industry Training Fund for levies collected on building licences.
- \$10,205.63 to WA Local Government Superannuation Plan for employee superannuation contributions.
- \$16,987.90 to Western Metropolitan Regional Council for transfer station fees.
- \$16,917.11 to the Australian Taxation Office for tax payable on Business Activity Statement 1/6/03 to 30/6/03.
- \$16,046.25 to Darren Breed Complete Greenwaste Services for verge collections of green waste and mulching.
- \$32,776.08 to Wasteless for commercial and residential rubbish collections.
- \$29,815.50 to Municipal Insurance Brokers for Council's premium for property insurance.
- \$44,709.28, \$45,884.28 and \$44,623.90 for July 2003 payroll.

VOTING

Simple majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Sheppard, seconded Cr Furlong

That Council receive the List of Accounts for the period ending 31 July 2003, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 8/0

**12.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 JULY, 2003**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 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 31 July 31, 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 36 of the Financial Statements shows a balance of \$59,929.22 as at 31 July, 2003. Of this, \$41, 615.87 relates to July.

VOTING

Simple majority

**12.3.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL
RESOLUTION**

Moved Cr Sheppard, seconded Cr Furlong

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 July, 2003; and
- (2) Receive the Sundry Debtors Report for the period ending 31 July, 2003.

Carried 8/0

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

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

14.1 LE FANU – 2 SALVADO STREET, COTTESLOE

14.1 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Mayor Rowell

That Council invite the owner of Le Fanu to meet with the Mayor to ascertain the future intentions for the property taking into consideration its heritage significance.

Carried 8/0

14.2 FREEMAN OF THE TOWN OF COTTESLOE COMMITTEE

14.2 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council appoint a Freeman of the Town of Cottesloe Committee comprising the Mayor, Deputy Mayor, Presiding Officers of the Development Services Committee and Works & Corporate Services Committee.

Carried 8/0

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8.00 pm.

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