

# **TOWN OF COTTESLOE**



## **FULL COUNCIL MEETING**

# **MINUTES**

**The Ordinary Meeting of Council  
held in the Council Chambers, Cottesloe Civic Centre  
on Monday 25 March, 2002, commencing at 7.05pm.**



# ORDINARY MEETING OF FULL COUNCIL

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# **ORDINARY MEETING OF COUNCIL**

25 March, 2002

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## **1 DISCLAIMER**

The following **was** read aloud by Presiding Officer:

*“The public is advised that no action should be taken by any person in attendance at a Committee Meeting or Ordinary Meeting of Council in relation to any items discussed at this meeting, until written advice is received from Council.”*

## **2 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Chairperson announced the meeting opened at 7.05pm.

## **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

## **4 PUBLIC QUESTION & STATEMENT TIME**

(1) Mr Andrew MacLiver – Item TP17

Mr MacLiver, architect for the project, spoke in favour of revised plans submitted to Council on 25 March, 2002.

(2) Mr Peter Robinson – Item W9

Mr Robinson spoke as Captain of the Sea View Golf Club, in support of the Club's application for road closure days.

(2) Ms. Stephanie Lanigan – Item TP22

Ms. Lanigan spoke in support of the development application and asked that Council not defer the matter as recommended by the committee.

(4) Mr Tom Eyres – Item TP23

Mr Eyres spoke in support of the Cottesloe Tennis Club's application to establish three new grass courts.

(5) Mr Derek Walker – Item TP23

Mr Walker spoke in support of the Cottesloe Club's application to establish three new grass courts.

(6) Mr Lou Di Virgillo – Item TP25

Mr di Virgillo spoke on behalf of the owners, in support of the development application. He asked Council to delete condition (g)(iii) from the recommendation.

(7) Mr Peter Jeanes – Heritage Issues

Mr Jeanes referred to a survey conducted by a Year 11 student circulated to members. The survey was on heritage and sampled 50 people. The results of the survey suggested most residents don't agree with Council's stance on heritage.

- (7) Mr David Wright – Item TP18  
Mr Wright spoke in support of the development application.
- (9) Mr Ian Speaker – Item TP17  
Mr Speaker, on behalf of Mr Ian Sandover, spoke in opposition to the development application and noted that the three objectors had not received copies of revised plans.
- (10) Mr Brian Duffield – Item TP17  
Mr Duffield spoke in opposition to the development application.

## 5 **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

The Mayor:	Mr J.C. Hammond
Councillors:	Cr. J.S. Birnbrauer
	Cr. M.E. Ewing
	Cr. A.D. Furlong
	Cr. B.R. Miller
	Cr. K.J. Morgan
	Cr. P. Rattigan
	Cr. A.O. Sheppard
	Cr. J. Utting
	Cr. J.F. Walsh
Chief Executive Officer:	Mr S.D. Tindale
Manager, Engineering Services/Deputy CEO:	Mr M.R. Doig
Manager, Development Services:	Mr S. Sullivan
Team Leader Finance & Administration:	Mr A. Lamb

### **APOLOGIES**

Cr. R. Whitby.

## 6 **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr. Miller, seconded Cr. Ewing, that the minutes of the Ordinary Meeting of Full Council held on the 25 February, 2002, be confirmed and signed as a true and accurate record.

Carried 10/0

## 7 **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

## 8 **PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

## 9 **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

### (1) **SEADRAGON FESTIVAL**

Mayor Hammond asked Cr. Ewing to report on the function as she deputised for him.



Cr. Ewing reported that the Festival was improving each year. There were more stalls and a great deal of enthusiasm. She mentioned the efforts of Council's operations staff and ranger staff. She noted that whilst some of the activities were washed out by rain, the entertainment continued. Cr. Ewing foreshadowed an earlier date for next year, to improve chances of good weather.

(2) **LEIGHTON COMMUNITY FORUM**

Mayor Hammond asked Cr. Birnbrauer to report on the recent meeting. Cr. Birnbrauer stated that the Community forum reaffirmed its previous which was "*development being restricted to 4ha*".

(3) **DEVELOPMENT DENSITIES**

Mayor Hammond reported that he had received correspondence from a Forrest Street resident regarding insufficient notice of building works and concerns over increasing densities.

(4) **HERITAGE**

Mayor Hammond reported that the Minister for the Environment and Heritage, Hon. Judy Edwards, had commended the Cottesloe Council's heritage initiatives, especially the establishment of heritage precincts.

(5) **SENIOR'S NEEDS STUDY**

Mayor Hammond invited Cr. Ewing to talk on the matter and she advised that a number of workshops were being held as part of a study into the needs of seniors and that people interested in attending could contact the Cottesloe Council Office for details.

(6) **TOWN PLANNING SCHEME REVIEW**

Mayor Hammond reported that the Town Planning Scheme Review Committee would be meeting at 8.00am on 4 April and advised that all elected members were welcome to attend.

**10 CHIEF EXECUTIVE OFFICER'S REPORT**

**10.1 APPOINTMENT OF AN AUTHORISED PERSON**

**File No.:** 266 05 02  
**Author:** Mr. Alan Lamb  
**Report Date:** 19 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

The Chief Executive Officer has delegated authority to appoint authorised persons under the Local Government Act and will therefore appoint Senior Ranger, Mr Neil Ferridge, as an authorised person under that Act. The Chief Executive Officer however, has no delegated powers in relation to other acts.

**COMMENT**

Mr Ferridge will be required to carry out duties in relation to the Bush Fires Act, Litter Act, Dog Act and Off Road Vehicle Act which will require him to be appointed under those acts.

It is not clear if previous Senior Rangers were so appointed by Council, however Council did appoint City of Nedlands rangers in relation to some Acts in 1999 as part of a reciprocal arrangement. It may be prudent to revoke all appointments that may have been made in the past. It is suggested that these reciprocal appointments be renewed annually to take account of staff movements.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Morgan

#### **That Council:**

- (1) **Appoint Neil Charles Ferridge as an Authorised Person under the following Acts: Litter Act 1984, Dog Act 1976, Off Road Vehicle Act, and as a Fire Control Officer under the Bush Fires Act; and**
- (2) **Revoke all other appointments made under these Acts.**

Carried 10/0

#### **11 DECLARATION OF MEMBERS' INTERESTS**

Mayor Hammond reported that whilst he is the Patron of the Cottesloe Tennis Club, he had no interest to declare in relation to item TP23.

#### **12 REPORTS OF COMMITTEES AND OFFICERS**

### **DEVELOPMENT SERVICES COMMITTEE**

18 March 2002

#### **PLANNING**

#### **SUSPENSION OF STANDING ORDERS**

Moved Cr. Morgan, seconded Cr. Sheppard, that Standing Orders be suspended in order to discuss Item TP23.

Carried 10/0

#### **TP23 COTTESLOE TENNIS CLUB – THREE NEW GRASS COURTS OFF NAPIER STREET**

<b>File No.:</b>	<b>Cottesloe Tennis Club</b>
<b>Author:</b>	<b>Ms Lisa Goff</b>
<b>Date of Application:</b>	<b>19 February, 2002</b>
<b>Report Date:</b>	<b>12 March, 2002</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

### PURPOSE OF REPORT

To form a recommendation to the Western Australian Planning Commission for an application for approval to commence development under the Metropolitan Region Scheme.

### PROPERTY INFORMATION

Owner: Department of Land Administration  
Applicant: Cottesloe Tennis Club  
Zoning: Parks and Recreation Reserve  
Heritage Listing: N/A

### PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 6 - Flood lighting Fencing of Tennis Courts
Financial Implication:	Nil
Strategic Implication:	Nil

### AREA OF NON-COMPLIANCE

<b>Statutory Non-compliance</b>	<b>N/A</b>
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<b>Discretionary Provisions</b>	<b>N/A</b>
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### NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - no submissions received.

### STAFF COMMENT

#### 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.

The current application is for the development of three new tennis courts to the west of the clubhouse entry, along Napier Street. The courts will be within the current lease boundary, and the Department of Land Administration have signed the application form as the owner.

The courts are to be located between the existing hard courts and the Napier Street footpath. The land in that area slopes down towards the west, and the hard courts are raised above the natural ground levels that currently exist. The courts are proposed to be at a level that requires cutting on the east and up to 1.7m of fill on the west, and incorporate a 3.0m high wire fence above.

There is to be no lighting proposed for the courts. It is also noted that the dimensions of the new courts are not of championship size.

From the plans submitted, it would appear that the courts are proposed against the Napier Street footpath. There is approximately 2.0m between the proposed courts and the existing hard courts. With proper retaining, the new courts could be pushed against the existing, and away from the Napier Street footpath.

It is also proposed to bank the edges of the courts to reduce the amount of retaining required, and therefore the construction costs. It is preferred that retaining walls are constructed to increase the stability of the construction, and for aesthetic reasons.

### **Notification**

The owners of Nos 7 and 9 Napier Street were advised of the proposal, and no comments were received.

### **CONCLUSION**

It is considered that Council should recommend approval, subject to conditions, of the application for three new grass courts, to the Western Australian Planning Commission.

A condition should require any works to be completed within the current Tennis Club lease area.

It is considered that the courts should be set flush with the existing hard courts, and therefore setback at least 2.0m from the Napier Street boundary.

The development also requires retaining walls to stabilise the cutting and fill that is required.

Fencing should be in accordance with Town Planning Scheme Policy No. 6, and any lighting must be the subject of a new application.

### **OFFICER RECOMMENDATION**

That Council:

- (1) Recommend to the Western Australian Planning Commission that the application for three new grass tennis courts at the Cottesloe Tennis Club on the corner of Napier and Broome Streets, Cottesloe, as shown on the plans received on 19 February, 2002 be approved, subject to the following conditions:
  - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from any paved portion of the site is not permitted to be discharged onto the street reserve, rights-of-way or adjoining properties.
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
  - (d) The provision of adequate retaining walls to reduce any encroachment of soil outside the tennis club lease area.
  - (e) The courts being setback at least 2.0m from the Napier Street boundary.
  - (f) Any fencing is to be in accordance with Town Planning Scheme Policy No. 6.

- (g) Fencing shall not exceed 3.6m in height above the finished court level and shall be black coloured link wire mesh.

### **COMMITTEE COMMENT**

Cr. Ewing indicated her concern relating to additional grass tennis courts. The Council is interested in sustainability and the future of the environment. Grass tennis courts will utilise additional water which needs to be conserved by Western Australia. Cr. Ewing requested that the Tennis Club justify the need for grass courts in relation to the general needs of the members.

Mr Derek Walker of the Cottesloe Tennis Club advised that two additional tennis courts are required to allow for the rotation of use of the existing grass courts to recover from overuse of the courts.

Lawn is preferred by retirees rather than the hard surface. With reference to water usage, yellow sand will be used on the courts to ensure water is held well.

Cr. Ewing indicated concern relating to poisons, fertilizer etc.

Mr Walker advised that the use of poisons will be kept to a minimum. Mr Walker indicated that the club is entitled to additional courts, as this is indicated within the lease agreement.

Cr. Ewing advised that the committee needs a solid case as to why other tennis court surfaces could not be put in place.

Committee agreed to defer the matter to the next committee meeting to allow the club to present a more detailed submission.

### **COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) Defer consideration of this item until the April meeting of the Development Services Committee; and
- (3) Request the Cottesloe Tennis Club to provide a detailed submission substantiating the use of grass courts when assessed against sustainability issues.

### **AMENDMENT NO. 1**

Moved Cr. Furlong, seconded Cr. Sheppard

That the motion be deleted and substituted with:

That Council:

- (1) Recommend to the Western Australian Planning Commission that the application for three new grass tennis courts at the Cottesloe Tennis Club on the corner of Napier and Broome Streets, Cottesloe, as shown on the

plans received on 19 February 2002 be approved, subject to the following conditions:

- (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
- (b) Stormwater runoff from any paved portion of the site is not permitted to be discharged onto the street reserve, rights-of-way or adjoining properties.
- (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed.
- (d) The provision of adequate retaining walls to reduce any encroachment of soil outside the tennis club lease area.
- (e) The courts being setback at least 2.0m from the Napier Street boundary.
- (f) Any fencing is to be in accordance with Town Planning Scheme Policy No. 6.
- (g) Fencing shall not exceed 3.6m in height above the finished court level and shall be black coloured link wire mesh.

Carried 8/2

## **AMENDMENT NO. 2**

Moved Cr. Miller, seconded Mayor Hammond

That the substantive motion be amended by deleting all the words after "*amended or changed*" in (c) and adding:

*"(h) The illumination of the tennis courts to be the subject of a separate application."*

Carried 10/0

The amended motion was put.

## **COUNCIL RESOLUTION**

**That Council:**

- (1) Recommend to the Western Australian Planning Commission that the application for three new grass tennis courts at the Cottesloe Tennis Club on the corner of Napier and Broome Streets, Cottesloe, as shown on the plans received on 19 February, 2002 be approved, subject to the following conditions:**
  - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
  - (b) Stormwater runoff from any paved portion of the site is not permitted to be discharged onto the street reserve, rights-of-way or adjoining properties.**
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed.**
  - (d) The provision of adequate retaining walls to reduce any encroachment of soil outside the tennis club lease area.**

- (e) The courts being setback at least 2.0m from the Napier Street boundary.
- (f) Any fencing is to be in accordance with Town Planning Scheme Policy No. 6.
- (g) Fencing shall not exceed 3.6m in height above the finished court level and shall be black coloured link wire mesh.
- (h) The illumination of the tennis courts to be the subject of a separate application.

Carried 8/2

### RESUMPTION OF STANDING ORDERS

Moved Cr. Morgan, seconded Cr. Sheppard, that Standing Orders be resumed.

Carried 10/0

### TP15 NOS 89 & 91 (LOTS 14 & 13) NAPIER STREET – TWO STOREY EXTENSION TO EXISTING RESIDENCE AND DEVELOPMENT OF TENNIS COURT

**File No.:** No.91 Napier Street  
**Author:** Ms Lisa Goff  
**Date of Application:** 29 January, 2002  
**Report Date:** 5 March, 2002  
**Author Disclosure of Interest:** Nil

#### PURPOSE OF REPORT

To make a determination on an application for planning consent.

#### PROPERTY INFORMATION

Owner: C & T Dale  
Applicant: Simon Rodrigues  
Zoning: Residential  
Density: R20  
Lot Area: 658m<sup>2</sup>  
Heritage Listing: N/A

#### PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 5 - Building Heights No. 6 - Flood lighting Fencing of Tennis Courts
Financial Implication:	Nil
Strategic Implication:	Nil

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A
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<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Wall height	6.0m (14.71)	6.48m (15.176)
Front setback to Dalgety Street	6.0m	1.2m

<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Side setback to western ground floor existing wall – height 3.5m, length 16.2m, with major openings	2.8m	1.25m

<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Side setback to western ground floor – height 3.8m, length 21.5m, with major openings	3.9m	1.75m

<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Side setback to western first floor wall – height 6.9m, length 5.5m, with major openings	3.5m	1.75m

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - no submissions received.

**STAFF COMMENT****Background**

The site at No. 89 Napier Street is located on the corner of Napier and Dalgety Streets.

The property has a 2.7m crossfall from north-west to south-east, and there is access to the rear of the site via a right of way. A single storey residence exists on the northern part of the lot, and there is a carport at the rear.

The plans indicate that the existing residence at No. 89 Napier Street will be demolished, and a tennis court constructed on that lot.

The proposal is to retain the existing residence and incorporate a modern two storey extension at the rear. The carport at the rear is proposed for retention. The proposal incorporates some stepping down between the floor level of the existing residence, which is located on the high part of the lot, and the extension at a lower level.

Despite this, the wall height of the building has been calculated at above the allowable level, as the calculation is taken from the natural ground level at the centre of the site. Wall height is limited to 6.0m, and the proposal has been calculated at 0.48m above the height restriction.



The Town Planning Scheme indicates that there are two criteria where a relaxation to the height restriction may be considered. These are:

- for extensions to existing developments.
- where natural topography indicates a variation may be warranted.

Council must be satisfied that a variation will not negatively affect the amenity of the locality. Approval for a wall height variation on the current application would appear appropriate as the situation is consistent with the criteria for variation. Furthermore, the property is isolated from other sites by streets on the north and east, and a right of way on the south. The adjoining property to the west at No. 91 Napier Street is owned by the same people, and no submissions from adjoining owners have been received.

Some setback variations are proposed with this application. The standard for a secondary street setback, applicable to Dalgety Street, is 1.5m under Clause 1.5.8 (c) of the Residential Planning Codes. The clause states:

*“where a lot has boundaries to two or more streets the setback from the secondary street or streets may be reduced to 1.5m, or less in special circumstances, provided that adequate sight lines for traffic are maintained.”*

The proposed extension indicates that the ground floor pantry and laundry wall extends to 1.2m from the Dalgety Street boundary. The impact of the reduction on traffic sight lines is considered to be minimal, as the wall is located 24.5m south of the Napier Street intersection, and 13.0m from the right of way and Dalgety Street intersection.

Further side setback variations are proposed from the western boundary, mainly due to the presence of major openings. The existing residence and the proposed extension face out onto the adjoining property at No. 89 Napier Street, and the proposed tennis court.

Tennis court requirements for the locality are specified by Town Planning Scheme Policy No. 6, which states:

**4.1 FLOODLIGHTING**

*4.1.1 Floodlighting or other exterior lights over land or buildings shall not be constructed as to permit any direct light source to shine onto an adjoining Lot.*

*4.1.2 Poles or posts to which the lights are affixed must be of single column construction, to a design and of materials approved by the Council and the height, including the light, must not exceed 7 metres above ground level.*

*4.1.3 The lights and associated posts, poles and fittings must not be closer than 2 metres to the boundaries of adjoining property not in the same occupation unless:-*

- (a) Applicants requiring the lesser setback have notified the adjoining affected property holder;*
- (b) Where the adjoining affected property holder has signified in writing his consent to a lesser setback than 2 metres; or*
- (c) The Council by special resolution permits a lesser setback distance after considering any objections made by adjoining property holders.*

- 4.1.4 *Electricity power lines and cables connected to the lights must be by underground connection to the main supply and conform to all requirements of the State Energy Commission.*
- 4.1.5 *Lighting installed to illuminate other than tennis courts will, unless the Council approves otherwise, be limited to a maximum pole height of 4 metres but will otherwise conform to the provisions of Clause 4.1.1 above.*
- 4.1.6 *In areas zoned as 'Residential' in the Town of Cottesloe Town Planning Scheme No. 2, floodlights and bright lights may not be used to illuminate external areas later than 10.30pm unless an extension to such time is specifically approved by Council, which will only consider granting its permission if the prior written consent of occupiers of contiguous properties is provided.*
- 4.2 **COURT FENCING**
- 4.2.1 *Fencing shall not exceed 3.6m in height above natural ground level and shall be green or black coloured link wire mesh."*

### **Comments on Submissions**

No submissions received.

### **CONCLUSION**

The application for a second storey extension to the existing residence at No. 91 Napier Street is recommended for approval, subject to conditions. It is considered that the wall height variation be supported, as the proposal retains the existing character residence, and therefore the streetscape. Furthermore, the variation is for less than 0.5m, and the extension is isolated from other properties by a secondary street and a right of way.

The western side setbacks are also recommended for approval. The major openings that require greater setbacks to these walls overlook the proposed tennis court for this house.

It is recommended that a secondary street setback of 1.5m to Dalgety Street be imposed in line with Clause 1.5.8 (c) of the Residential Planning Codes, as this will move the building bulk away from that thoroughfare.

Conditions relating to the use, fencing and lighting of the tennis court are recommended for imposition in line with Town Planning Scheme Policy No. 6.

The location of the swimming pool is not supported, unless the lots are amalgamated. The pool constitutes a building under the Building Code of Australia, and a building cannot cross a lot boundary.

### **COMMITTEE COMMENT**

Committee discussed an error within the background of the report relating to the numbering of the properties. Administration to make changes to report accordingly.

Committee discussed the pool as it crosses the boundaries and the location and noise effects of the pool pump. Mr Sullivan advised that action can be taken through the Department Environmental Protection Act.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

**That Council:**

- (1) GRANT Planning Consent for two storey extensions to the existing residence at No. 91 (Lot 13) Napier Street, Cottesloe in accordance with the plans received on the 31 January, 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 and wall surfaces being treated to reduce glare if, Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
  - (e) Any front boundary fencing to Napier Street and for the northern 6.0m of Dalgety Street shall be of an "Open Aspect" design and the subject of a separate application to Council.**
  - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:**

    - (i) the development being setback at least 1.5m from the Dalgety Street boundary;**
    - (ii) the location of the swimming pool being modified to prevent it traversing the existing lot boundary; OR the lots being amalgamated, and a new Certificate of Title being created, prior to the issue of a building licence;**
    - (iii) the swimming pool pump being adequately screened to prevent the emission of noise into adjoining properties.**
- (2) GRANT Planning Consent for the development of an unilluminated tennis court at No. 89 (Lot 14) Napier Street, Cottesloe in accordance with the plans received on the 31 January, 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) 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.
- (c) The illumination of the tennis court shall be the subject of a separate application for planning consent.
- (d) The tennis court is for non-commercial use only.

Carried 10/0

TP16

**NO. 18 (LOT 18) ERIC STREET – TWO STOREY BRICK AND TILE GROUPED DWELLING AND UPGRADE OF EXISTING RESIDENCE TO GROUPED DWELLING STANDARDS**

**File No.:** No.18 Eric Street  
**Author:** Ms Lisa Goff  
**Date of Application:** 18 December, 2002  
**Report Date:** 8 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

**Owner:** K Moylan & Baysan Enterprises Pty Ltd  
**Applicant:** Peter Raynes Design Consultant  
**Zoning:** Residential  
**Density:** R30  
**Lot Area:** 693m<sup>2</sup>  
**Heritage Listing:** N/A

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

Statutory Non-compliance	N/A	
	Max/Required	Proposed
Discretionary Provisions		
Front setback	6.0m	3.85m
Rear setback	Side setbacks	1.0m
Side setback to western ground floor garage wall – height 2.8m, length 6.0m, no major openings	1.0m	Nil
Side setback to western first floor living room wall – height 5.6m, length 6.0m, with major openings	2.7m	1.5m



**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - five submissions received.

**STAFF COMMENT****Background**

The following report was considered by the Council in February. The item was deferred until March as Council had concerns regarding the issue of overlooking from first floor windows and balconies. After further investigation, the administration has determined that the recommendation adequately addresses that issue.

*The property at No. 18 Eric Street is located on the northern side of the road, to the east of Hamersley Street. It is on the apex of a hill, and has potential views of the ocean to the west. The western side boundary of the property adjoins the rear boundaries of four properties, and the lot also adjoins two other sites. Three of the adjoining sites are unit developments.*

*A survey-strata design for the property at No. 18 Eric Street, incorporating the retention of the existing residence, was approved by the Western Australian Planning Commission in February 2001. Conditions of approval related to the upgrading of the existing building to grouped dwelling standards, and a management plan for the development of a second grouped dwelling. Car parking for the front dwelling was also required, as the existing car parking on the site was required to be demolished in order to create the rear property.*

**Front Dwelling**

*The front dwelling is proposed for upgrading with the provision of car parking, a courtyard area and a store. The 24m<sup>2</sup> courtyard and 4.0m<sup>2</sup> store have been proposed in accordance with the Residential Planning Codes.*

*Two covered bays have been provided in front of the existing dwelling, with a front setback of 3.85m, which is non-compliant with the front setback requirements for the Residential R30 zone. The structure may be considered imposing on the streetscape, as the property is elevated from the footpath and street level, and the existing building is well setback.*

*Council's car parking requirement is two bays per unit, one of which is to be covered. This proposal is in excess of those requirements. It is possible for only one bay to be covered in the same location, and to comply with the front setback requirements.*

**Rear Dwelling**

*The rear dwelling is a new two storey development, which proposes three areas of setback variation. Under the Residential Planning Codes, the rear setback for a grouped dwelling development in Residential R30 is calculated the same as side setbacks. In this instance, the northern wall to bedroom 3 contains a major opening, and therefore is required to be setback at least 1.5m.*

*The proposed design incorporates the garage wall being located on the western boundary, adjoining No. 6 Hamersley Street. There is a 1.1m*

*difference in the ground levels, so the boundary wall will be at least 4.0m in height.*

*Furthermore, the construction of the wall will probably require the removal of the existing boundary fence, which has substantial vegetation attached and provides an aesthetically pleasing privacy screen.*

*A further variation is proposed with the setback to the first floor western living room wall. The north-facing balcony is considered a major opening in this wall, as it is open to the west. If the western side of the balcony was screened, the wall would be compliant with the required setback, and the overlooking into adjoining properties would be reduced.*

**Comments on Submissions**

*Five submissions have been received from the owners of properties adjoining the development site. The concerns raised have been summarised in the table below:*

<b>Affected Property</b>	<b>Concerns</b>	<b>Comments</b>
<i>1/9 Torrens Street</i>	<i>Overlooking from the north-west first floor balcony</i>	<i>Scheme Clause 5.1.2 relates to privacy</i>
	<i>Potential noise problems</i>	<i>Scheme Clause 5.1.2 relates to noise</i>
	<i>Query regarding floor levels</i>	<i>Floor levels for the proposed development are shown on the plans</i>
<i>4/9 Torrens Street</i>	<i>Overlooking from first floor living room doors and balcony</i>	<i>Scheme Clause 5.1.2 relates to privacy</i>
	<i>Potential noise problems</i>	<i>Scheme Clause 5.1.2 relates to noise</i>
	<i>Reference to previous application at 9 Torrens St</i>	<i>Balconies were refused</i>
<i>20 Eric Street</i>	<i>Overlooking from first floor eastern windows</i>	<i>Scheme Clause 5.1.2 relates to privacy</i>
	<i>Query regarding deck on carport</i>	<i>No deck is proposed – the carport roof has a slight pitch</i>
	<i>Query regarding noise levels, working hours, parking &amp; dust</i>	<i>Issues are covered by the building licence</i>
<i>4 Hamersley Street</i>	<i>Request compliance with the R Codes</i>	<i>Areas of variation have been discussed above</i>
	<i>Request tree to remain</i>	<i>Council does not control trees on private property unless it is heritage listed</i>
<i>6 Hamersley Street</i>	<i>Garage location on boundary</i>	<i>Proposes a variation from the requirements</i>
	<i>Overlooking from first floor south-western balcony</i>	<i>Scheme Clause 5.1.2 relates to privacy</i>

*Relevant sections of Scheme Clause 5.1.2, referred to above, is reproduced below:*

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

- (f) the location and orientation of a building or buildings on a lot in order to achieve higher standards of day lighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole;*
- (i) in respect of privacy, the impact of verandahs, balconies and of large viewing windows above ground floor level;*
- (k) the impact on the general quiet of the locality, including the times of activity, traffic generation, access and parking, and air conditioning, plant rooms and machinery, in relation to neighbouring properties. In order to preserve the quiet of residential areas, Council may impose conditions on development approvals restricting the hours of work on a development site;*

#### **5.1.3 Privacy**

*In considering a proposed development, Council shall have regard to likely impact on privacy enjoyed by neighbouring developments and shall impose conditions requiring that windows overlooking backyards or neighbouring private spaces shall have a sill height of 75cms and that balconies similarly overlooking backyards and private spaces shall have closed balustrading which cannot be seen through.*

*Council may also place conditions on the locations of large viewing windows above ground floor levels and balconies in order to further protect the privacy enjoyed on neighbouring properties.”*

## **CONCLUSION**

The two storey brick and tile grouped dwelling and upgrade of existing residence to grouped dwelling standards at No. 18 Eric Street is recommended for approval, subject to conditions.

It is considered that a condition should require the parking structure for the front dwelling to be setback at least 6.0m from the front boundary, in order to maintain the amenity of the streetscape.

It is recommended that the garage wall be setback at least 1.0m, in accordance with the provisions of the Residential Planning Codes. The height of the proposed structure on the boundary is considered unreasonable, due to the change in ground levels between No. 18 Eric Street and No. 6 Hamersley Street.

To prevent overlooking into the adjoining properties, it is considered that screening should be imposed on the western side of the first floor south-western balcony, and solid balustrading for the north-western balcony.



Modifications are also recommended for the two first floor eastern ensuite and kitchen windows, and the two north facing bedroom one (1) windows.

The rear setback is recommended for approval as shown.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

**That Council:**

- (1) GRANT Planning Consent for the two storey brick and tile grouped dwelling and upgrade of existing residence to grouped dwelling standards at No. 18 (Lot 18) Eric Street, Cottesloe, as shown on the plans received on the 18 December 2001 and the 8 January, 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 to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.**
  - (f) Any front boundary fencing to Eric Street shall be of an "Open Aspect" design and the subject of a separate application to Council.**
  - (g) Revised plans being submitted for approval by the Manager of Development Services, showing:**
    - (i) the development being setback at least 6.0m from the front boundary;**

- (ii) the garage wall located on the western side boundary being set back at least 1.0m in accordance with the provisions of the Residential Planning Codes;
- (iii) the east facing upper floor windows to the kitchen, powder room and ensuite being modified to prevent overlooking into the adjoining property by either:
  - A. having opening sill heights of not less than 1650mm above the FFL, or
  - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the CrFFL, or
  - C. being deleted;
- (iv) the north facing upper floor windows to bedroom 1 being modified to prevent overlooking into the adjoining property by either:
  - A. having opening sill heights of not less than 1650mm
  - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
  - C. being deleted;
- (v) fixed, solid and obscure screening to a height of 1.65m above finished floor level being fitted to the western side of the south-western, first floor balcony;
- (vi) fixed, solid and obscure balustrading to a height of 1.0m above finished floor level being fitted to the north-western balcony.

(2) Advise the submitters of this decision.

Carried 8/2

TP17

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

**File No.:** No.8 Alexandra Avenue  
**Author:** Ms Lisa Goff  
**Date of Application:** 23 January, 2002  
**Report Date:** 10 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

**Owner:** I & C Macliver  
**Applicant:** A Macliver  
**Zoning:** Residential  
**Density:** R20  
**Lot Area:** 928m<sup>2</sup>  
**Heritage Listing:** Essential building in heritage area

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A
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<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Wall height	6.0m (50.76)	7.75m (52.51)
Roof ridge height	8.5m (53.26)	9.09m (53.85)
Side setback to eastern ground floor wall – height 5.1m, length 18.0m, with major openings	3.9m	1.2m (Existing)
Side setback to eastern first floor bathroom & WIR wall – height 7.7m, length 6.4m, no major openings	1.4m	1.35m

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - three submissions received.

**STAFF COMMENT**

**Background**

**The application for a second storey addition to the existing residence at No. 8 Alexandra Avenue was considered by Council at the February meetings, where the following was resolved:**

*“That the matter be referred back to the March meeting of the Development Services Committee to allow input from the Design Advisory Panel and Council’s heritage consultants.”*

**The item was considered by the Design Advisory Panel on 5 March 2002, and the following comments were made:**

*“The panel considered that the issue was not what the extensions looked like from the street, but the impact on the adjoining properties.*

*It was felt that overlooking to the rear was adequately addressed by the rear set back and laneway.*

*The bulk of the extension was considered to be a problem.*

*It was suggested that building bulk could be reduced simply by reducing the ground floor ceiling height by about 600mm, reduce the first floor wall plate*

heights to 2.1m and introduce dormer windows to gain adequate ceiling heights.

To improve the aesthetics of the building from the front and to reduce the bulk on all sides, it was suggested that the existing roof pitch be reflected in the extension. The building wall height produces the hard edge (and that impact should be reduced). It was considered that an increase in roof height, through modifying the pitch, will not impact as much.

A reduction in the length of the eastern wall to reduce impact on that neighbour was also suggested.

The Panel considered that a requirement for the window sill heights to be at least 1.5m from finished floor level was too severe. It was considered that a minimum sill height of 0.9m was adequate.

One of the panel members requested that staff check plan floor to ceiling heights with cross-sections - heights vary."

The application has also been referred to Council's heritage consultant, as required by the 25 February 2002 resolution. The comments are still pending, and will be presented on receipt.

### Comments on Submissions

Three submissions have been received from the owners of properties adjoining the development site. The submissions are quite comprehensive (one contains a number of photographs) and so the main concerns raised have been summarised in the table below:

Affected Property	Concerns	Affected Property Heritage Listing
11 Hillside Avenue	Building bulk Overlooking Non-compliance with height restrictions Comments made regarding size of the property at No. 8 Alexandra Ave, and heritage issues	Essential to Claremont Hill heritage area  Category 2 on Municipal Inventory
9 Hillside Avenue	Non-compliance with height restrictions Building bulk Overlooking	None
7 Hillside Avenue	Overlooking Non-compliance with Town Planning Scheme Bulk	Essential to Claremont Hill heritage area

Many of the concerns raised by adjoining property owners are referred to in Clause 5.1.2, and the relevant parts are as follows:

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

- (b) the need for preservation of existing trees or areas or buildings of architectural or historical interest;*
- (c) the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally;*
- (d) the dispersal of building bulk into two or more separate buildings on a lot in order to minimise the effect of building bulk;*
- (f) the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole;*
- (g) the maintenance of fresh air in the locality through the control of building bulk and the control of odours, gaseous and particulate emissions;*
- (i) in respect of privacy, the impact of verandahs, balconies and of large viewing windows above ground floor level;*

#### *5.1.3 Privacy*

*In considering a proposed development, Council shall have regard to likely impact on privacy enjoyed by neighbouring developments and shall impose conditions requiring that windows overlooking backyards or neighbouring private spaces shall have a sill height of 75cms and that balconies similarly overlooking backyards and private spaces shall have closed balustrading which cannot be seen through. Council may also place conditions on the locations of large viewing windows above ground floor levels and balconies in order to further protect the privacy enjoyed on neighbouring properties.”*

Because of the natural slope of the land, the properties on Hillside Avenue are at a lower level than the ground level at No. 8 Alexandra Avenue. This accentuates the height of the building and increases the potential for boundary fencing to become ineffective in screening windows.

However, the extensions are located 12.6m from the rear boundary, and with the width of the right of way (3.42m), the total distance from the Hillside Avenue properties is 16.0m. This is well in excess of the 6.0m rear setback requirement in the R20 zone.

Both the owners of Nos 9 and 11 Hillside Avenue have indicated that there are swimming pools within the rear gardens of those properties. Concern is also raised regarding a loss of privacy to living areas at the rear of the buildings.

## **CONCLUSION**

The application for extensions to the existing residence at No. 8 Alexandra Avenue generally complies with the setback requirements of the Residential Planning Codes. The proposal is non-compliant with the Town Planning Scheme height restrictions and three of the neighbouring property owners consider that the extension will have a negative affect on the amenity of the area.

However, the extension qualifies with the Scheme criteria for a variation to the height regulations, and the rear setback of the development is well in excess of the Residential Planning Codes provisions.

The Design Advisory Panel have made comments regarding possible improvements to the design, and comments from Council's heritage consultant are pending. On receipt of those comments, a recommendation will be formulated and presented to Council.

### **OFFICER RECOMMENDATION**

Further comments and a recommendation will be presented on receipt of comments from Council's heritage consultant.

### **ADDITIONAL INFORMATION PROVIDED BY THE PLANNING OFFICER**

The following comments have been received from Council's heritage consultant, regarding this application:

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

Based on these comments, and those made by the Design Advisory Panel, the following recommendation is put forward for consideration.

### **REVISED OFFICER RECOMMENDATION**

That Council:

- (1) GRANT Planning Consent for the two storey addition to existing residence at No. 8 (Lot 40 & Pt 39) Alexandra Avenue Cottesloe, as shown on the plans received on the 23<sup>rd</sup> January, 2002, subject to the following conditions:
  - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
  - (d) The roof surface being treated to reduce glare if, Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.

- (e) Any front boundary fencing to Alexandra Avenue shall be of an "Open Aspect" design and the subject of a separate application to Council.
  - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
    - (a) the northern upper floor windows to the study and master bedroom being modified to prevent overlooking into the adjoining property by either:
      - (i) having opening sill heights of not less than 1200mm above the FFL, or
      - (ii) being constructed of fixed obscure glazing or screening to a height of at least 1200mm above the FFL;
    - (b) the northern upper floor windows to the ensuite being modified to prevent overlooking into the adjoining property by either:
      - (i) having opening sill heights of not less than 1650mm above the FFL, or
      - (ii) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - (iii) being deleted;
    - (c) the eaves being reduced and the roof pitch being increased to reflect the existing roof.
- (2) Advise the submitters of this decision.

### **COMMITTEE COMMENT**

Committee discussed the recommendations of the Design Advisory Panel. Design Advisory Panel suggested the floor level is dropped to 600m, decrease the ceiling height and install dormer windows and increase roof pitch to reflect the existing roof, this will not increase the building height.

Mr Sullivan tabled plans of the house. Mr Sullivan discussed the increased pitch of the roof and the effect this will have on neighbouring residents. Issues relate to the loss of privacy due to the bulk of the structure. The property complies with the setback requirements.

Cr Miller indicated his support for the recommendation and suggested that the sill height be reduced to 900mm as suggested by the Design Advisory Panel. Mr Sullivan suggested a verandah roof. This will provide a horizontal element to the design in an attempt to "soften" the building.

Committee agreed to add a condition (d) relating to the addition of obscure balustrading of 1.0m above FFL.

### **COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) GRANT Planning Consent for the two storey addition to existing residence at No. 8 (Lot 40 & Pt 39) Alexandra Avenue Cottesloe, as shown on the plans received on 23 January, 2002, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
  - (d) The roof surface being treated to reduce glare if, Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
  - (e) Any front boundary fencing to Alexandra Avenue shall be of an "Open Aspect" design and the subject of a separate application to Council.
  - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
    - (i) the northern upper floor windows to the study and master bedroom being modified to prevent overlooking into the adjoining property by either:
      - (A) having opening sill heights of not less than 900mm above the FFL, or
      - (B) being constructed of fixed obscure glazing or screening to a height of at least 900mm above the FFL;
    - (ii) the northern upper floor windows to the ensuite being modified to prevent overlooking into the adjoining property by either:
      - (A) having opening sill heights of not less than 1650mm above the FFL, or
      - (B) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - (C) being deleted;
    - (iii) the eaves being reduced and the roof pitch being increased to reflect the existing roof.
    - (iv) Obscure balustrading of 1.0m above FFL being fixed to the balcony.
- (2) Advise the submitters of this decision.

### **AMENDMENT**

Moved Cr. Furlong, seconded Cr. Birnbrauer

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

Carried 7/3

The amended motion was put.



### COUNCIL RESOLUTION

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

Carried 7/3

Cr. Furlong left the Chamber at 8.35pm and returned at 8.36pm.

#### TP18 NO. 43 (LOT 100) MARGARET STREET – CARPORT AND TWO STOREY BRICK AND TILE ADDITIONS TO EXISTING RESIDENCE

**File No.:** No.43 Margaret Street  
**Author:** Ms Lisa Goff  
**Date of Application:** 29 January, 2002  
**Report Date:** 11 March, 2002  
**Author Disclosure of Interest:** Nil

#### PURPOSE OF REPORT

To make a determination on an application for planning consent.

#### PROPERTY INFORMATION

Owner: J & S Wright  
Applicant: Morley Davis Architects  
Zoning: Residential  
Density: R20  
Lot Area: 364m<sup>2</sup>  
Heritage Listing: N/A

#### PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 3 - Garages and Carports in Front Setback Area No. 5 - Building Heights
Financial Implication:	Nil
Strategic Implication:	Nil

#### AREA OF NON-COMPLIANCE

<b>Statutory Non-compliance</b>	N/A
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<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Wall height	6.0m (15.32)	6.31m (15.63)
Front setback	6.0m	1.5m
Side setback to northern carport wall – height 2.5m, length 5.6m, no major openings	1.0m	Nil

Side setback to northern ground floor verandah – height 3.6m, length 6.7m, with major openings	1.7m	1.5m
Side setback to southern ground floor wall – height 3.2m, length 19.5m, with major openings	1.5m	Nil (existing) – 3.2m
Side setback to northern first floor wall – height 6.4m, length 19.1m, with major openings	5.0m	3.75m
Side setback to southern first floor void & study wall – height 5.3m, length 13.0m, no major openings	1.6m	Nil (existing) – 3.2m
Side setback northern first floor wall – height 6.4m, length 19.1m, with major openings	5.0m	3.75m
Side setback to southern first floor void & study wall – height 5.3m, length 13.0m, no major openings	1.6m	Nil (existing) – 3.2m
Side setback to southern first floor wall – height 6.4m, length 19.5m, with major openings	5.0m	1.0m – 4.2m
Internal length of carport	5.5m	5.3m

## NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - one submission received.

## STAFF COMMENT

### Background

The property at No. 43 Margaret Street is located on the western side of the street, near the intersection with Ozone Parade. There is an existing two storey residence on the site, and the lot has established ground levels. The property is on a green-title lot that has an irregular southern boundary. It is thought that the property was part of a grouped dwelling development with the building to the south, and has been subsequently subdivided into separate lots. The houses have corresponding parapet walls located on the common boundary. The plan includes ground floor and first floor extensions, mainly at the rear of the existing building, and a new double carport at the front of the property. A number of variations to the Scheme and Planning Code requirements are proposed.

### Wall Height

The Town of Cottesloe Town Planning Scheme Text controls building height. Wall height is limited to 6.0m, and is measured using the following formula:

- (c) *Measurement of Building Height*  
*For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.*

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

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

The natural ground level has been determined as 9.32 AHD using this method.

The wall height has been calculated at 0.31m above the height restriction. The floor level of the extension is proposed at 1.1m above the floor level of the existing first floor. It is considered that this will enable westerly views of the ocean to be gained. The development could easily be lowered to comply with the 6.0m requirement.

#### Front Setback

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

In this instance, the non-complying section of the development is the proposed carport. This structure replaces an existing single carport and projects out to a setback of 1.5m. The existing structure is setback 6.0m from the front boundary and therefore complies with the R Code requirements.

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

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

The Council has been consistently requiring a 6.0m front setback for new developments over the previous few years. The applicant has provided the following list of Margaret Street properties where front setback variations exist:

<b>Property</b>	<b>Existing setback</b>	<b>Property</b>	<b>Existing setback</b>
No. 3	Nil	No. 49	2.0m
No. 5	Nil	No. 51	2.5m
No. 7	1.5m	No. 52	2.5m
No. 10	1.5m	No. 55	2.5m
No. 21	3.5m	No. 61	Nil
No. 31	3.0m	No. 63	2.0m
No. 33	3.0m	No. 65	Nil
No. 37	0.5m		

#### Side Setbacks

There are a number of side setback variations being proposed in this application. Some of the southern setbacks vary due to the existing residence being located on the boundary.

The first floor extension has major openings on both the northern and southern sides from a balcony and sitting room, which increases the side setback requirements.

The new carport at the front of the property is proposed to have a nil setback to the northern boundary.

### **Comments on Submissions**

A submission has been received from the owners of No. 41 Margaret Street, which is located to the south of the subject property. It raises concern in relation to overlooking from the southern sitting room window and balcony opening. The objection indicates that the openings will decrease the privacy of the rear garden and swimming pool.

Clauses 5.1.2 and 5.1.3 of the Town Planning Scheme requires Council to consider privacy as an issue, and to impose conditions if necessary.

### **CONCLUSION**

The application for a new carport and two storey additions to the existing residence at No. 43 Margaret Street is recommended for approval, subject to conditions.

It is considered that the development should comply with the 6.0m wall height as the height of the existing building shows that compliance is possible. It is considered that the height restriction variations listed in the Scheme are not applicable to this situation.

Modifications to the southern sitting room window, and both sides of the balcony openings are recommended to prevent overlooking into adjoining properties. This will also bring some setback variations into compliance.

The front setback variation is not supported as it is considered that the carport will be an imposing structure on the streetscape with only a 1.5m setback. The existing structure complies with the requirements of the Scheme and Codes, and the properties directly adjoining the subject site are setback from the front boundary.

### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

#### **That Council:**

- (1) GRANT Planning Consent for the carport and two storey extensions at No. 43 (Lot 100) Margaret Street Cottesloe, as shown on the plans received on the 18 February, 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 applicant applying to the Town of Cottesloe for approval to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.
- (e) Revised plans being submitted for approval by the Manager of Development Services, showing:
  - (i) the carport being setback at least 6.0m from the front boundary;
  - (ii) the southern upper floor window to the sitting room being modified to prevent overlooking into the adjoining property by either:
    - A. having opening sill heights of not less than 1650mm above the FFL, or
    - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
    - C. being deleted;
  - (iii) the northern and southern sides of the rear balcony being fitted with fixed obscure screening to a height of 1.65m above the finished floor level;
  - (iv) the wall height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text (lowered to at least a level of RL 15.32);
  - (v) the front boundary fence to Margaret Street shall be modified to provide an "Open Aspect Fence".

(2) Advise the submitters of this decision.

Carried 9/1

Cr. Utting left the Chamber at 8.40pm.

**TP19 [NO. 25 \(LOT 226\) ATHELSTAN STREET – TWO STOREY BRICK AND TILE RESIDENCE](#)**

<b>File No.:</b>	<b>No.25 Athelstan Street</b>
<b>Author:</b>	<b>Ms Lisa Goff</b>
<b>Date of Application:</b>	<b>15 February, 2002</b>
<b>Report Date:</b>	<b>11 March, 2002</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

<u>Owner:</u>	E Antal
<u>Applicant:</u>	3D Design Pty Ltd
<u>Zoning:</u>	Residential
<u>Density:</u>	R30
<u>Lot Area:</u>	330m <sup>2</sup>
<u>Heritage Listing:</u>	N/A

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A
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<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Front setback	6.0m	1.5m
<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Side setback to western ground floor garage wall – height 2.0m, length 8.2m, no major openings	1.0m	Nil
Side setback to eastern ground floor and first floor walls	6.0m	1.5m secondary street setback
Open space	50%	48%

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - two submissions received.

**STAFF COMMENT****Background**

The site at No. 25 Athelstan Street is located on the corner of Curtin Avenue and Athelstan Street.

It is the final property of a group of four that occupy the office site for the old Cottesloe Flour Mill. Planning consent for a two storey residence was previously granted in 1999, and has subsequently lapsed.

The current application is also for a two storey residence, facing Athelstan Street. The areas of variation are discussed below:

**Front Setback**

Table 1 of the Residential Planning Codes indicates there is a 6.0m front setback requirement in the Residential R30 zone, which applies to this

development. Council has the discretion to vary that requirement, and Clauses 1.5.4-1.5.8 provide possible variations.

The proposed development provides a front setback of 1.5m to a double garage. Council had previously approved front setbacks of between 2.1-2.5m to car parking structures for the group of four developments.

The site is situated opposite the Old Cottesloe Flour Mill, which imposes on the streetscape because of its height and nil setback. Therefore, it is believed that the lesser setback for a single storey garage would not be any imposition on the existing streetscape. It will also look orderly as all four developments are requesting the same concession, and as such there is no imposition on the neighbouring properties. No. 25 Athelstan Street is also requesting a reduced front setback of 4.7m for an entrance portico, and upper floor balcony. Bedroom 3, located above the garage, proposes a front setback of 4.0m. Council has previously supported a similar reduction for the adjoining buildings. For the same reasons as stipulated above, there is deemed to be little affect on neighbours or streetscape with regard to this.

#### Side Setbacks

The application requires Council to make an exercise of discretion for two side setback variations. The first is in relation to the western garage wall. This variation is considered minor because due to the difference in ground levels between Nos 23 & 25 Athelstan Street, the wall is only 2.0m high (a standard fence is 1.8m high).

The second type of concession is for the setback from Curtin Avenue. A setback of 6.0m is required from the street, however Clause 1.5.8 (c) allows Council to grant a reduction to 1.5m or less, provided that there is no impact on traffic sight lines. In this instance, the building has been stepped to reduce the effect of an imposing structure close to the boundary, and the lot has been truncated on the north-east corner.

#### Open Space

There is an open space requirement of at least 50% of the site, meaning building can only cover half the property. The proposed building has been calculated at 48% open space, which equates to excess site coverage of 165m<sup>2</sup>.

This is basically a statutory requirement, and is considered important for controlling the size and bulk of buildings. In the Town of Cottesloe, building design features such as verandahs, patios and cantilevered areas have consistently been considered as site cover.

#### **Comments on Submissions**

A submission has been received from the owners of No. 23 Athelstan Street in relation to the finish of the boundary wall and the use of water for construction purposes. They request that the wall finish be matched to their residence, and that the building process be carried out utilising water from the property at No. 25.

The owner at No. 231 Curtin Avenue has objected to the development over issues that reduce the levels of privacy experienced by her at present.

One of these issues concerns overlooking from the windows on the rear upper levels of the development. The windows are shown as full size on current plans and to be of clear glazing. They are situated in rooms such as bathrooms and bedrooms. No. 231 Curtin Avenue is on a lower level to the proposed development, however, the rear of No. 25 Athelstan Street abuts the front garden of that property, which is open to the street. Furthermore, a rear setback of 6.4m is proposed, which is deemed to be adequate under the Residential Planning Codes.

A further issue relates to the rear fencing of the proposed development. The rear fence runs along the northern side boundary of No. 231 Curtin Avenue, and concerns have been raised over the height and design of the fence. The difference in levels between No. 231 Curtin Avenue and the height of the proposed development means that overlooking may be a matter for consideration.

Residential noise from people residing in the proposed development is also raised as a concern. Council has little control over this unless it exceeds the noise regulations.

The owner of No. 231 Curtin Avenue is further concerned by overshadowing from the proposed development. The Residential Planning Codes deem northern light to be important, and that no property should be overshadowed by more than 50% at the winter solstice. That requirement has not been exceeded by this development, and it is the front garden of No. 231 Curtin Avenue that will be affected by any overshadowing.

## **CONCLUSION**

The proposed development is generally proposed in accordance with the requirements of the Town Planning Scheme and the Residential Planning Codes. It is recommended that the application be approved, subject to conditions.

No objection is held to the proposed lesser front setbacks of the garages or porticos, balconies and upper floor rooms because of the unique streetscape situation with the Old Cottesloe Flour Mill.

The reduced side setbacks on both the eastern and western sides are also supported, as there will be little impact on neighbouring properties or the streetscape. A condition relating to the finish of the western boundary wall is recommended.

The shortfall in open space is not a discretionary provision and therefore, the applicants must comply with this requirement.

Issues of privacy must be considered with relation to upper storey rear windows and rear boundary fencing. Window sill heights could be lifted and the glass obscure glazed to decrease the opportunity for overlooking.



## OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the two storey brick and tile residence at No. 25 (Lot 226) Athelstan Street Cottesloe, as shown on the plans received on the 15 February, 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 applicant applying to the Town of Cottesloe for approval to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.
  - (e) The western garage wall, located on the western boundary, being finished with a sandstone/cream render, to the satisfaction of the Manager, Development Services.
  - (f) The rear fence of the development, adjoining No. 231 Curtin Avenue, be of brick material to the satisfaction of the Manager, Development Services.
  - (g) Revised plans being submitted for approval by the Manager of Development Services, showing:
    - (i) the south facing, upper floor windows to the spa and master suite being modified to prevent overlooking into the adjoining property by either:
      - A. having opening sill heights of not less than 1650mm above the FFL, or
      - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - C. being deleted;
    - (ii) demonstrating that the grades and manoeuvring of cars from the street is of acceptable engineering standards, otherwise the building is required to be further set back from the street boundary to achieve these standards;
    - (iii) the front boundary fence to Athelstan Street shall be modified to provide an "Open Aspect Fence".
- (2) Advise the submitters of this decision.

## COMMITTEE COMMENT

The Committee amended the officer recommendation by including condition (1)(g)(iv) which required compliance with the 50% open space requirement of the Residential Planning Codes.

**COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) GRANT Planning Consent for the two storey brick and tile residence at No. 25 (Lot 226) Athelstan Street Cottesloe, as shown on the plans received on the 15 February, 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 applicant applying to the Town of Cottesloe for approval to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.
  - (e) The western garage wall, located on the western boundary, being finished with a sandstone/cream render, to the satisfaction of the Manager, Development Services.
  - (f) The rear fence of the development, adjoining No. 231 Curtin Avenue, be of brick material to the satisfaction of the Manager, Development Services.
  - (g) Revised plans being submitted for approval by the Manager of Development Services, showing:
    - (i) the south facing, upper floor windows to the spa and master suite being modified to prevent overlooking into the adjoining property by either:
      - A. having opening sill heights of not less than 1650mm above the FFL, or
      - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - C. being deleted;
    - (ii) demonstrating that the grades and manoeuvring of cars from the street is of acceptable engineering standards, otherwise the building is required to be further set back from the street boundary to achieve these standards;
    - (iii) the front boundary fence to Athelstan Street shall be modified to provide an "Open Aspect Fence".
    - (iv) The development complying with 50% open space.
- (2) Advise the submitters of this decision.

## AMENDMENT

Moved Cr. Miller, seconded Cr. Birnbrauer

That the motion be amended by deleting paragraphs "(i)(A)(B)(C)" from (g) and renumbering (ii), (iii) and (iv) and deleting the words "*demonstrating that*".

Carried 7/2

The amended motion was put.

## COUNCIL RESOLUTION

That Council:

- (1) **GRANT Planning Consent for the two storey brick and tile residence at No. 25 (Lot 226) Athelstan Street Cottesloe, as shown on the plans received on the 15 February, 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 applicant applying to the Town of Cottesloe for approval to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.**
  - (e) **The western garage wall, located on the western boundary, being finished with a sandstone/cream render, to the satisfaction of the Manager, Development Services.**
  - (f) **The rear fence of the development, adjoining No. 231 Curtin Avenue, be of brick material to the satisfaction of the Manager, Development Services.**
  - (g) **Revised plans being submitted for approval by the Manager of Development Services, showing:**
    - (i) **the grades and manoeuvring of cars from the street is of acceptable engineering standards, otherwise the building is required to be further set back from the street boundary to achieve these standards;**

- (ii) the front boundary fence to Athelstan Street shall be modified to provide an “Open Aspect Fence”.
- (iii) The development complying with 50% open space.

(2) Advise the submitters of this decision.

Carried 8/1

Cr. Utting returned to the Chamber at 8.43pm.

**TP20 NO. 437 (LOT 332) STIRLING HIGHWAY – DEVELOPMENT OF NINE NEW AND THE REFURBISHMENT OF THREE AGED AND DEPENDENT DWELLING UNITS**

**File No.:** No.437 Stirling Highway  
**Author:** Ms Lisa Goff  
**Date of Application:** 29 January, 2002  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent under the Metropolitan Region Scheme and the Town of Cottesloe Town Planning Scheme.

**PROPERTY INFORMATION**

**Owner:** Department of Housing and Works  
**Applicant:** Sharp & Van Rhyn Architects  
**Zoning:** Residential & Primary Road Reservation  
**Density:** R60  
**Lot Area:** 5389m<sup>2</sup>  
**Heritage Listing:** Adjoins Old Claremont Fire Station and Old Police Station.

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A	
<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Further density bonus for aged and dependent persons	N/A	N/A

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by registered post, three submissions received.

## **STAFF COMMENT**

### **Background**

The site at No. 437 Stirling Highway currently contains a large, three storey block of units, apparently previously approved for the use of aged and dependent persons. As such, a density bonus has been granted which allows 37 units on the site.

A similar proposal was approved by Council in December 2000, however amendments have been made after a consultation process between the land owner and the tenants.

The current proposal is to add another twelve units, over three floors, to the existing development. There will be nine new units constructed, and the conversion of the existing lounge and laundry into three more units. The consultation process had indicated that these areas were not utilised effectively. As part of the redevelopment, a new modern laundry will be constructed, and a un-used storeroom converted to a craft room.

The units will be in the same style as the existing, and will be located on the western, south-western and eastern sides of the property. The bulk of the new development adjoins the fire station building. The proposed location of the units retains the central courtyard of the site, which contains a number of mature trees.

Part of the proposal incorporates the addition of 12 car parking bays, in excess of the nine existing bays currently provided. Eight of these bays will be located at the site of the existing car park, while the remaining four will be located off Grant Street adjacent to the water authority property.

### **Comments on Submissions**

The advertising for this application was extended to include the property owners on the northern side of Grant Street, in addition to the adjoining property owners. The property is located adjacent to the Old Claremont Fire Station (listed on the State Heritage Registry) and abutting Stirling Highway (Primary Regional Road Reservation), so it was also referred to the Heritage Council of WA and Main Roads WA.

A joint submission has been received from the owners of Nos 130, 132, 134 and 136 Grant Street. Comments are made regarding car parking on the road reserve, the size of the proposed bin area, the screening of the drying area and general upgrading of the building.

A submission has also been received from the Fire and Emergency Services Authority of Western Australia (FESA). It raises concerns in relation to access across the fire station during construction, the affect of noise from fire station activities and the proximity of the new units, loss of privacy, height of the building, and the proposed removal of trees from the south-west of the property.

Main Roads have provided advice relating to a 5.0m setback from Stirling Highway, and supportive comment has been received from the Heritage Council.

### **CONCLUSION**

The application for the development of nine new and the refurbishment of three aged and dependent dwelling units is recommended for approval, subject to conditions. The development of a satisfactory bin area is considered to be an appropriate requirement, and it is believed that the units should comply with the Australian Standards provisions for disability and mobility.

To satisfy the concerns of FESA, it is considered that Council should recommend that the property owners alert residents of the potential for noise from the fire station. Furthermore, it is recommended that the balconies facing the fire station be deleted, and major openings be relocated from the south-west wall. This should reduce the requirement for any privacy measures to be implemented by FESA.

### **COMMITTEE COMMENT**

Ms Goff indicated the Australian Standards condition was part of the previous proposal.

Committee discussed the units in relation to clients with special needs. Design needs to comply with Australian Standards to ensure the needs of a person with a disability, for example, is taken into consideration. Committee requested Mr Thorogood clarify the processes in place when housing a special needs resident.

Mr Thorogood indicated that the units can easily be converted to allow for wheelchair access. A program has been implemented by the Department of Housing to adapt the housing to the needs of the specific client in question. If wheelchair access was implemented throughout the complex, this would add 10-15% cost to the Department of Housing as well as the residents.

Committee discussed modifying the recommendation to provide Mr Sullivan with delegated authority to resolve the matter with the department.

### **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT Planning Consent for the development of nine new and the refurbishment of three aged and dependent dwelling units at No. 437 (Lot 332) Stirling Highway, Cottesloe, as shown on the plans received on the 29 January 2002, subject to the following conditions:
  - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve, rights-of-way or adjoining properties. The gutters and downpipes

- used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
  - (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.
  - (f) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;
    - (ii) the deletion of the south-west facing balconies of units 5, 6, 8 & 9;
    - (iii) the major openings on the south-west face of units 5, 6, 8 & 9 being modified to prevent overlooking into the adjoining property by either:
      - A. having opening sill heights of not less than 1650mm above the FFL, or
      - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - C. being deleted;
    - (iv) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
      - A. a tap connected to an adequate supply of water.
      - B. a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
      - C. smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
      - D. an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.
      - E. Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
      - F. easy vehicle access to allow for the collection of receptacles.
  - (g) Any front boundary fencing to Stirling Highway or Grant Street shall be of an "open aspect" design and the subject of a separate application to Council.
  - (h) The dwellings are only to be occupied by aged or dependent persons, in accordance with the provisions of the Residential Planning Codes.
  - (i) In the event that the Department of Housing and Works sell or strata title the property, they are required to enter into the necessary legal

- agreements and caveats as a condition of sale to restrict the age of occupiers.
- (2) GRANT approval to commence development pursuant to the provisions of the Metropolitan Region Scheme, for the development of nine new and the refurbishment of three aged and dependent dwelling units at No. 437 (Lot 332) Stirling Highway, Cottesloe, as shown on the plans received on the 29 January, 2002, subject to the following conditions:
- (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site, is not permitted to be discharged onto the street reserve, rights-of-way or adjoining properties. The gutters and downpipes used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
  - (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.
  - (f) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;
    - (ii) the deletion of the south-west facing balconies of units 5, 6, 8 & 9;
    - (iii) the major openings on the south-west face of units 5, 6, 8 & 9 being modified to prevent overlooking into the adjoining property by either:
      - A. having opening sill heights of not less than 1650mm above the FFL, or
      - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - C. being deleted;
    - (iv) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
      - (a) a tap connected to an adequate supply of water.
      - (b) a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
      - (c) smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
      - (d) an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.



- (e) Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
  - (f) easy vehicle access to allow for the collection of receptacles.
  - (g) Any front boundary fencing to Stirling Highway or Grant Street shall be of an "open aspect" design and the subject of a separate application to Council.
  - (h) The dwellings are only to be occupied by Aged or Dependent Persons, in accordance with the provisions of the Residential Planning Codes.
  - (i) In the event that Ministry for Housing sell or strata title the property, they are required to enter into the necessary legal agreements and caveats as a condition of sale to restrict the age of occupiers.
- (3) The submitters be advised of this decision.
  - (4) The Heritage Council of Western Australia and Main Roads Western Australia be advised of Council's decision.
  - (5) Advise the Department of Housing and Works that:
    - (a) they be requested to improve their practices to provide greater control and management in respect to the bin area;
    - (b) it is recommended that they advise the tenants of the proposed units of the potential for noise outside of normal hours from the adjoining fire station.

#### **COMMITTEE COMMENT**

The Committee considered that there was not a need to impose conditions (1)(f)(i) and (2)(f)(i). This was based on the role of the Department of Housing and Works to provide specific housing accommodation to meet the needs of their clients.

The Committee also supported the Department of Housing and Works and the Fire and Emergency Services Authority of WA meeting to discuss issues relating to the two sites. Following receipt of written advice from both parties concerning the meeting outcomes, the Manager Development Services should be delegated authority to make a determination based on that written advice.

#### **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

#### **That Council:**

- (1) Note that the Department of Housing and Works and the Fire and Emergency Services Authority of WA will meet to discuss the issues relating to the two sites;**
- (2) Request in writing from the two departments any agreement reached in relation to the meeting; and**
- (3) Delegate to the Manager Development Services the authority to make a determination on the application under the Metropolitan**

Region Scheme and the No. 2 Town Planning Scheme, following receipt of the correspondence required in (2) above.

Carried 10/0

**TP21 REQUEST FOR PARTIAL SUBDIVISION OF ROW NO 31 AND AMALGAMATION INTO NO. 52 (LOT 34) JOHN STREET**

**File No.:** 261 02 31  
**Author:** Mr Stephen Sullivan  
**Report Date:** 12 March 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To determine whether to support the subdivision of a portion of a right of way and amalgamation into No. 52 John Street.

**PROPERTY INFORMATION**

Owner: right of way Town of Cottesloe  
Owner: No. 52 John Street J & C Green  
Applicant: J & C Green  
Zoning: Residential  
Density: R20

**PLANNING FRAMEWORK AND IMPLICATIONS**

Statutory Environment:	Land Administration Act 1997 Town Planning and Development Act
TPS Policy Implications:	N/A
Financial Implication:	Nil
Strategic Implication:	Nil

**BACKGROUND**

The Manager, Development Services recommended and the Development Services Committee accepted the following recommendation.

*“That the applicant be advised:*

- (1) *The Council supports the retention of right of ways staying open.*
- (2) *Council expresses concern at the narrow width of the right of way, having regard to the location of the unauthorised structure.*
- (3) *Council does not support the formal closure of the portion of right of way, and;*
  - (a) *reserves its right in the future for the fencing to be relocated to the property boundary; and*
  - (b) *Any future development is to take place within the boundaries of the lot.”*

At its February, 2002 meeting, Council resolved not to accept the recommendation of the Development Services Committee and resolved as follows:

*“That the matter be referred back to the March meeting of the Development Services Committee for further consideration.”*

## COMMENT

Council resolved not to support the recommendation of the Development Services Committee and referred the matter back to the committee for further consideration.

The options open to Council are as follows:

### Option 1

Not support the closure of the right of way and require, when works on the site occur, for the new development to be re-located within the boundaries of the site. The resolution to this effect was proposed by staff and adopted by the Development Services Committee at its February 2002 meeting.

### Option 2

This option would be to support the closure of the right of way.

This would occur by the subdivision and sale of the relevant portion of the right of way to the owners of No. 52. The steps in the process are outlined below:

- the owners would need to enter into a contractual agreement with Council for the sale of the relevant portion of land. That contract would set out the framework for the sale of the land and the arrangements that need to be in place for the transfer of the land at the time of the creation of the new titles;
- the sale price for the land needs to be determined – this could be determined through a valuation by the Valuer Generals office;
- preparation of proper survey drawings showing the dimensions of the land that needs to be excised from the right of way title;
- submission of the formal documentation to the Western Australian Planning Commission for the subdivision of the land – with Council as co-signatories
- the subdivision process needs to be followed with Council having to provide comments on the proposed subdivision to the Western Australian Planning Commission;
- transfer of land and new titles to be issued at the end of subdivision process.

Should the process reach its final conclusion, the owners of No. 52 John Street will obtain ownership of the land that Council has agreed to sell them. It is not certain that the process will be completed based on preliminary advice from staff at the Department for Planning and Infrastructure.

This option **does not** contain proposals for the notification of surrounding property owners that may have a right to use this land.

This process also does not remove the rights of carriageway that exist on the right of way title. Property owners that have a right to use this fenced in portion could still seek to have the right of way opened up. A further complication may be that rights of adverse possession may exist over this land as well.

Costs associated with this process would be:

- legal;
- valuations;
- settlement;
- surveying; and
- Western Australian Planning Commission application fees.

Staff time would be a hidden cost.

The allocation of costs would need to be discussed further depending upon the action to be taken by Council. The first step in the process would be to seek advice from our solicitors in terms of the agreement and process to be followed.

*That Council:*

- (1) *defer consideration of the request to subdivide a portion of Right of Way No. 31 to No. 52 John Street;*
- (2) *requests the Administration to liaise with Council's solicitors with a view towards preparing the necessary agreements to facilitate the subdivision and sale of the relevant section of the right of way.*

If Council proceeds with this proposal, then it needs to be satisfied in terms of whether the land to be subdivided from the right of way title

### **Option 3**

This is similar to option 2, however, this would introduce some form of public consultation, probably at the very early stages of the process.

A further cost to those outlined in Option 2 would be the cost of notification.

Should the committee resolve to accept this option, then the following recommendation is presented:

*"That Council:*

- (1) *defer consideration of the request to subdivide a portion of Right of Way No. 31 to No. 52 John Street;*
- (2) *The Administration be requested to:*
  - (a) *consult with those property owners that have a right to use the closed portion of the Right of Way and those that may use the right of way to determine their position on the sale of the fenced in portion of Right of Way No. 31 that abuts the eastern side of No. 52 John Street; and*
  - (b) *present the findings of the consultation to the appropriate meeting of the Development Services Committee."*

### **CONCLUSION**

Alternative recommendations have been presented in the three options outlined above as a way of further developing the preferred course of action on this matter.

### **OFFICER RECOMMENDATION**

For consideration of the three (3) options by the Development Services Committee.

### **COMMITTEE COMMENT**

Committee discussed the process of closing the right of way. Mr Sullivan advised that although Council can authorise the commencement of the closure process of a right of way, this matter will then be referred to DOLA. The applicant may have to purchase the property within the right of way from DOLA. Mr Sullivan suggested that Council write to DOLA at this stage to gain advice on the use of the subdivision process to close the affected portion of the right of way.

Committee discussed the cost to the applicant during the process. Cr Birbrauer advised that the applicant has indicated willingness to pay all costs associated with this process.

### **COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) Request the Manager, Development Services to seek confirmation from DOLA that the partial subdivision process is the appropriate process for the subdivision of the right of way into the title of No. 52 John Street; and
  - (a) Upon advice from DOLA that this process is appropriate, the Manager Development Services undertake option 3, including the need to advise neighbours of the possible part closure; and
  - (b) Should DOLA advise that the subdivision process is inappropriate, the Manager Development Services undertake the closure process under the Land Administration Act.
- (2) Request the Manager, Development Services to discuss with Council's solicitors the various issues associated with the closure process; and
  - (3) Advise the applicant that the costs of the closure process would be borne by the applicant.

### **NOTES FROM MANAGER, DEVELOPMENT SERVICES - 25 MARCH, 2002**

A facsimile was received by Council on Friday, 22 March, 2002, from MacKinlays Solicitors requesting deferral of consideration of the the owner's request until the April, 2002 meeting of Council.

Whilst the request is for deferral, it is considered that a revised part (1) and not including (a) and (b) of the Development Services Committee recommendation should be included in a revised resolution. This will allow staff to seek advice on this matter for future reference. The revised recommendation based on the request for deferral is set out below:

**REVISED OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Birnbrauer

**That Council:**

- (1) Defer consideration of this matter to the April 2002 meeting of Council having regard to the written request received on 22 March, 2002 from MacKinlays Solicitors on behalf of the owner of No. 52 John Street; and
- (2) Request the Manager, Development Services, to seek written confirmation from DOLA that the partial closure of a right of way through the subdivision process is the appropriate process for the addition of a portion of a right of way into the title of an adjoining property.

Carried 10/0

**TP22 NO. 3/8 (LOT 3) AVONMORE TERRACE – TWO STOREY LIMESTONE AND COLOURBOND RESIDENCE**

**File No.:** No.8 Avonmore Terrace  
**Author:** Ms Lisa Goff  
**Date of Application:** 13 February, 2002  
**Report Date:** 13 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

Owner: P & S Lanigan  
Applicant: Riverstone Constructions  
Zoning: Residential  
Density: R30  
Lot Area: 364m<sup>2</sup>  
Heritage Listing: N/A

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A
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<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Wall height	6.0m (15.76)	6.04m (15.8)
Roof ridge height	8.5m (18.26)	8.94m (18.7)
Side setback to northern ground floor parapet wall – height 2.6m, length 6.6m, no major openings	1.0m	Nil
Side setback to southern ground floor walls – average height 3.9m, total length 18.5m, with major openings	3.4m	1.5-4.2m (secondary street setback)
Side setback to northern first floor parapet wall – height 5.3m, length 4.3m, with major openings	2.7m	Nil
<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Side setback to southern first floor walls – average height 6.5m, total length 18.5m, with major openings	4.8m	1.5-4.2m (secondary street setback)

## **NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - two submissions received.

## **STAFF COMMENT**

### **Background**

The site at No. 3/8 Avonmore Terrace is located on the north-east corner of Princes Street. The property is part of what was a five unit grouped dwelling development, which has subsequently been green titled and divided into separate lots. As such, the adjoining properties have walls built on the common boundaries with No. 3/8 Avonmore Terrace. In particular, No. 3/8 shares a common party wall with No. 2/8.

The existing residence on the site is single storey, with an undercroft garage. The front of the property has been retained up from the footpath to allow a level floor in the residence.

The proposal is for the demolition of the existing building, and the development of a new two storey residence. The car parking is proposed at the rear of the site, and comes in at grade level.

The residence complies with the 6.0m front setback, rear setback, and open space requirements of the Town Planning Scheme and Residential Planning Codes.

### **Rear Setback**

A rear setback of a 6.0m average is specified in the Planning Codes for single house developments. Clause 2.1.2 allows a 40m<sup>2</sup> courtyard, with a minimum dimension of 5.0m, to be utilised in lieu of a rear setback. This provides an outdoor area of a practical size, and is particularly useful for properties with car parking at the rear of the property (with access from secondary streets as in this instance). The clause allows boundary walls to be proposed at the applicant's discretion:

*“2.1.2 A single house may be constructed with one or more walls built up to one or more side or rear boundaries and with part of the open space requirement included in a confined, unroofed area and in such cases such open space shall have a minimum area of 40m<sup>2</sup>, a minimum side dimension of 5m and a maximum eaves overhang of 750mm.”*

### Building Heights

The Town of Cottesloe Town Planning Scheme Text controls building height. Building height is divided into three definitions – undercroft, wall and roof ridge heights. Building height is limited to two storeys in the Residential zone (with the option of a third storey in the roof space) however Council may consider variations for exceptional circumstances, provided the amenity of the area is not affected.

Wall and roof ridge heights are limited to 6.0m and 8.5m respectively, and are measured using the following formula:

(c) *Measurement of Building Height*

*For the purpose of measuring 'storey' and hence 'building height',*

*Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.*

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

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

The natural ground level has been determined as 9.76 AHD using this method. It is considered that the development does not qualify for the height variation criteria listed in the Scheme. The topography of the site is not severe, and the development is an extension to the existing building. The residence could easily be lowered to comply with the height requirement.

### Side Setbacks

Some setback variations are proposed with this application. The standard for a secondary street setback, applicable to Princes Street, is 1.5m under Clause 1.5.8 (c) of the Residential Planning Codes. The clause states:

*where a lot has boundaries to two or more streets the setback from the secondary street or streets may be reduced to 1.5m, or less in special circumstances, provided that adequate sight lines for traffic are maintained;*

The proposed development has been stepped to reduce the effect of an imposing structure close to the boundary, and the lot has been truncated on the south-west corner.



A setback variation is also proposed on the northern side of the property. As stated previously, there is a common party wall existing between Nos 2/8 and 3/8. It is proposed to retain this wall, and build a corresponding two-storey parapet wall on the property at No. 3/8 Avonmore Terrace. As it abuts the existing boundary wall, there is minimal impact on the adjoining property.

**Comments on Submissions**

Submissions have been received from the owners of Nos 2/8 and 4/8 Avonmore Terrace, which are located to the north and east of the subject property. The applicant has made some modifications to the proposal in order to address the neighbours concerns. These are summarised below:

**No. 2/8 Avonmore Terrace**

<b>Concerns</b>	<b>Comments</b>
Concerns with common wall	Internal brick wall added to laundry against existing external leaf wall
Request for clarification of floor level	Finished floor level of proposed residence detailed as RL10.20
Concerns with height of boundary fence	Issue for neighbours
Overlooking from north facing windows	First floor ensuite, powder room, & stairwell to be obscure glazed
Obstruction of views by first floor balcony	Scheme clause 5.1.2 (a)
Concerns regarding plumbing and common wall	Internal brick wall added to laundry against existing external leaf wall

**No. 4/8 Avonmore Terrace**

<b>Concerns</b>	<b>Comments</b>
Bulk from wall on rear boundary	Scheme clause 5.1.2 (d) & (f)
Obstruction of views	Scheme clause 5.1.2 (a)

**CONCLUSION**

The proposed two-storey limestone and colourbond residence at No. 3/8 Avonmore Terrace is recommended for approval, subject to conditions. A number of revised plans have been submitted with amendments, so the original full set of plans will be approved, with conditions covering the amendments. It is considered that conditions should require the building heights to comply with the Scheme restrictions, impose obscure glazing on specified northern windows, require a setback of the first floor eastern wall currently located on the boundary and impose the development of an internal brick wall inside of the existing northern common wall.

The secondary street setback to Princes Street and the northern boundary wall are recommended for support.

**OFFICER RECOMMENDATION**

That Council:

- (1) GRANT Planning Consent for the two storey limestone and colourbond at No. 3/8 (Lot 3) Avonmore Terrace Cottesloe, as shown on the plans received on the 13 February, 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 to construct a new crossover, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.
  - (f) Any front boundary fencing to Avonmore Terrace and for the western 6.0m of Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
  - (g) Revised plans being submitted for approval by the Manager of Development Services, showing:
    - (i) the wall and ridge height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text (to levels of RL 15.76 & RL 18.26 respectively);
    - (ii) the first floor wall located on the eastern (rear) boundary being set back at least 1.5m from the side boundary;
    - (iii) an internal brick wall inside of the existing northern common wall being provided;
    - (iv) the upper floor northern windows to the ensuite, powder room, and stairwell being modified to prevent overlooking into the adjoining property by:
      - A. having opening sill heights of not less than 1650mm above the FFL, or
      - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
      - C. being deleted.
- (2) Advise the submitters of this decision.

**COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Miller

That the matter be referred to the Design Advisory Panel.

## AMENDMENT

Moved Cr. Furlong, seconded Cr. Morgan

That the motion be deleted and substituted with the Officer Recommendation.

Carried 6/4

The substantive motion was put.

## COUNCIL RESOLUTION

That Council:

- (1) **GRANT Planning Consent for the two storey limestone and colourbond at No. 3/8 (Lot 3) Avonmore Terrace Cottesloe, as shown on the plans received on the 13 February, 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 to construct a new crossover, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.**
  - (f) **Any front boundary fencing to Avonmore Terrace and for the western 6.0m of Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.**
  - (g) **Revised plans being submitted for approval by the Manager of Development Services, showing:**
    - (i) **the wall and ridge height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text (to levels of RL 15.76 & RL 18.26 respectively);**

- (ii) the first floor wall located on the eastern (rear) boundary being set back at least 1.5m from the side boundary;
- (iii) an internal brick wall inside of the existing northern common wall being provided;
- (iv) the upper floor northern windows to the ensuite, powder room, and stairwell being modified to prevent overlooking into the adjoining property by:
  - (A) having opening sill heights of not less than 1650mm above the FFL, or
  - (B) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL,
  - (C) being deleted.

(2) Advise the submitters of this decision.

Carried 6/4

**TP23 COTTESLOE TENNIS CLUB – THREE NEW GRASS COURTS OFF NAPIER STREET**

**File No.:** Cottesloe Tennis Club  
**Author:** Ms  
**Date of Application:** 19 February, 2002  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

This item was dealt with at the beginning of the Officer and Committee Reports.

**TP24 NO. 64 (LOT 125) JOHN STREET– PROPOSED SURVEY STRATA TITLE SUBDIVISION - FOR TWO AGED OR DEPENDENT PERSONS DWELLINGS (RETENTION OF EXISTING DWELLING AND CREATION OF A VACANT SITE)**

**File No.:** No. 64 (Lot 125) John Street  
**WAPC Ref No:** 115-02  
**Author:** Mr Stephen Sullivan  
**Date Recd:** 6<sup>th</sup> February, 2002  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To provide a report on a request by the Western Australian Planning Commission for comments on a proposed survey strata title application – Aged or Dependent Persons Dwellings.

**PROPERTY INFORMATION**

**Owner/Applicant:** Mrs Sandy Browne  
**Zoning:** Residential  
**Density:** R20  
**Lot Area:** 620m<sup>2</sup>  
**Heritage:** State Register of Heritage Places - N/A  
 Municipal Inventory: Category 2  
 National Trust - N/A  
 Draft Heritage Report - John Street Area - Essential  
 TPSP No. 12 - N/A

## PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Town Planning and Development Act
TPS Policy Implications:	N/A
Financial Implication:	Nil
Strategic Implication:	Nil

### COMMENT

The site at No. 64 John Street has been identified in Council's Municipal Inventory (Category 2) and in the draft Heritage Strategy Report – John Street Heritage Precinct – Essential.

The property is a weatherboard dwelling with a two storey addition to the rear of the existing building.

### Survey Strata

Survey-stratas were introduced by the Strata Titles Amendment Act 1995. The lots are defined by surveyed land boundaries. No buildings need to be shown on the plan, although this type of strata can be used where there are existing buildings.

While survey-strata lots are determined pursuant to the procedures of Part III of the Town Planning and Development Act 1928, once created, they are subject to the provisions of the Strata Titles Act.

Residential development on survey-strata lots is subject to the grouped dwelling provisions of the R Codes.

The site is not suitable for a grouped dwelling development.

### Survey Strata Proposal

The applicants have lodged and are seeking approval from the Western Australian Planning Commission for the creation of two survey stratas for Aged or Dependent Persons Dwellings. If approved, this will create a survey strata for the existing dwelling and a vacant survey strata for the rear portion of the site.

### Residential Planning Codes Provisions

The Residential Planning Codes allow Council, at its discretion, to permit an increase in density for an Aged or Dependent Persons Dwelling developments. This bonus is considered when making a determination on an application for Planning Consent.

Council has developed a position in relation to the method for calculating the density bonus under the Residential Planning Codes. At its December, 2000 meeting, Council resolved as follows:

*That the Procedures Manual for the Planning Department be modified by incorporating the following:*

*“When considering the calculation of the density requirements for the development of an Aged or Dependent Persons Dwelling, Council will use the alternative method of calculating densities rather than the Residential Planning Codes manual interpretation, as outlined in the appeal letter from the Minister for Planning dated the 8 June, 1998, which related to the proposed development at No. 23 Grant Street. This method of calculation requires a site to be suitable for two grouped dwellings before it can be considered for an Aged or Dependent Persons Dwelling development.”*

Based on Council’s resolution (which aligns with the Codes provisions), the site is not suitable for an Aged or Dependent Persons Dwelling. The alternative method of calculation (interpretation provided for in the Manual to the Codes) would allow at Council’s discretion, the site to be developed for two Aged or Dependent Persons Dwelling.

### **Application for Planning Consent**

The owner of the property has lodged an application for Planning Consent for the development of a single storey Aged or Dependent Persons Dwelling at the rear of the site.

It is understood that the owner is seeking to retain the existing dwelling and to create a vacant strata title at the rear of the site. The rear survey strata site would then be sold off. The purchaser would then submit plans for the development of the rear survey strata site for an Aged or Dependent Persons Dwelling.

The application for Planning Consent has been returned to the owner on the basis that:

- (a) the advertising requirements under clause 7.1.5. of the Town Planning Scheme text had not been met, and Council cannot make a decision in relation to the application until such time as that advertising had been carried out; and
- (b) there was insufficient information provided on the plans to properly assess the application.

When asked to provide the required information and carry out the notification process, the applicant was not prepared to meet these requirements – refer to copy of letter circulated separately from this report.

### **Position of the Western Australian Planning Commission and the Minister for Planning and Infrastructure**

An officer from the Department for Planning and Infrastructure has advised that the Commission is not supportive of allowing the survey strata titling of a site for an Aged or Dependent Persons Dwelling development. It was pointed out that the Commission deals with the creation of titles in different forms, whereas in this situation, there is a requirement for Council to determine whether there is to be a density bonus granted for this type of development. Further, if the

Council granted this density bonus, then they would issue a title once the development has been constructed, as this then only relates to the form of ownership of the land and buildings.

To support that position, an example was used by the officer relating to the request for the subdivision of No. 5 Congdon Street, where the owner of the property sought to subdivide his lot, which was 885 m<sup>2</sup> in area. It did not meet the requirements for subdivision (including the 10% tolerance level) and the grouped dwelling requirements. Council did not support the subdivision and the Commission resolved to refuse the subdivision application.

In a request to the Western Australian Planning Commission for re-consideration of the refusal, the applicant also sought approval for a 50% bonus for an Aged or Dependent Persons Dwelling development. This included an offer by the owner for restrictions to be applied to the title relating to tenancy and to it being a single storey development. The Commission resolved not to support a variation to the refusal.

The current Minister for Planning and Infrastructure on planning appeals has taken the position that the density bonus is a Council discretion and therefore that decision should be on the basis of an application for Planning Consent which would undergo the normal planning process, including assessment and community consultation.

#### **CONCLUSION & OFFICER RECOMMENDATION**

The application before Council is to create a vacant survey strata for an Aged or Dependent Persons Dwelling development. Implicit within this application is that the existing building would also become an Aged or Dependent Persons Dwelling.

There are ramifications to this proposal in terms of the need for an application for Planning Consent, out of the notification process the calculation of the density bonus (which would mean the site is unsuitable for two aged or dependent persons dwellings based on Councils December, 2000 resolution), the suitability of the site and its location for an Aged or Dependent Persons Dwelling development, the carrying, determination made in respect of other sites, the development occurring in the John Street Heritage area and the desire to create a vacant site for sale.

This density bonus is at Council's discretion under the Residential Planning Codes and therefore, should be determined first before considering the form of land ownership. Therefore, the application to create two survey strata titled sites for an Aged or Dependent Persons Dwelling is not supported.

**Voting Requirements**      Simple Majority

#### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

**That Council advise the Western Australian Planning Commission that it does not support the proposed creation of two survey strata titled sites**

on No. 64 John Street (WAPC Ref No:115-02) for an Aged or Dependent Persons Dwelling development as:

- (1) the proposed development requires Council to exercise its discretion for a density bonus for an Aged or Dependent Persons Dwelling development under the Residential Planning Codes;
- (2) the exercise of discretion for the density bonus should be determined under the Town Planning Scheme through an application for Planning Consent;
- (3) Council has not made a determination on an application for Planning Consent for this site; and
- (4) Based on Council’s decision at its December, 2000 meeting, the site is below the minimum area requirements for an Aged or Dependent Persons Dwelling development.

Carried 9/1

**TP25**

**NO. 1D (LOT 230) CHARLES STREET – TWO STOREY BRICK AND METAL RESIDENCE**

**File No.:** No.1D Charles Street  
**Author:** Ms Lisa Goff  
**Date of Application:** 18 February, 2002  
**Report Date:** 13 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

Owner: M Jones & M Serra  
Applicant: Lou Di Virgilio Designs  
Zoning: Residential  
Density: R30  
Lot Area: 309m<sup>2</sup>  
Heritage Listing: N/A

**PLANNING FRAMEWORK AND IMPLICATIONS**

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



**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	N/A	
<b>Discretionary Provisions</b>	<b>Max/Required</b>	<b>Proposed</b>
Front setback	6.0m	4.0m to porch 5.3m to balcony
Rear setback	6.0m av	5.7m av
Northern side setbacks	6.0m	1.5m secondary street setback
Side setback to southern ground floor wall – height 3.4m, length 17.0m, no major openings	1.6m	Nil
Side setback to southern first floor stairs wall – height 6.6m, length 7.0m, no major openings	1.6m	Nil
Side setback to southern first floor wall – height 6.4m, length 17.7m, no major openings	2.2m	1.7m

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - one submission received.

**STAFF COMMENT**

**Background**

The site at No. 1D Charles Street is located on the corner of Eric Street. It is the northern most lot of a four lot subdivision, and the other three properties have current development approvals. The site is level and therefore does not require any retaining. The application is for a two storey residence which proposes a number of variations. Initially, the original plans submitted produced greater than 50% overshadowing of the adjoining property. Amended plans have subsequently reduced the overshadowing to 50%, which is the maximum amount allowed under both the Scheme and R Codes.

Front Setback

Table 1 of the Residential Planning Codes indicates there is a 6.0m front setback requirement in the Residential R30 zone, which applies to this development. Council has the discretion to vary that requirement, and Clauses 1.5.4-1.5.8 provide possible variations.

In this instance, the non-complying sections of the development are the first floor balcony and the porch. These structures project out to a setback of 4.0m.

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

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

The Council has been consistently requiring a 6.0m front setback for new developments over the previous few years. The 6.0m front setback has been imposed on the adjoining Charles Street properties.

#### Side Setbacks

Some setback variations are proposed with this application. The standard for a secondary street setback, applicable to Eric Street, is 1.5m under Clause 1.5.8 (c) of the Residential Planning Codes.

The clause states:

*“where a lot has boundaries to two or more streets the setback from the secondary street or streets may be reduced to 1.5m, or less in special circumstances, provided that adequate sight lines for traffic are maintained;”*

The proposed development has been stepped to reduce the effect of an imposing structure close to the boundary, and the Eric Street verge is very wide.

There are ground floor and first floor boundary walls proposed as part of this design. The building footprint is similar to that which was approved as part of the original subdivision clearance application (which took advantage of Clause 2.5.2 of the R Codes regarding Nil side setbacks).

The extent of boundary wall proposed originally had contributed to the extent of overshadowing produced. To minimise overshadowing, the boundary walls have been reduced, and the first floor wall has been set in a further 0.5m.

#### Rear Setback

A rear setback of a 6.0m average is specified in the Planning Codes for single house developments. Clause 2.1.2 allows a 40m<sup>2</sup> courtyard, with a minimum dimension of 5.0m, to be utilised in lieu of a rear setback. This provides an outdoor area of a practical size. The proposed development at No. 1D Charles Street does not have a 6.0m average rear setback nor a 40m<sup>2</sup> courtyard, as the minimum dimension is 4.8m. It is considered that a usable courtyard area is appropriate and could be easily provided.

#### **Comments on Submissions**

A submission has been received from the owners of No. 1C Charles Street, which is located to the south of the subject property. It raises concern in relation to the extent of boundary walls between the properties and the amount of overshadowing proposed.

Clause 5.1.2 of the Town Planning Scheme states the following regarding overshadowing:

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

- (f) the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole;*

- (j) *in respect of overshadowing, the impact on the utilisation of solar energy by neighbouring properties;”*

As stated previously, the proposal has been modified to bring the overshadowing into compliance (now proposed at the maximum level), which has been done by proposing a minor reduction in the extent of the boundary wall. The amendments have been done in response to the objections raised by the adjoining owners, and they are unaware of them.

## **CONCLUSION**

The development of a two storey brick and metal residence at No. 1D Charles Street is recommended for approval, subject to conditions.

The secondary street setback proposed for the northern (Eric Street) boundary is supported as there will be little affect on traffic sight lines.

It is considered that conditions should require compliance for the front and rear setbacks. Furthermore, it is recommended that the family room and kitchen boundary wall be setback at least 1.0m from the southern boundary. This will reduce the length of southern ground floor boundary wall from 17.0m to 10.0m, which will address the bulk and overshadowing concerns of the adjoining property owners.

## **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

### **That Council:**

- (1) GRANT Planning Consent for the two storey brick and metal residence at No. 1D (Lot 230) Charles Street Cottesloe, as shown on the plans received on 6 March, 2002, subject to the following conditions:**
  - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
  - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
  - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
  - (d) The roof surface being treated to reduce glare if, Council considers that the glare adversely affects the amenity of**

adjoining or nearby neighbours following completion of the development.

- (e) The applicant applying to the Town of Cottesloe for approval to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects. The crossover shall be located a minimum of 2.0m from the base of the existing street tree.
- (f) Any front boundary fencing to Charles Street, and for the western 6.0m of Eric Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
- (g) Revised plans being submitted for approval by the Manager of Development Services, showing:
  - (i) the development being setback at least 6.0m from the front boundary;
  - (ii) the development complying a rear setback option provided by the Residential Planning Codes;
  - (iii) the ground floor family room and kitchen wall located on the southern side boundary being set back at least 1.0m from the side boundary.

(2) Advise the submitters of this decision.

Carried 9/1

TP26

**NO. 441 (LOT 1) STIRLING HIGHWAY – PROPOSED TWO STOREY OFFICE ADDITION TO THE OLD CLAREMONT FIRE STATION**

<b>File No.:</b>	<b>No. 441 Stirling Highway, Cottesloe</b>
<b>Author:</b>	<b>Ms Lisa Goff</b>
<b>Date of Application:</b>	<b>22 March, 2000</b>
<b>Revised Plans Received:</b>	<b>25 February 2002</b>
<b>Report Date:</b>	<b>12 March, 2002</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

**PURPOSE OF REPORT**

To make a determination on an application for planning consent under the Metropolitan Region Scheme and the Town of Cottesloe Town Planning Scheme.

**PROPERTY INFORMATION**

<u>Owner/Applicant:</u>	GJ Johnson and Co. Pty Ltd
<u>Applicant:</u>	K. A. Adam and Associates
<u>Partly Reserved:</u>	Primary Road Reservation
<u>Partly Zoned:</u>	Residential Office
<u>Density:</u>	R60
<u>Lot Area:</u>	1874m <sup>2</sup>
<u>State Register of Heritage Places:</u>	Permanent Listing
<u>Municipal Inventory:</u>	Essential building in heritage area Category 1

## PLANNING FRAMEWORK AND IMPLICATIONS

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

## AREA OF NON-COMPLIANCE

<b>Statutory Non-compliance</b>	<b>N/A</b>
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<b>Discretionary Provisions</b>	<b>Min/Required</b>	<b>Proposed</b>
Wall height	6.0m (44.82)	6.38m(45.20)
Flat roof height	7.0m (45.82)	7.68m (46.50)
Side setback to north-east first floor wall – height 9.4m, length 31.0m, no major openings	4.5m	Nil

## NOTIFICATION OF NEIGHBOURS

No submissions received.

## COMMENT

The existing building is listed on the State Register of Heritage Places, is a Category 1 building in the Municipal Inventory and is considered an essential building in the Claremont Hill heritage area.

The existing building is approved for use as offices on the ground level, and a residential unit on the upper level.

An application was submitted nearly two years ago for an office addition at the rear of the existing building. The application has been the subject of consideration by the Heritage Council, the Design Advisory Panel and Council on previous occasions. The most recent set of revised plans were submitted on 25<sup>th</sup> February 2002.

It is proposed to add a two storey office section to the rear of the existing building, attached to the main building via first floor walkways. Some changes to the car park are also proposed, with the addition of three bays off Congdon Street.

The Heritage Council and Main Roads have considered the application and have indicated support. The Heritage Council have imposed a number of conditions.

The plans were considered again by the Design Advisory Panel on 5 March, 2002, and the following comments were made:

*“It was considered that the proposed design was still too complex, and required simplification. The following practical suggestions were made to stop the new extension competing with the original building, and therefore affecting the heritage significance of the site:*

- *set the extension further off the Congdon Street boundary to be in-line with the new adjoining fire station building;*
- *modify roof from a skillion to a flat design to harmonise with the horizontal lines of the existing building and reduce the impact of bulk on the adjoining property to the north;*
- *windows in the new extension should be in similar proportion to the existing;*
- *complete separation between the buildings required.*

*A further suggestion was to curve the northern wall of the building, concluding in pointed ends to the Congdon Street and Stirling Highway frontages. This would reduce the face area of the building to the street frontages, and would accentuate the distinction between the existing building and the proposed.*

*Moving the northern parapet wall off boundary was raised to reduce the impact of the development on the adjoining property. The wall requires Council to make an exercise of discretion and the Panel could not determine any justification.”*

## **CONCLUSION**

The application for a two storey office addition to the old Claremont Fire Station at No. 441 Stirling Highway is recommended for approval, subject to conditions. It is considered that the conditions of the Heritage Council should be included on the consent, as should conditions reflecting the comments of the Design Advisory Panel.

## **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT Planning Consent for a two storey office addition to the old Claremont Fire Station at No. 441 (Lot 1) Stirling Highway, Cottesloe, as shown on the plans received on 22 January & 25 February 2002, subject to the following conditions:
  - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be 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 shall be included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.

- (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.
  - (f) Written consent from the Heritage Council confirming the clearance of conditions (i) – (v) listed on the approval dated 26<sup>th</sup> February 2002, being submitted to the Manager, Development Services.
  - (g) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;
    - (ii) the extension being setback at least 9.0m from the Congdon Street boundary;
    - (iii) the roof design being modified from a skillion to a flat roof;
    - (iv) the window proportions in the extension reflecting those of the existing building;
    - (v) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
      - A. a tap connected to an adequate supply of water.
      - B. a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
      - C. smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
      - D. an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.
      - E. Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
      - F. easy vehicle access to allow for the collection of receptacles.
  - (h) Any front boundary fencing to Stirling Highway or Congdon Street shall be of an “open aspect” design and the subject of a separate application to Council.
- (2) GRANT approval to commence development pursuant to the provisions of the Metropolitan Region Scheme, for a two storey office addition to the old Claremont Fire Station at No. 441 (Lot 1) Stirling Highway, Cottesloe, as shown on the plans received on the 22 January & 25 February 2002, subject to the following conditions:
- (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be 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 shall be included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added

- to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
- (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.
  - (f) Written consent from the Heritage Council confirming the clearance of conditions (i) – (v) listed on the approval dated 26 February 2002, being submitted to the Manager, Development Services.
  - (g) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;
    - (ii) the extension being setback at least 9.0m from the Congdon Street boundary;
    - (iii) the roof design being modified from a skillion to a flat roof;
    - (iv) the window proportions in the extension reflecting those of the existing building;
    - (v) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
      - A. a tap connected to an adequate supply of water.
      - B. a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
      - C. smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
      - D. an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.
      - E. Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
      - F. easy vehicle access to allow for the collection of receptacles.
- (g) Any front boundary fencing to Stirling Highway or Congdon Street shall be of an “open aspect” design and the subject of a separate application to Council.
- (3) The Heritage Council of Western Australia and Main Roads Western Australia be advised of Council's decision.

### COMMITTEE COMMENT

The Committee modified conditions (1)(g)(iv) and (2)(g)(iv) to improve the clarity of the condition.



**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

**That Council:**

- (1) GRANT Planning Consent for a two storey office addition to the old Claremont Fire Station at No. 441 (Lot 1) Stirling Highway, Cottesloe, as shown on the plans received on 22 January & 25 February 2002, subject to the following conditions:**
  - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
  - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be 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 shall be included within the working drawings.**
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.**
  - (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.**
  - (f) Written consent from the Heritage Council confirming the clearance of conditions (i) – (v) listed on the approval dated 26 February 2002, being submitted to the Manager, Development Services.**
  - (g) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;**
    - (ii) the extension being setback at least 9.0m from the Congdon Street boundary;**
    - (iii) the roof design being modified from a skillion to a flat roof;**
    - (iv) the proportions of the windows facing Congdon Street and Stirling Highway be modified to reflect those of the existing building;****

- (v) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
    - A. a tap connected to an adequate supply of water.
    - B. a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
    - C. smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
    - D. an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.
    - E. smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
    - F. easy vehicle access to allow for the collection of receptacles.
  - (h) Any front boundary fencing to Stirling Highway or Congdon Street shall be of an “open aspect” design and the subject of a separate application to Council.
- (2) GRANT approval to commence development pursuant to the provisions of the Metropolitan Region Scheme, for a two storey office addition to the old Claremont Fire Station at No. 441 (Lot 1) Stirling Highway, Cottesloe, as shown on the plans received on 22 January & 25 February 2002, subject to the following conditions:
- (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be 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 shall be included within the working drawings.
  - (c) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
  - (d) The owner shall treat the roof surface to reduce glare if, in the opinion of Council, 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 to construct a new crossover, if applicable, in accordance with the local law, and be approved by the Manager of Works and Special Projects.
  - (f) Written consent from the Heritage Council confirming the clearance of conditions (i) – (v) listed on the approval dated 26 February, 2002, being submitted to the Manager, Development Services.
  - (g) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing:
    - (i) compliance with the Australian Standards provisions for disability and mobility;
    - (ii) the extension being setback at least 9.0m from the Congdon Street boundary;
    - (iii) the roof design being modified from a skillion to a flat roof;
    - (iv) the proportions of the windows facing Congdon Street & Stirling Highway be modified to reflect those of the existing building;
    - (v) a suitable enclosure for the storage and cleaning of rubbish receptacles is required to be provided and utilised for the premises within the boundary of the property. Such enclosure is to be provided and utilised with:-
      - A. a tap connected to an adequate supply of water.
      - B. a floor area to the satisfaction of the Environmental Health Officer to accommodate all general rubbish and recycling receptacles used for the premises.
      - C. smooth and impervious walls constructed of approved material not less than 1.8 metres in height.
      - D. an access way not less than 1 metre in width, or greater if bulk receptacles are used, fitted with a self closing gate.
      - E. Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained.
      - F. easy vehicle access to allow for the collection of receptacles.
  - (g) Any front boundary fencing to Stirling Highway or Congdon Street shall be of an “open aspect” design and the subject of a separate application to Council.
- (3) The Heritage Council of Western Australia and Main Roads Western Australia be advised of Council's decision.

Carried 10/0

**TP27 NO. 21 (LOT 55) BRIGHTON STREET – SINGLE STOREY EXTENSIONS TO THE EXISTING RESIDENCE**

**File No.:** No.21 Brighton Street  
**Author:** Ms Lisa Goff  
**Date of Application:** 26 November, 2002  
**Report Date:** 14 March, 2002  
**Author Disclosure of Interest:** Nil

**PURPOSE OF REPORT**

To make a determination on an application for planning consent.

**PROPERTY INFORMATION**

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

**PLANNING FRAMEWORK AND IMPLICATIONS**

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

**AREA OF NON-COMPLIANCE**

<b>Statutory Non-compliance</b>	<b>N/A</b>	
<b>Discretionary Provisions</b>	<b>Min/Required</b>	<b>Proposed</b>
Front setback	6.0m	1.5m
Side setback to northern garage wall – height 3.0m, length 7.0m, no major openings	1.0m	Nil
Open space	50%	51%

**NOTIFICATION OF NEIGHBOURS**

Neighbours contacted by Registered Post - no submissions received.

**STAFF COMMENT****Background**

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

### Front Setback

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

The existing car parking on the site is located under the main roof, and complies with the setback requirements. It is proposed to construct a new parking structure on the northern side of the property, with a 1.5m front setback. There is an existing solid front wall in that position.

The garage has been designed to utilise the existing crossover, and therefore not disrupt the street trees on the verge outside the property. The garage door faces south, which is considered to provide a preferred outlook to the streetscape.

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

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

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

The Council has been consistently requiring a 6.0m front setback for new developments over the previous few years. The existing residences adjoining the subject site are setback from the front boundary.

### Side Setback

The proposed garage is located on the northern boundary. The parapet wall is 7.0m long, and adjoins the applicant's property. As such, there has been no objection to the proposal.

### Open Space

There is an open space requirement of at least 50% of the site, meaning building can only cover half the property. The proposed building has been calculated at 49% open space, which equates to excess site coverage of 7.0m<sup>2</sup>. This is basically a statutory requirement, and is considered important for controlling the size and bulk of buildings.

In the Town of Cottesloe, building design features such as verandahs, patios and cantilevered areas have consistently been considered as site cover. The Residential Planning Codes also clearly define verandahs as building, and therefore not eligible as open space.

### **Comments on Submissions**

No submissions received.

## CONCLUSION

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

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

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

## OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

**That Council GRANT Planning Consent for single storey extensions to the existing residence at No. 21 (Lot 55) Brighton Street, Cottesloe in accordance with the plans received on the 15<sup>th</sup> February, 2002, subject to the following conditions:**

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

- (7) Revised plans being submitted for approval by the Manager of Development Services, showing:
- (a) the development being setback at least 6.0m from the front boundary;
  - (b) the development complying with a minimum of 50% open space.

Carried 9/1

**TP28**     **DESIGN ADVISORY PANEL – ADVICE RELATING TO FORESHORE STREETScape**

**File No.:**                                 286 02 00  
**Report Date:**                             18 March, 2002

Cr. Birnbrauer requested that the Design Advisory Panel be asked to discuss the foreshore streetscape with Council. The Director of Engineering Services be requested to attend and to provide necessary plans to assist in this matter.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Miller

**That:**

- (1) The administration be requested to raise the matter of foreshore streetscape at the next Design Advisory Panel.
- (2) Invite the Manager, Engineering Services, to the next Design Advisory Panel meeting.

Carried 8/2

**WORKS & CORPORATE SERVICES COMMITTEE**

19 March, 2002

**CORPORATE SERVICES**

**C13**     **STATUTORY FINANCIAL STATEMENTS**

**File No.:**                                 206 10 00  
**Author:**                                   Mr Alan Lamb  
**Report Date:**                           13 March, 2002  
**Author Disclosure of Interest:**   Nil.

**PURPOSE OF REPORT**

This is a statutory requirement.

**BACKGROUND**

The Financial Statements for the period ending 28 February, 2002, are presented for Council's perusal.

**COMMENT**

The Operating Statement continues to show a better than expected year to date position (\$424,726 on page 3). As for previous months, this is largely due to timing differences. That is the year to date budget and actual incidence of activity have not coincided. Differences of note include the area of Building Control where costs are down and income is up on expectations (Page 20). It is expected that this trend will continue to year end, where the net benefit is predicted to be more than \$20,000. In the area of Parking Facilities, an increased Ranger presence and increases in modified penalties have combined to give a better than expected difference between expenditure and income (Pages 18 & 19). Again, this trend is expected to continue and combine to improve the year end position.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple majority.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the month ending 28 February, 2002, as submitted to the March meeting of the Works & Corporate Services Committee, be received.**

Carried 10/0

**C14**

**SCHEDULE OF INVESTMENTS & SCHEDULE OF LOANS**

**File No.:** 206 02 00  
**Author:** Mr Alan Lamb  
**Report Date:** 13 March, 2002  
**Author Disclosure of Interest:** Nil.

**PURPOSE OF REPORT**

This is a statutory requirement.

**BACKGROUND**

The Schedule of investments and Schedule of Loans for the month ending 28 February, 2002, are presented.



## COMMENT

As will be noted from the Statement of Investments (Page 33), \$2,129,605 was invested as at 28 February, 2002. Of this \$547,083 was reserved and its use restricted. 47.62% of the funds were invested with the National Bank (Council's Bank), 31.23% with Home Building Society and 21.14% with Bankwest.

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

Nil.

## VOTING REQUIREMENTS

Simple majority.

## OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Ewing

**That the Schedule of Investments & Schedule of Loans for the month ending 28 February, 2002, as submitted to the March meeting of the Works & Corporate Services Committee, be received.**

Carried 10/0

C15

## ACCOUNTS

File No.: 101 01 00  
Author: Mr Alan Lamb  
Report Date: 13 March, 2002  
Author Disclosure of Interest: Nil.

## PURPOSE OF REPORT

This is a statutory requirement.

## BACKGROUND

The list of accounts for the month ending 28 February, 2002, is presented for Council's perusal.

## COMMENT

Significant payments brought to Council's attention include \$25,396.02 to Western Metropolitan Regional Council for transfer station fees; \$10,642.50 to Versalux Pty Ltd for lighting repairs at No. 1 Carpark; \$29,829.18 to the Australian tax Office for the February BAS return (net tax costs); \$14,619.21 to the Building Construction Industry Training Fund for levies collected; \$19,580 to Surf Life Saving WA for life guard services; \$27,442.48 to WA Local Government Super Plan for payroll deductions and Council contributions to employees' superannuation; \$48,512.53 to Roads and Robinson Rubbish

Recycling for rubbish collection services; and \$68,821.79 to Shire of Peppermint Grove for quarterly contribution toward joint library service.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple majority.

#### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That the List of Accounts totalling \$514,938.04 as submitted to the March meeting of the Works & Corporate Services Committee, be received.**

Carried 10/0

**C16**

#### **PROPERTY & SUNDRY DEBTORS REPORTS**

**File:** 206 01 00  
**Author:** Mr Alan Lamb  
**Report Date:** 13 March, 2002  
**Author Disclosure of Interest:** Nil.

#### **PURPOSE OF REPORT**

This is a statutory requirement.

#### **BACKGROUND**

The Property and Sundry Debtors outstanding as at 28 February, 2002, are presented for Council's perusal.

#### **COMMENT**

The Sundry Debtors Report (Page 32) shows a balance of \$146,270.49 at the end of February. \$115,269.19 of this relates to accounts raised in February and payment for significant items totalling \$98,848, was received in March. The outstanding account due from the City of Nedlands is awaiting additional information. Of the prior accounts, an account is being prepared for \$2941.49 for the State Revenue Department. The Station Street Shopping Centre account is in dispute and Council's EHO is ascertaining its validity.

The Property Debtors Report shows that \$618,435.05 remains outstanding as at 28 February. Much of this is covered by instalments, or other payment plans, or pensioner deferred rates. Efforts are being made to either collect or

come to some payment arrangement with the balance - which has reduced from \$158,450 at the end of January to \$137,800 at the end of February.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple majority.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the month ending 28 February, 2002; and
- (2) Receive the Sundry Debtors Report for the month ending 28 February, 2002.

Carried 10/0

**C17**

**FUTURE NEIGHBOURHOOD WATCH STRATEGY**

**File No.:** 146 02 01  
**Author:** Mr. Alan Lamb  
**Report Date:** 11 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

At its August 2001 meeting Council resolved as follows:

*“That Council:*

- (1) Advise the relevant Western Suburbs Councils that it does not favour an extension of the Neighbourhood Watch programme in its current format;*
- (2) Seek public comment on the need for an ongoing programme and ask for volunteers to coordinate a highly localised Neighbourhood security watch; and*
- (3) Decide on the future of this issue after considering any community input.”*

Parts 1 and 2 of this resolution have been completed and this item addresses part 3.

An advertisement was placed in the Post Newspaper 15 September, 2001, seeking comments on the future of the Neighbourhood Watch programme in the Town of Cottesloe. The advertisement also called for applications from local residents who were interested as volunteer coordinators, each to cover a small part of the district to improve the Neighbourhood Watch programme.

One response was received to this advertisement by the closing date of 1 October, 2001. The respondent suggested that the concept of neighbours responding to suspicious behaviour is good and questioned the need for a paid coordinator, noting that she saw no benefit of this in her street.

In November 2001, a local resident expressed interest in acting as the area coordinator and rekindling interest in Neighbourhood Watch. He called a public meeting to that end. The meeting was held in the Lesser Hall On 15 November, 2001, and was attended by the Senior Sergeant from Cottesloe Police Station, three Members of Council and six other members of the community.

Since the resignation of Mrs Lyn Barnett as Neighbourhood Watch Coordinator for the Towns of Cottesloe, Claremont and Mosman Park and Shire of Peppermint Grove, constituent Councils have looked at handling their own Neighbourhood Watch requirements separately. Claremont has a Town Safety Plan and advertised for a Town Safety Coordinator who would, among other things, coordinate Neighbourhood Watch. Peppermint Grove advertised for a Neighbourhood Watch coordinator (8 hours per week) and Mosman Park employed a Community Development Officer whose duties include Neighbourhood Watch coordination.

At a recent meeting of the Safer WA Local Safety and Security Committee (Towns of Cottesloe, Mosman Park and Claremont and Shire of Peppermint Grove) the matter of a jointly employed Neighbourhood Watch coordinator was discussed and it is understood that a proposal will be sent to each of the constituent Councils. The proposal is based on an improved process for managing the position and a structured reporting process.

#### **COMMENT**

While there was no great response to Council's advertisement regarding Neighbourhood Watch, there may be some value in its continuance. There may be advantages in one person doing the coordination for each of the Councils, employed by one Council, similar to the previous situation. There has been a suggestion though that for this to work properly there would be a need for detailed guidelines and that the officer must spend some time at each of the Councils' offices.

Combining the Neighbourhood Watch coordinator's role with other community liaison type duties in a Community Development Officer position appears to have been successful at Mosman Park.

Another option is to jointly employ a part time person with one or more of the other Councils in the area. There is no provision in the current budget for this.

It is recommended that nothing be done in relation to the appointment of a coordinator for Neighbourhood Watch at this time as it does not appear to be an overwhelming issue in the community. Options such as a rehash of the previous joint arrangement, other joint arrangements and/or the creation of a new position can be explored at a later date.

#### **POLICY IMPLICATIONS**

Nil.

### FINANCIAL IMPLICATIONS

Nil at this time. It should be noted that \$10,000 of the \$11,150 provided for Neighbourhood Watch in the current Budget was transferred to "Employee Costs" in the area of "Preventative Services" in September 2001 (Resolution C85).

### OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Ewing

**That Council not appoint a Neighbourhood Watch Coordinator at this time.**

Carried 10/0

## C18 CIVIC CENTRE HALL BOOKINGS – CONDITIONS OF HIRE POLICY

**File No.:** 156 01 00  
**Author:** Mr. Alan Lamb  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

### BACKGROUND

Council has two policies that impose conditions of hire in relation to the Civic Centre. The Civic Centre Hall Bookings Policy follows:

#### *"CIVIC CENTRE HALL BOOKINGS*

References:

- A. Council Budget
- B. Leasing Agreement – Town of Cottesloe & Mustard Catering

#### (1) BACKGROUND

*The Civic Centre includes two halls, which are available to the public on a fee for hire basis:*

- (a) The War Memorial Town Hall, situated on the Southern upper level; and*
- (b) The Lesser Hall, which is a stand-alone building to the North of the main structure.*

*The various outdoor areas are also hired to the public under terms contained in reference B above.*

Note: *All scales of charges associated with this policy are contained in Council's budget and are to be reviewed annually.*

#### (2) AIM OF THIS POLICY

*This policy sets out the conditions for the hire of Council's public halls within the Civic Centre and criteria for waiving fees for certain organisations.*

#### (3) POLICY STATEMENT

- (a) The basis for this policy is that Council Halls will be made available at subsidised costs to bona fide community groups that*

serve the local community. All other arrangements will be based on a cost recovery system with a margin applied to contribute to the long-term upkeep of the facilities. Fees and charges are to be reviewed annually in the context of Council's budget preparation. The provisions of reference B above shall be observed at all times when bookings are being considered.

- (b) Bookings for halls will be maintained by Council staff in liaison with Mustard Catering who have contractual rights to use the War Memorial Town Hall and other areas. The Chief Executive Officer is to ensure that an effective booking and accounting system is in place at all times. No long term, repeat booking in excess of 3 sessions for the same hall shall be permitted in any week without Council approval. This provision is to maintain the accessibility of the halls for occasional meetings of local residents or groups.

Note: Large-scale commercial events, involving trading in any form, are to be approved by Council.

- (c) Waiving of fees shall be at the discretion of Council, except that the Chief Executive Officer is authorised to waive single bookings not exceeding \$100 which meet the guidelines in this policy as follows:

- Fees will only be waived for organisations that are incorporated and have a bona fide community role with a clear benefit to the Cottesloe district.
- Fees for the lesser hall will only be waived once per calendar month for any organisation.
- Fees for the War Memorial Town Hall shall only be waived once per year for any organisation.

The following events and organisations are exempt from all fees:

- Music for Pleasure Concerts
- The Returned Services League.

The following organisations are exempt from all Lesser Hall fees:

- Cottesloe Neighbourhood Watch
- SOS Cottesloe Inc.
- South Cottesloe Coast Care Association
- Cottesloe Marine Protection Group
- Over 50s fitness classes
- Committees, sub-committees, or other groups specifically authorised by Council to conduct meetings that in turn report to Council.

- (d) Priority for Lesser Hall Bookings shall be as follows:

- Local Organisations
- Community groups
- Commercial or private activities.

**RESOLUTION NO.:** C35

**DATE:** 27 March, 2000

**REVIEW:** as required and on review of Mustard Catering contract"

The other policy is the Cottesloe Civic Centre Functions – Noise Control Policy. It was developed to set noise controls on hirers and required compliance with

the Environmental Protection (Noise) Regulations 1996 when gazetted. The Regulations were not gazetted until 1997 and contained slightly different noise levels than expected at the time of developing the policy.

Two complaints have been received in the last three months regarding noise from functions at the Civic Centre. These complaints related to two different functions in separate locations at the Centre. One complainant lives in Broome Street and the other in Warnham Road.

Mustard Catering, the primary hirer for functions, uses an automatic switching device to cut power to electronic sound sources when levels go beyond EPA standards. The company also employs a sound monitoring person who takes readings at various locations during functions in an effort to minimise the impact of functions on residents.

One of the complaints related to an occasion when Mustard Catering's automatic switching device did not operate correctly. The other related to a function that was approved to run later than usual on a Saturday evening. The complainant wants Council to change current arrangements and to have all functions cease at 10.00pm.

## COMMENT

It is suggested that the policy that sets conditions of hire should be expanded to include noise controls and that the Cottesloe Civic Centre Functions – Noise Control Policy be revoked. As the policy seeks compliance with the EPA Noise regulations, there is no point in restating these in the policy, but it is important that information given to hirers includes sufficient detail.

It has been the practice for most functions to end at 12 midnight and for amplified sounds to cease at 11.45pm. It appears that this is the standard for functions in the Metropolitan Area. A requirement for functions to end earlier is likely to adversely affect the hiring opportunities for Mustard Catering. There are occasional calls for functions to continue past midnight and whilst these should be strictly limited, it is suggested that the CEO be empowered to approve some late functions (e.g. New Year's Eve).

Recommended amendments to policies reflect the foregoing points.

## POLICY IMPLICATIONS

It is proposed that the Cottesloe Civic Centre Functions – Noise Control Policy be revoked and that the Civic Centre Hall Bookings Policy be amended by adding paragraph (e) as follows:

*“(e) Hirers are required to comply with the Environmental Protection (Noise) Regulations 1997. All functions must cease at midnight and amplified sounds at 11.45pm. Council will employ a suitably qualified and equipped sound engineer to monitor and enforce sound restrictions, and recoup the cost of this from the hirer. The Town of Cottesloe Chief Executive Officer may extend the foregoing times on an occasional and in doing so, shall take into account the affect on the amenity of residents in the area.”*

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER RECOMMENDATION**

Moved Cr. Whitby, seconded Mayor Hammond

That Council:

- (1) Revoke the Cottesloe Civic Centre Functions – Noise Control Policy;
- (2) Adopt the amended Civic Centre Hall Bookings Policy to read as follows:

**“CIVIC CENTRE HALL BOOKINGS**

- References:
- A. Council Budget
  - B. Leasing Agreement – Town of Cottesloe & Mustard Catering

(1) BACKGROUND

The Civic Centre includes two halls, which are available to the public on a fee for hire basis:

- (a) The War Memorial Town Hall, situated on the Southern upper level; and
- (b) The Lesser Hall, which is a stand-alone building to the North of the main structure.

The various outdoor areas are also hired to the public under terms contained in reference B above.

Note: All scales of charges associated with this policy are contained in Council's budget and are to be reviewed annually.

(2) AIM OF THIS POLICY

This policy sets out the conditions for the hire of Council's public halls within the Civic Centre and criteria for waiving fees for certain organisations.

(3) POLICY STATEMENT

(a) The basis for this policy is that Council Halls will be made available at subsidised costs to bona fide community groups that serve the local community. All other arrangements will be based on a cost recovery system with a margin applied to contribute to the long-term upkeep of the facilities. Fees and charges are to be reviewed annually in the context of Council's budget preparation. The provisions of reference B above shall be observed at all times when bookings are being considered.

(b) Bookings for halls will be maintained by Council staff in liaison with Mustard Catering who have contractual rights to use the War Memorial Town Hall and other areas. The Chief Executive Officer is to ensure that an effective booking and accounting system is in place at all times. No long term, repeat booking in excess of 3 sessions for the same hall shall be permitted in any week without Council approval. This provision is to maintain the accessibility of the halls for occasional meetings of local residents or groups.

Note: Large-scale commercial events, involving trading in any form, are to be approved by Council.



- (c) Waiving of fees shall be at the discretion of Council, except that the Chief Executive Officer is authorised to waive single bookings not exceeding \$100 which meet the guidelines in this policy as follows:
- Fees will only be waived for organisations that are incorporated and have a bona fide community role with a clear benefit to the Cottesloe district.
  - Fees for the lesser hall will only be waived once per calendar month for any organisation.
  - Fees for the War Memorial Town Hall shall only be waived once per year for any organisation.
- The following events and organisations are exempt from all fees:
- Music for Pleasure Concerts
  - The Returned Services League.
- The following organisations are exempt from all Lesser Hall fees:
- Cottesloe Neighbourhood Watch
  - SOS Cottesloe Inc.
  - South Cottesloe Coast Care Association
  - Cottesloe Marine Protection Group
  - Over 50s fitness classes
  - Committees, sub-committees, or other groups specifically authorised by Council to conduct meetings that in turn report to Council.
- (d) Priority for Lesser Hall Bookings shall be as follows:
- Local Organisations
  - Community groups
  - Commercial or private activities.
- (e) Hirers are required to comply with the Environmental Protection (Noise) Regulations 1997. All functions must cease at midnight and amplified sounds at 11.45pm. Council will employ a suitably qualified and equipped sound engineer to monitor and enforce sound restrictions, and recoup the cost of this from the hirer. The Town of Cottesloe Chief Executive Officer may extend the foregoing times on an occasional and in doing so, shall take into account the affect on the amenity of residents in the area.

**RESOLUTION NO.:** C18

**DATE:** 25 March, 2002

**REVIEW:** As required and on review of Mustard Catering Contract.”

### **AMENDMENT**

Moved Cr. Utting

That the recommendation be amended by deleting the word “*midnight*” in (3)(c) of Civic Centre Hall Bookings Policy and replacing with “*10.00pm*”.

Lapsed for want of a Seconder

The original recommendation was put.

**COMMITTEE RECOMMENDATION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council:**

- (1) **Revoke the Cottesloe Civic Centre Functions – Noise Control Policy;**
- (2) **Adopt the amended Civic Centre Hall Bookings Policy to read as follows:**

**“CIVIC CENTRE HALL BOOKINGS**

- References:**
- A.** Council Budget
  - B.** Leasing Agreement – Town of Cottesloe & Mustard Catering

**(1) BACKGROUND**

The Civic Centre includes two halls, which are available to the public on a fee for hire basis:

- (a) The War Memorial Town Hall, situated on the Southern upper level; and
- (b) The Lesser Hall, which is a stand-alone building to the North of the main structure.

The various outdoor areas are also hired to the public under terms contained in reference B above.

**Note:** All scales of charges associated with this policy are contained in Council's budget and are to be reviewed annually.

**(2) AIM OF THIS POLICY**

This policy sets out the conditions for the hire of Council's public halls within the Civic Centre and criteria for waiving fees for certain organisations.

**(3) POLICY STATEMENT**

(a) The basis for this policy is that Council Halls will be made available at subsidised costs to bona fide community groups that serve the local community. All other arrangements will be based on a cost recovery system with a margin applied to contribute to the long-term upkeep of the facilities. Fees and charges are to be reviewed annually in the context of Council's budget preparation. The provisions of reference B above shall be observed at all times when bookings are being considered.

(b) Bookings for halls will be maintained by Council staff in liaison with Mustard Catering who have contractual rights to use the War Memorial Town Hall and other areas. The Chief Executive Officer is to ensure that an effective booking and accounting system is in place at all times. No long term, repeat booking in excess of 3 sessions for the same hall shall be permitted in any week without Council approval. This provision is to maintain the accessibility of the halls for occasional meetings of local residents or groups.

**Note:** Large-scale commercial events, involving trading in any form, are to be approved by Council.

- (c) Waiving of fees shall be at the discretion of Council, except that the Chief Executive Officer is authorised to waive single bookings not exceeding \$100 which meet the guidelines in this policy as follows:
- Fees will only be waived for organisations that are incorporated and have a bona fide community role with a clear benefit to the Cottesloe district.
  - Fees for the lesser hall will only be waived once per calendar month for any organisation.
  - Fees for the War Memorial Town Hall shall only be waived once per year for any organisation.
- The following events and organisations are exempt from all fees:
- Music for Pleasure Concerts
  - The Returned Services League.
- The following organisations are exempt from all Lesser Hall fees:
- Cottesloe Neighbourhood Watch
  - SOS Cottesloe Inc.
  - South Cottesloe Coast Care Association
  - Cottesloe Marine Protection Group
  - Over 50s fitness classes
  - Committees, sub-committees, or other groups specifically authorised by Council to conduct meetings that in turn report to Council.
- (d) Priority for Lesser Hall Bookings shall be as follows:
- Local Organisations
  - Community groups
  - Commercial or private activities.
- (e) Hirers are required to comply with the Environmental Protection (Noise) Regulations 1997. All functions must cease at midnight and amplified sounds at 11.45pm. Council will employ a suitably qualified and equipped sound engineer to monitor and enforce sound restrictions, and recoup the cost of this from the hirer. The Town of Cottesloe Chief Executive Officer may extend the foregoing times on an occasional and in doing so, shall take into account the affect on the amenity of residents in the area.

**RESOLUTION NO.:** C18

**DATE:** 25 March, 2002

**REVIEW:** As required and on review of Mustard Catering Contract.”

#### **AMENDMENT NO. 1**

Moved Cr. Utting, seconded Cr. Sheppard

That the motion be amended in (3)(e), by deleting the word “*midnight*” and substituting “*10.00pm*” and deleting “*11.45pm*” and substituting “*9.45pm*”.

Lost 1/9

#### **AMENDMENT NO. 2**

Moved Cr. Morgan, seconded Cr. Furlong

That the motion be amended by the addition of:

- (3) Investigate means of providing the hirer with incentives to comply with all Environmental Protection (Noise) Regulations, such as by requiring them to provide financial bonds, to be forfeited for non-compliance.

Carried 9/1

Moved Cr. Furlong, seconded Cr. Birnbrauer that the motion be now put.

Carried 7/3

The amended motion was put.

## **COUNCIL RESOLUTION**

### **That Council:**

- (1) **Revoke the Cottesloe Civic Centre Functions – Noise Control Policy;**  
(2) **Adopt the amended Civic Centre Hall Bookings Policy to read as follows:**

### **“CIVIC CENTRE HALL BOOKINGS**

- References:**
- A.** Council Budget
  - B.** Leasing Agreement – Town of Cottesloe & Mustard Catering

#### **(1) BACKGROUND**

The Civic Centre includes two halls, which are available to the public on a fee for hire basis:

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- (b) The Lesser Hall, which is a stand-alone building to the North of the main structure.

The various outdoor areas are also hired to the public under terms contained in reference B above.

Note: All scales of charges associated with this policy are contained in Council's budget and are to be reviewed annually.

#### **(2) AIM OF THIS POLICY**

This policy sets out the conditions for the hire of Council's public halls within the Civic Centre and criteria for waiving fees for certain organisations.

#### **(3) POLICY STATEMENT**

- (a) The basis for this policy is that Council Halls will be made available at subsidised costs to bona fide community groups that serve the local community. All other arrangements will be based on a cost recovery system with a margin applied to contribute to the long-term upkeep of the facilities. Fees and charges are to be reviewed annually in the context of Council's budget preparation. The provisions of reference B above shall be observed at all times when bookings are being considered.

- (b) Bookings for halls will be maintained by Council staff in liaison with Mustard Catering who have contractual rights to use the War Memorial Town Hall and other areas. The Chief Executive Officer is to ensure that an effective booking and accounting system is in place at all times. No long term, repeat booking in excess of 3 sessions for the same hall shall be permitted in any week without Council approval. This provision is to maintain the accessibility of the halls for occasional meetings of local residents or groups.

Note: Large-scale commercial events, involving trading in any form, are to be approved by Council.

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- Fees will only be waived for organisations that are incorporated and have a bona fide community role with a clear benefit to the Cottesloe district.
  - Fees for the lesser hall will only be waived once per calendar month for any organisation.
  - Fees for the War Memorial Town Hall shall only be waived once per year for any organisation.

The following events and organisations are exempt from all fees:

- Music for Pleasure Concerts
- The Returned Services League.

The following organisations are exempt from all Lesser Hall fees:

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- Over 50s fitness classes
- Committees, sub-committees, or other groups specifically authorised by Council to conduct meetings that in turn report to Council.

- (d) Priority for Lesser Hall Bookings shall be as follows:
- Local Organisations
  - Community groups
  - Commercial or private activities.
- (e) Hirers are required to comply with the Environmental Protection (Noise) Regulations 1997. All functions must cease at midnight and amplified sounds at 11.45pm. Council will employ a suitably qualified and equipped sound engineer to monitor and enforce sound restrictions, and recoup the cost of this from the hirer. The Town of Cottesloe Chief Executive Officer may extend the foregoing times on an occasional basis and in doing so, shall take into account the affect on the amenity of residents in the area.

**RESOLUTION NO.:** C18

**DATE:** 25 March, 2002

**REVIEW:** As required and on review of Mustard Catering Contract.”

- (3) Investigate means of providing the hirer with incentives to comply with all Environmental Protection (Noise) Regulations, such as by requiring them to provide financial bonds, to be forfeited for non-compliance.

Carried 8/2

**C19**

**COMMUNITY NEEDS SURVEY – SURVEY DOCUMENT**

**File No.:** 151 03 00  
**Author:** Mr. Stephen Tindale  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

In reviewing the Town of Cottesloe’s strategic plan, it became apparent that a greater level of community and Council ownership was required if Council’s strategic plan was to stand the test of time and have real meaning for the organisation. With a view to placing greater ownership of the plan in the hands of Council and the community, Council resolved at its last meeting:

*“That the CEO and executive staff prepare a community needs survey document for the consideration of Council at its next round of meetings.”*

A draft format for the survey document appears on the next page of this agenda item for the consideration of Council. The services and facilities to be examined are as follows:

<b>Community Services</b>	<b>Engineering Services</b>
<ul style="list-style-type: none"> <li>• Council publications and information</li> <li>• Council events (Australia Day, Seadragon Festival, etc.)</li> <li>• Civic Centre - Council offices</li> <li>• Civic Centre - other buildings</li> <li>• Civic Centre - grounds and gardens</li> <li>• Community safety and security</li> <li>• Cottesloe-Peppermint Grove-Mosman Park Library</li> <li>• Aged Persons Support Service</li> <li>• Public toilets.</li> </ul>	<ul style="list-style-type: none"> <li>• Jarrad Street</li> <li>• Marine Parade</li> <li>• North Street</li> <li>• Curtin Avenue</li> <li>• Napoleon Street</li> <li>• Rights of way</li> <li>• Other streets</li> <li>• On-street parking</li> <li>• Off-street carparks</li> <li>• Street litter bins</li> <li>• Street trees</li> <li>• Street drainage</li> <li>• Street lights</li> <li>• Street kerbs</li> <li>• Street verges</li> <li>• Street cleaning</li> <li>• Footpaths</li> <li>• Dual use paths &amp; cycle lanes.</li> </ul>

<p><b>Recreation Services</b></p> <ul style="list-style-type: none"><li>• South Cottesloe Beach</li><li>• Cottesloe Beach</li><li>• Cottesloe Beach Wading Pool</li><li>• North Cottesloe Beach</li><li>• Vera View Beach</li><li>• Dog exercise areas</li><li>• Playgrounds</li><li>• Cottesloe Oval</li><li>• Harvey Field</li><li>• Cottesloe Tennis Courts</li><li>• Sea View Golf Course</li></ul> <p>Other Parks and Reserves.</p>	<p><b>Other Services</b></p> <ul style="list-style-type: none"><li>• Weed control</li><li>• Noise control</li><li>• Rubbish bin collection service</li><li>• Rubbish recycling service</li><li>• Dog control</li><li>• Building services</li><li>• Health services</li><li>• Town planning advisory services</li><li>• Town planning approvals.</li></ul>
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**COMMENT**

Elected members are encouraged to add other works and services to the list.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

To be determined depending on whether external contractors are used to distribute and collect the community needs survey, but in any event not to exceed \$2,000.

**COMMITTEE COMMENT**

The following services were discussed and added to the listing:

- Bus shelters
- Streetscapes
- Visual privacy controls
- Residential densities
- Heritage controls
- Bulk waste collections
- Street drainage to include drainage sumps
- Beach cleaning
- Railway reserves not under control of Council.
- Cat control
- Introduced species of birds
- Council's green areas watering programme.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council adopt the draft survey format and the following services and facilities be surveyed:**

<p><b>Community Services</b></p> <ul style="list-style-type: none"> <li>• Council publications and information</li> <li>• Council events (Australia Day, Seadragon Festival, etc.)</li> <li>• Civic Centre - Council offices</li> <li>• Civic Centre - other buildings</li> <li>• Civic Centre - grounds and gardens</li> <li>• Community safety and security</li> <li>• Cottesloe/Peppermint Grove/Mosman Park Library</li> <li>• Aged Persons Support Service</li> <li>• Public toilets.</li> </ul>	<p><b>Engineering Services</b></p> <ul style="list-style-type: none"> <li>• <b>Jarrad Street</b></li> <li>• Marine Parade</li> <li>• North Street</li> <li>• Curtin Avenue</li> <li>• Napoleon Street</li> <li>• Rights of way</li> <li>• Other streets</li> <li>• On-street parking</li> <li>• Off-street carparks</li> <li>• Street litter bins</li> <li>• Street trees</li> <li>• Street drainage</li> <li>• Street lights</li> <li>• Street kerbs</li> <li>• Street verges</li> <li>• Street cleaning</li> <li>• Footpaths</li> <li>• Dual use paths &amp; cycle lanes</li> <li>• Bus shelters</li> <li>• Streetscapes</li> <li>• Street drainage to include drainage sumps</li> <li>• Beach cleaning</li> <li>• Railway reserves not under control of Council.</li> <li>• Council's green areas watering programme.</li> </ul>
<p><b>Recreation Services</b></p> <ul style="list-style-type: none"> <li>• South Cottesloe Beach</li> <li>• Cottesloe Beach</li> <li>• Cottesloe Beach Wading Pool</li> <li>• North Cottesloe Beach</li> <li>• Vera View Beach</li> <li>• Dog exercise areas</li> <li>• Playgrounds</li> <li>• Cottesloe Oval</li> <li>• Harvey Field</li> <li>• Cottesloe Tennis Courts</li> <li>• Sea View Golf Course</li> <li>• Other Parks and Reserves.</li> </ul>	<p><b>Other Services</b></p> <ul style="list-style-type: none"> <li>• Weed control</li> <li>• Noise control</li> <li>• Rubbish bin collection service</li> <li>• Rubbish recycling service</li> <li>• Dog control</li> <li>• Building services</li> <li>• Health services</li> <li>• Town planning advisory services</li> <li>• Town planning approvals.</li> <li>• Visual privacy controls</li> <li>• Residential densities</li> <li>• Heritage controls</li> <li>• Bulk waste collections</li> <li>• Cat control</li> <li>• Introduced species of birds.</li> </ul>



**C20**      **NORTH COTTESLOE CAFE – PROPOSED LEASE**

**File No.:**                    161 02 05  
**Author:**                     Mr. Stephen Tindale  
**Report Date:**             12 March, 2002  
**Author Disclosure of Interest:**   Nil

**BACKGROUND**

In May 1999 Council publicly sought expressions of interest in the redevelopment of the North Cottesloe Café site. Six expressions of interest were received.

After the preparation of a business plan, Council resolved in August 1999 to invite formal tenders from those who had previously registered their expression of interest. Three tenders were received and in February 2000 Council awarded the tender to Beachfront Enterprises Pty Ltd.

Since the tender was let, negotiations have continued concerning the design of the proposed new café, the proposed lease agreement and other matters not directly related to the lease agreement (access paths etc).

A draft lease agreement has been prepared and was circulated with last months' agenda. Draft annexures to the lease agreement were circulated. The lease agreement requires Council's endorsement before it is executed by the Mayor and CEO.

**COMMENT**

This matter was considered at the Works & Corporate Services Committee held on 19 February, 2002, where it was decided that a report to Council detailing the history of the proposed lease agreement was required.

The report was to detail how the financial arrangements were arrived at and the extent to which they have changed from the original lease agreement. The report was subsequently prepared and distributed to elected members immediately prior to the February 2002 meeting of Council.

However insufficient time for the consideration in depth of the contents of the report meant that the matter had to be held over until this month's round of meetings.

As advised in last month's agenda, a number of outstanding issues have been resolved.

**Seating**

Town of Cottesloe Eating Houses local laws govern the number of persons that can be seated at any one time. The local law limits moveable seating capacity to '*...one person for each square metre of floor area of the dining area of the premises*'.

At a pinch (and with the inclusion of the balcony area), the café is capable of seating just over 100 people. However Council's tender documentation and associated development guidelines referred to '*...a café with seating for a maximum of ... 75 persons in the rebuild option*.'

The original intent of limiting seating to 75 persons at any one time has been made a condition of development approval by the WA Planning Commission and has been written into the lease agreement.

### **Leased Area**

The annual rental figure initially provided by Beachfront Enterprises Pty Ltd was based on the area of the building footprint. From Council's perspective, the area that was to be leased to Beachfront Enterprises Pty Ltd was to have included the footpath and road verge. This area was not factored into the rental proposal provided by Beachfront Enterprises Pty Ltd.

The footpath and road verge area has now been excluded from the lease agreement by limiting the leased area to all of that area of the reserve 3.8m west of the easternmost boundary of the reserve. This modification is advantageous to Council as it clearly leaves the care, control and management of the footpath and road surface with the Town of Cottesloe.

Based on an adjusted area of 260m<sup>2</sup> and a rent of \$110 per square metre, the rental figure generated for the first five years is \$28,600 per annum. After this period, market rates are to apply.

### **Public Toilets**

Beachfront Enterprises Pty Ltd will provide temporary toilets during the construction stage of the building.

It has been agreed that Beachfront Enterprises Pty Ltd will be responsible for the maintenance and cleaning of the new public toilets, subject to the Town of Cottesloe meeting the cost of consumables (toilet rolls, cleaning materials, electricity and water consumption).

Since last month's meeting of Council, clause 14.5(c) has been strengthened to read as follows (emphasis added):

*"keep the Toilet Facilities in a clean and hygienic condition in accordance with all relevant laws, local laws and regulations, and ensure the Toilet Facilities are cleaned at least once daily and otherwise at such additional times during each day of the Term as are necessary for the Lessee to comply with its obligations under this clause."*

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **OFFICER RECOMMENDATION**

- (1) That subject to minor modifications of an inconsequential nature, Council endorse the lease agreement for the proposed North Cottesloe Café; and
- (2) That the Mayor and CEO sign the lease agreement for the proposed North Cottesloe Café and that the Common Seal of the Town of Cottesloe be placed on the document.

## COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Ewing

- (1) That Council endorse the lease agreement for the proposed North Cottesloe Café; and
- (2) That the Mayor and CEO sign the lease agreement for the proposed North Cottesloe Café and that the Common Seal of the Town of Cottesloe be placed on the document.

Carried 8/2

C21

### TEMPORARY PLANNING OFFICER - DEVELOPMENT SERVICES SECTION

**File No.:** 266 06 00  
**Author:** Mr Stephen Sullivan  
**Report Date:** 13 March, 2002  
**Disclosure of Interest:** Nil

#### BACKGROUND

The purpose of this report is to seek Council support for the engagement of a temporary staff member within the Development Services Department. An additional staff member is required so that major planning projects within the department can proceed at a quicker pace.

Projects have been further delayed with a planning appeal about to go before the Town Planning Appeal Tribunal. The hearing has been set for 26 March, 2002 and witness statements are to be exchanged on Tuesday, 19 March.

The major projects that are currently on hold relate to the development of Town Planning Scheme No.3, the heritage strategy and proposed residential design codes.

#### COMMENT

##### **Town Planning Scheme Review**

An additional staff member will help Ms. Goff in overseeing the day-to-day matters of the planning department. This will allow the Manager of Development Services to progress Town Planning Scheme No. 3 to the point where it can be sent to the Western Australian Planning Commission and the Department of Environmental Protection for approval to advertise for public submissions.

Depending on the circumstances, the temporary staff member could carry out specific projects for the Manager of Development Services relating to the proposed Town Planning Scheme.

Council will recall that work was progressing whilst a temporary staff member was employed up until the end of October 2001. This resulted in a number of meetings being held by the Town Planning Scheme Review Committee on a

regular basis. The temporary staff member then left the Town of Cottesloe to take up an appointment at the Department for Planning and Infrastructure.

A further appointment was not made on the basis that:

- (a) November and December workloads were heavier (due to the early Council meeting in December and no Council meeting in January) and demanded the undivided attention of all departmental staff;
- (b) the Manager of Development Services would be on leave from Christmas until end of January and nothing was to be gained by appointing temporary staff;
- (c) funding had not been set aside in the 2001/2002 budget for an additional temporary staff member.

Development of the proposed town planning scheme has now reached the point where the Town Planning Scheme Review Committee need to consider the following:

- (i) height controls within the town centre;
- (ii) heritage;
- (iii) the administrative provisions of the proposed Town Planning Scheme; and
- (iv) design guidelines

Once those matters are resolved, the consultant can then start compiling the necessary documents to be presented to Council for adoption.

It should be noted that a special meeting of Council is to be called to discuss the proposed densities under the new Town Planning Scheme.

### **Heritage Strategy**

At its September, 2001 meeting, Council adopted the following resolution:

*“That Council:*

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

Due to time and resource constraints, these resolutions have not been progressed.

**Proposed Residential Design Codes**

The Manager of Development Services has spoken with a senior officer at the Department of Planning and Infrastructure about the proposed Residential Design Codes. He has advised that the process of review is still on track.

It is expected that the revised Residential Design Codes will go to the Commission in May. By June or early July, the final version is to be released for inspection, with the State Government undertaking a two-month training period across the State after its release. The codes will then be adopted and should be operational in September 2002.

Accordingly, Council will need to:

- (1) review and where appropriate, amend the current town planning scheme to address any issues that arise out of the new codes;
- (2) review, modify or develop new town planning scheme policies that address or supplement scheme provisions relating to streetscape, building heights, boundary walls and building appearance.
- (3) develop a heritage policy under the existing town planning scheme to ensure that the provisions of the Residential Design Codes do not adversely impact on the draft heritage areas.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

There is \$39,382 in the budget for the town planning consultants to be paid following completion of their obligations under the contract (adoption of the draft town planning scheme).

A sum of approximately \$18,600 is required until the end of this financial year to fund the position of a temporary planning officer.

The Consultants have estimated their costs as being approximately \$27,000 to the end of this financial year. This will generate a surplus of approximately \$12,982 which can be applied to the new position, leaving a shortfall of approximately \$5,600.

Given the shortfall, funds of \$5,600 will need to be transferred from other areas to allow for the additional temporary staff member until the end of this financial year.

Any further allocation of funds after 30 June must occur through the normal budget formulation process.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr. Miller, seconded Cr. Ewing

That Council:

- (1) Engage the services of a temporary planning officer to assist the Manager, Development Services in the review of the Town Planning

- (2) Scheme and other responsibilities as directed by the Manager, Development Services;
- (2) Use the funds in account 1050.135.316 – Scheme Review to fund the temporary planning officer until 30 June, 2002; and
- (3) Consider the need to continue the engagement of the temporary planning officer into the 2002/2003 financial year through the normal budget process.

Moved Cr. Miller, seconded Cr. Birnbrauer that the motion be now put.

Lost 3/7

#### **AMENDMENT**

Moved Cr. Utting

That the motion be deleted and substituted with:

*“That the Town Planning Consultant be engaged to complete the process to adoption o the new Town Planning Scheme.”*

Lost for want of a Seconder

Moved Cr. Ewing, seconded Cr. Furlong that the motion be now put.

Carried 6/4

The substantive motion was put.

#### **That Council:**

- (3) **Engage the services of a temporary planning officer to assist the Manager, Development Services in the review of the Town Planning Scheme and other responsibilities as directed by the Manager, Development Services;**
- (4) **Use the funds in account 1050.135.316 – Scheme Review to fund the temporary planning officer until 30 June, 2002; and**
- (3) **Consider the need to continue the engagement of the temporary planning officer into the 2002/2003 financial year through the normal budget process.**

Carried 8/2

## **C22**

### **SOFTWARE - CUSTOMER SERVICE REQUEST TRACKING**

**File No.:** 106 02 07  
**Author:** Mr Stephen Tindale  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

#### **BACKGROUND**

A recommendation is made to purchase a *Centre-Point* software licence to enable the electronic tracking of every customer request made of the Town of Cottesloe. The licence will allow up to 22 users to access the software program at any point in time.

Funds for the purchase of the software can be found by deferring planned expenditure on a dedicated communications link to the Council depot from the Council offices.

**COMMENT**

The CEO has first-hand experience of the software arising from his time as CEO of the Town of Narrogin (pop.4670).

The software has a number of advantages. They are that:

- (1) It is easy to use – anyone who has used a web browser can learn to use Centre-Point within minutes.
- (2) It is open to electors, residents and anybody else. Any customer of the Town of Cottesloe can be given restricted access to Centre-Point. This allows him/her to log on and monitor their own requests for service.
- (3) The system generates e-mail messages that prompt officers to take action and keep customers informed of progress.
- (4) Overdue requests for service are automatically escalated to senior staff or the CEO. Centre-Point reduces the potential for slip-ups.
- (5) Statistical pages allow elected members and staff to monitor the level of service our customers are receiving. These can be incorporated into the monthly reports of senior staff.
- (6) A knowledge base can be created and maintained that can be searched by customers and employees.
- (7) Flexible querying allows users to locate and sight specific data relating to specific customers or types of request.
- (8) Customers have 24 hours a day/seven days a week access to the Town of Cottesloe “complaints department” via the Web.
- (9) By definition, customers are not confined to those who are external to the organisation. Staff and elected members can also generate requests of the Town of Cottesloe.
- (10) Centre-Point has a proven WA local government track record at the City of Mandurah, the Town of Narrogin and the Shires of Collie, Manjimup and Coolgardie.

There is little doubt that residents are expecting higher standards of service delivery – particularly when they believe their rate bills are higher than the average.

Improvements in service delivery can only come through reform in nine areas of acknowledged opportunity for best practice:

- Organisational strategy
- Organisational structure
- Investment in new technology
- Process improvement
- Measurement and control systems
- Human resource management
- External relations
- Change leadership and
- Employee empowerment.

The implementation of the customer request tracking software offers tangible benefits in the areas of investment in new technology, process improvement,

measurement and control systems, external relations and employee empowerment.

### **POLICY IMPLICATIONS**

Nil - other than the furtherance of a number of objectives contained within Council's strategic plan.

### **FINANCIAL IMPLICATIONS**

An amount of \$10,000 has been set aside in this year's budget for a dedicated computer link to the Council Depot from the Council Office. The physical location of a number of Council staff is up for review but no firm decisions will be made until Council's strategic plan is finalised. Expenditure on capital items that may be "wasted" has therefore been put on hold.

The 22-user licence for the software is a once-of \$8,000. Ongoing software support is 10% of that figure each year.

Installation, configuration and training costs are \$3,000.

### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That the Town of Cottesloe purchase a 22-user licence for the Centre-Point customer request tracking software for a sum of \$8,000, together with additional costs of \$3,000 associated with installation, configuration and training.**

Carried 10/0

**C23**

### **REVIEW OF THE CODE OF CONDUCT**

**File No.:** 151 03 04  
**Author:** Mr Stephen Tindale  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

### **BACKGROUND**

Section 5.103. of the Local Government Act (1995) provides as follows:

*"Codes of conduct*

- (1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*
  - (2) *A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.*
- D. *Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government is of effect only to the extent to which it is not inconsistent with regulations.*
- E. *A recommendation is made to adopt the Code of Conduct for Elected Members and Staff subject to amendments to clause 3.5 – Administrative and Management Practices."*



## COMMENT

The Town of Cottesloe last reviewed its *Code of Conduct for Elected Members and Staff* in February 2000. A number of amendments were made - mainly in relation to disclosures of interests affecting impartiality and token gifts.

Clause 3.5 – Administrative and Management Practices – reads as follows:

“(a) *Members and staff will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.*

(b) *Members and staff recognise the division of responsibilities reflected in the Local Government Act (1995), between the policy formulation role of Council and the implementation and daily management function of staff.*

*In order to maintain good management practice, members will address all requests for minor practical works through the Chief Executive Officer along with any other requests which involve staff in work activity.*

*Nothing in this code precludes Members from making routine contact with staff to seek information or clarify issues within their portfolios, but directions to carry out routine tasks must be made by the Chief Executive Officer or his delegate.”*

It is recommended that clause 3.5(b) be amended to read as follows:

*“Members and staff recognise the division of responsibilities reflected in the Local Government Act (1995) and in particular, the distinction made between the policy formulation role of Council and the daily management roles of the CEO and senior staff.”*

The change is recommended on the basis that the new CEO does not require elected members to “...address all requests for minor works through the Chief Executive Officer along with any other requests which involve staff in work activity.”

## POLICY IMPLICATIONS

The *Code of Conduct for Elected Members and Staff* forms part of Council policy.

## FINANCIAL IMPLICATIONS

Nil.

## OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Ewing

**That Council confirm the adoption of its *Code of Conduct for Elected Members and Staff* subject to clause 3.5(b) being amended to read as follows:**

***“Members and staff recognise the division of responsibilities reflected in the Local Government Act (1995) and in particular, the distinction made***

*between the policy formulation role of Council and the daily management roles of the CEO and senior staff.”*

Carried 9/1

## **C24** LOCAL GOVERNMENT HOUSE – AMENDMENTS TO THE TRUST DEED

**File No.:** 251 02 00  
**Author:** Mr Stephen Tindale  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

### **BACKGROUND**

The Local Government House Trust currently holds in trust equity units in proportion to the amount of capital contributed by certain local governments (beneficiaries) for the purchase of Local Government House in Altona Street, West Perth.

The Town of Council is one of the beneficiaries and holds 6 units of ownership out of 620.

The Trust Deed for Local Government House currently recognises:

- (i) The CSCA and LGA as Trustees; and
- (ii) The President and Deputy President of the LGA and CSCA as well as the President of the CUCA as members of the Board of Management.

With the pending dissolution of CSCA, CUCA and LGA, the Local Government House Trust Deed will need to be amended to nominate alternate Trustees from bodies or persons that will exist after CSCA, LGA and CUCA dissolve. If either CSCA or LGA were to be dissolved before amendments to the Trust Deed are made, it would place the administration of the Trust Deed for Local Government House into great uncertainty. Since the WA Local Government Association is the single association for Local Government, it is logical that it should be appointed as the replacement Trustee for both CSCA and LGA. A series of proposed amendments to the Trust Deed have been prepared by the Board of Management in conjunction with lawyers Minter Ellison.

### **COMMENT**

Broadly, the proposed amendments to the Trust Deed seek to achieve the following objectives:

- (1) **To allow the appointment of one replacement trustee for the CSCA and LGA**
  - With the decision of the three Associations at the 2001 Annual conference to form the WA Local Government Association, the CSCA, LGA and CUCA entered into a state of dormancy. A motion to dissolve each Association will be considered before or at the 2003 Annual Conference.
  - As the CSCA and LGA are the current Trustees of the deed, it is necessary to appoint a replacement Trustee.
  - The *Trustees Act* requires a minimum of two trustees to be appointed where more than one trustee was originally appointed. This would prevent appointing only the WA Local government Association as the new trustee.

- It is therefore proposed that a Deed of Variation be executive to vary the terms of the Trust Deed to allow the appointment of one trustee (i.e. the WA Local Government Association) as replacement for the CSCA and LGA.

**(2) To replace the current Board of Management with a new Board**

- The Board of Management currently includes representatives from CSCA, LGA and CUCA.
- With the pending dissolution of the three Associations, a new Board of Management must be appointed to manage the day-to-day administration of the Trust Deed
- It is proposed that a new Board of Management be appointed which includes the following members:

<b>Current Board of Management</b>	<b>New Board of Management</b>
LGA President	President of the WA Local Government Association
LGA Deputy President	Deputy President of the WA Local Government Association
CSCA President	State Councillor (Country Constituency)
CSCA Deputy President	State Councillor (Metropolitan Constituency)
CUCA President	Representative from the country beneficiaries
	Representative from metropolitan beneficiaries
	CEO of the WA Local Government Association

**(3) To replace the current Board of Management with a new Board**

- Various amendments need to be made to recognise the Local Government Act 1995 and related state legislations.
- It is proposed that an amendment be made to the Trust Deed relating to the majority needed to carry a resolution of the Board of Management. Presently, a resolution can only be carried by the *unanimous agreement* of all members. This is contrary to the practices in most other boards and committees. As such, it is proposed that this requirement should be amended to allow an *absolute majority* to carry a resolution of the Board of Management.

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That the Town of Cottesloe support the proposed amendments to the trust deed for Local Government House.**

Carried 10/0

**C25** **GREENHOUSE ACTION PLAN – 3<sup>RD</sup> MILESTONE**

**File No.:** 251 02 00  
**Author:** Mr. Stephen Tindale  
**Report Date:** 12 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

The Town of Cottesloe is a member of Cities for Climate Protection™ Australia.

The report represents the third step, or milestone, in the programme, and provides a number of strategies to abate the main sources of greenhouse gas emissions within the direct control of the Town of Cottesloe. Sources of greenhouse gas emissions were identified in the first report (*An Inventory and Forecast of Energy Use and Greenhouse Gas Emissions within the Town of Cottesloe*) and were separated into two areas: Council activities and facilities and Community activities and facilities.

Council sources of greenhouse gas emissions were identified as including: outdoor lighting (37%), Council buildings (32%), vehicle fleet (14%) and water pumps (18%).

Community sources of greenhouse gas emissions were identified as: residential (45%), commercial (31%) and transport (24%) sources.

Following the inventory, the Town of Cottesloe set an emissions reduction goal of 20%. This means that by 2010/11, the Town aims to have reduced its own local greenhouse gas emissions by 20% of 1995/96 levels. Following Council adoption of the plan (Milestone 3 in the CCP programme), the next step will be to implement these strategies and to monitor their implementation.

**COMMENT**

The milestones of the Cities for Climate Protection are shown below.

<b>Milestone 1</b>	An inventory and forecast for council and community emissions
<b>Milestone 2</b>	Establishment of an emissions reduction goal
<b>Milestone 3</b>	Development and adoption of a Local Action Plan to achieve the reduction goal
<b>Milestone 4</b>	Implementation of the Local Action Plan
<b>Milestone 5</b>	Monitoring and reporting on implementation of Local Action Plan

The Town of Cottesloe, as a member of Cities for Climate Protection, has achieved both Milestones 1 and 2. Milestone 1 was completed in July, 2001 and awarded to Council at the CCP™ recognition event held at the Town of Cottesloe. Milestone 2, setting a reduction target at 20% below base year levels, was also endorsed by Council in 2001.

To achieve Milestone 3 of the CCP™ programme, the Town is required to adopt a Local Action Plan outlining the strategy that will be undertaken. As such, the *Greenhouse Action Plan* has been developed by Green Skills staff,

reviewed by Council staff and further modified so that the proposed strategies and actions marry up with reality in terms of practical implementation. The completion of Milestone 3 will make the Town eligible for a number of AGO-funded opportunities and rebates.

Ten actions have been identified by Council staff for implementation in 2002. Once completed, it will then be a case of moving on to ten more actions and so on until the plan is fully realised.

### **POLICY IMPLICATIONS**

The Town of Cottesloe's mission statement is '*To preserve and improve the unique village and coastal character of Cottesloe by using sustainable strategies in consultation with the community.*'

The overarching theme of Council's long term planning is the concept of Local Agenda 21 – sustainable development – or in local terms – "Care for Cottesloe".

The adoption of the *Greenhouse Action Plan* supports these objectives.

### **FINANCIAL IMPLICATIONS**

Most of the proposed actions will simply require a redirection of the efforts of Council staff – albeit at the expense of other works and services. Some actions are easily achieved while others will involve additional capital expense some time in the future.

### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council adopt the *Greenhouse Action Plan*, prepared by Green Skills Inc. in March, 2002.**

5/5, Carried on Mayor's Casting Vote

**C26**

### **SEA VIEW GOLF CLUB LEASE – RENT REVIEW**

**File No.:** 161 08 01  
**Author:** Mr. Alan Lamb  
**Report Date:** 14 March, 2002  
**Author Disclosure of Interest:** Nil

### **BACKGROUND**

The lease agreement provides for rent reviews to be conducted every four years and for CPI increases in each of the non rent review years. The current lease which commenced in 1990, is for a fifteen year term and terminates June 30, 2005. The last rent review date for the lease is July 1, 2002. Council is required to give the Club three month's notice, in writing, of any proposed change in the rent. The lease agreement provides that the Club then has fourteen days from the date of receipt of this notice to either agree or not agree to pay the proposed rent. If within the fourteen days, the Club does not agree to pay the proposed rent, Council can fix a rent that is no more than a 20% increase on the previous year's rent.

It is noted that the original rent was \$3,000 per annum and that this has increased to \$4,138.56 (plus GST) in the current year.

### **COMMENT**

Due to an oversight the rent did not increase during the period 97/98 to 99/2000 and remained at \$3,783.24 during that period. CPI increases were applied in 2000/01 and 2001/02 and GST has been charged since 2000/01.

The Valuer General's Office has been engaged to provide a rental value on which to base the current rent review and it is expected that this valuation will be received in time for the Committee meeting.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Rental income is expected to increase by 20%.

### **OFFICER RECOMMENDATION**

That notice be given to the Sea View Golf Club that Council intends to increase the annual rental, under the current lease agreement, to \$\_\_\_\_\_ (*insert value provided by the Valuer General*) as from July 1, 2002.

### **COMMITTEE COMMENT**

A revised recommendation was put before committee by the Manager, Corporate Services.

### **OFFICER & COMMITTEE RECOMMENDATION**

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

### **AMENDMENT**

Moved Cr. Sheppard, seconded Cr. Furlong

That the motion be amended by deleting "\$4,966.27" and substituting with "\$4,138.56".

5/5, Lost on Mayor's Casting Vote

The substantive motion was put.

### **COUNCIL RESOLUTION**

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

5/5, Carried on Mayor's Casting Vote



WORKS & SPECIAL PROJECTS**W7** BUS SHELTER BROOME STREET NEAR ERIC STREET

**File No.:** 306 05 00  
**Author:** Mr. Malcolm Doig  
**Report Date:** 11 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

Cr Utting has requested that the staff decision to remove the wooden bus shelter in Broome Street be referred to the Works and Corporate Services Committee as he is of the opinion that the shelter is in sound condition.

**COMMENT**

The shelter has been barricaded off for five weeks as a precaution as it is in very poor structural condition and may collapse. Inspection has revealed that the two main supports are rotten and the four props that have been added at some later date are now inadequate. At the present time the shelter leans to the north and has skewed so far out of square that the clay tiles have regularly been dislodged. There is no question that this shelter is unsafe and should be removed in the interest of public safety. Councillors are encouraged to independently inspect this shelter prior to the meeting.

As the shelter is some distance from the bus stop it was planned to erect a replacement shelter adjacent to the actual stop. Unfortunately there has been considerable delay in determining the options as Adshel has found it necessary to resolve its position before responding on a number of separate issues. The options for a replacement shelter are:

Item	Cost	Plus p.a.
An Adshel shelter with illuminated advertising	\$0	
An Adshel shelter without illuminated advertising	\$17,000	\$3,750
Used shelter salvaged from upgrade programme	\$2,000	
New cantilever shelter	\$8,000	

Presently there are three unallocated Adshell shelters that were fabricated to Council's specification under the original arrangement also two shelters that may have to be moved because of changes to bus routes.

The location in question is not particularly prominent and may not automatically meet the Adshel criteria for free installation under the terms of the agreement.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Council has not budgeted to construct new shelters.



### OFFICER RECOMMENDATION

That Council:

- (1) Remove the original wooden bus shelter in Broome Street near Eric Street;
- (2) Invite Adshell to erect a bus shelter under the terms of the existing agreement; and if Adshell declines the offer, Council proceed to erect one of the original cantilever shelters salvaged from the bus shelter upgrade project.

### COMMITTEE RECOMMENDATION

Moved Cr. Miller, seconded Cr. Ewing

That Council:

- (1) Remove the original wooden bus shelter in Broome Street near Eric Street;
- (2) Subject to finance, construct a new bus shelter in the style of the original bus shelter and locate it at the bus stop site.

### AMENDMENT

Moved Cr. Morgan, seconded Cr. Utting

That the motion be amended by deleting "*subject to finance, construct a new bus shelter*" in (2) and substitute with "*invite Adshell to erect a bus shelter with illumination and advertising*".

Carried 7/3

The amended motion was put.

### COUNCIL RESOLUTION

That Council:

- (1) **Remove the original wooden bus shelter in Broome Street near Eric Street;**
- (2) **Invite Adshell to erect a bus shelter with illumination and advertising in the style of the original bus shelter and locate it at the bus stop site.**

Carried 7/3

**W8**

### **BUS STOP AND SHELTER MARINE PARADE AT VERA VIEW PARADE**

**File Reference:** 306 05 00  
**Prepared By:** Mr. Malcolm Doig  
**Report Date:** 11 March , 2002  
**Author Disclosure of Interest:** Nil.

### BACKGROUND

In November Council resolved to invite residents in the vicinity of the bus stop to comment on the option to relocate the shelter to a point approximately midway between the original position and the site Council had selected as an option.

**COMMENT**

On this occasion Council received only one written response and two verbal comments in support of the location. In the original note to Council, Cr. Utting suggestion was that *“the shelter be of pleasing appearance and advertising not be permitted”*. Council did not resolve this aspect.

Council does have some second-hand shelters in fair condition but they are certainly not attractive.

The options are again:

Item	Cost	Plus p.a.
An Adshel shelter with illuminated advertising	\$0	
An Adshel shelter without illuminated advertising	\$17,000	\$3,750
Used shelter salvaged from upgrade programme	\$2,000	
New cantilever shelter	\$8,000	

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

No funds have been budgeted for the provision of a new shelter.

**OFFICER RECOMMENDATION**

Moved Cr. Utting

That Council erect a recycled cantilever style bus shelter at the bus stop Marine Parade, approximately 100 metres south of Vera View Parade.

Lapsed for want of a Seconder

**COMMITTEE RECOMMENDATION**

Moved Cr. Miller, seconded Cr. Ewing

That Council invite Adshel to erect a bus shelter with illumination and advertising at the bus stop on the west side of Marine Parade, approximately 100 metres south of Vera View Parade.

**AMENDMENT**

Moved Cr. Utting,

That the motion be deleted and substituted with:

*“That Council erect a bus shelter at the bus stop on the west side of marine Parade approximately 100m south of Vera View Parade.”*

Lost for Want of a Seconder

The substantive motion was put.

## COUNCIL RESOLUTION

That Council invite Adshel to erect a bus shelter with illumination and advertising at the bus stop on the west side of Marine Parade, approximately 100 metres south of Vera View Parade.

Carried 8/2

W9

### SEA VIEW GOLF CLUB - REQUEST FOR ADDITIONAL ROAD CLOSURES

File Reference: 161 08 01  
Prepared By: Mr. Malcolm Doig  
Report Date: 12 March , 2000  
Author Disclosure of Interest: Nil

## BACKGROUND

The Sea View Golf Club has requested a number of additional temporary closures of Jarrad Street to accommodate competition play.

Previously Approved	Sunday Date	Event	Additional Closures
#	2 June	1 <sup>st</sup> day Sea View Cup	1/2 day
	3 June	2 <sup>nd</sup> day Sea View Cup	1 day
# *	23 June	Pennants vs Sun City	1/2 day
# *	21 July	Pennants vs Melville Glades	1/2 day
# *	28 July	Pennant Semi-final	1/2 day
# *	4 Aug	Pennants Final	1/2 day
#	25 Aug	2 <sup>nd</sup> day Club Championship (Links Cup)	1/2 day
	13 Oct	State Mixed Foursomes Championship	1 day
	20 Oct	2 <sup>nd</sup> day Spring Cup	1 day
	17 Nov	2 <sup>nd</sup> day Sea View Gold Nugget	1 day
	12 Jan, 2003	2 <sup>nd</sup> day Summer Cup	1 day

## COMMENT

Note: (1) \* are already approved under the current agreement which allows for Pennant Days, Wednesdays, Friday afternoons and Saturdays  
(2) # Sunday mornings, in winter months, for which half day approvals are already in place.

Council considered a similar request in July and September 2000 and resolved:

*“That Council:*

- (1) *Accede to the Sea View Golf Club’s request for Jarrad Street closures on the following dates:  
1-2 and 29 October 2000;  
5 November, 2000; and  
14 January 2001;*
- (2) *Require the Club to provide demonstrable evidence to the Chief Executive Officer of its strategy to comply with the agreed procedure to limit play to the ladies tees when Jarrad Street is open;*

- (3) *That the Jarrad Street Working Party, comprising the Sea View Golf Club and residents be reconvened to successfully resolve safety issues, and that the results be ratified by Council."*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER RECOMMENDATION**

Moved Cr. Morgan, seconded Cr. Sheppard

That Council accede to the Sea View Golf Club's request for Jarrad Street closures on the following dates:

<b>Sunday Date</b>	<b>Event</b>	<b>Additional Closures</b>
2 June	1 <sup>st</sup> day Sea View Cup	½ day
3 June	2 <sup>nd</sup> day Sea View Cup	1 day
23 June	Pennants vs Sun City	½ day
21 July	Pennants vs Melville Glades	½ day
28 July	Pennant Semi-final	½ day
4 Aug	Pennants Final	½ day
25 Aug	2 <sup>nd</sup> day Club Championship (Links Cup)	½ day
13 Oct	State Mixed Foursomes Championship	1 day
20 Oct	2 <sup>nd</sup> day Spring Cup	1 day
17 Nov	2 <sup>nd</sup> day Sea View Gold Nugget	1 day
12 Jan, 2003	2 <sup>nd</sup> day Summer Cup	1 day

**COMMITTEE RECOMMENDATION**

Moved Cr. Miller, seconded Cr. Ewing

That Council:

- (1) Accede to the Sea View Golf Club's request for Jarrad Street closures on the following dates:

<b>Sunday Date</b>	<b>Event</b>	<b>Additional Closures</b>
2 June	1 <sup>st</sup> day Sea View Cup	½ day
3 June	2 <sup>nd</sup> day Sea View Cup	1 day
23 June	Pennants vs Sun City	½ day
21 July	Pennants vs Melville Glades	½ day
28 July	Pennant Semi-final	½ day
4 Aug	Pennants Final	½ day
25 Aug	2 <sup>nd</sup> day Club Championship (Links Cup)	½ day
13 Oct	State Mixed Foursomes Championship	1 day



Sunday Date	Event	Additional Closures
20 Oct	2 <sup>nd</sup> day Spring Cup	1 day
17 Nov	2 <sup>nd</sup> day Sea View Gold Nugget	1 day
12 Jan, 2003	2 <sup>nd</sup> day Summer Cup	1 day

- (2) Require the Club to provide demonstrable evidence to the Chief Executive Officer of its strategy to comply with the agreed procedure to limit play to the ladies' tees when Jarrad Street is open.

#### AMENDMENT NO. 1

Moved Cr. Ewing, seconded Cr. Birnbrauer

That the motion be amended by

- (a) adding to the end of paragraph (1):  
*"on the condition that the Club guarantees in writing that when Jarrad Street is open they limit play to the ladies' tees on appropriate holes."* and
- (b) Deleting (2) and substituting with:  
*"Requires that the Club confines road closures in the next year to these regularly closed, or offers trade-off days in their place."*

Lost 4/6

#### AMENDMENT NO. 2

Moved Cr. Morgan, seconded Cr. Furlong

That the motion be amended by deleting paragraph (2).

Carried 7/3

The amended motion was put.

#### COUNCIL RESOLUTION

**That Council accede to the Sea View Golf Club's request for Jarrad Street closures on the following dates:**

Sunday Date	Event	Additional Closures
2 June	1 <sup>st</sup> day Sea View Cup	½ day
3 June	2 <sup>nd</sup> day Sea View Cup	1 day
23 June	Pennants vs Sun City	½ day
21 July	Pennants vs Melville Glades	½ day
28 July	Pennant Semi-final	½ day
4 Aug	Pennants Final	½ day
25 Aug	2 <sup>nd</sup> day Club Championship (Links Cup)	½ day
13 Oct	State Mixed Foursomes Championship	1 day
20 Oct	2 <sup>nd</sup> day Spring Cup	1 day
17 Nov	2 <sup>nd</sup> day Sea View Gold Nugget	1 day
12 Jan, 2003	2 <sup>nd</sup> day Summer Cup	1 day

Carried 7/3

**W10**      **COTTESLOE OVAL – COTTESLOE RUGBY UNION CLUB EASTER SEVENS EVENT - 30 MARCH**

**File Reference:**                      161 03 00  
**Prepared By:**                        Mr. Malcolm Doig  
**Report Date:**                         12 March, 2002  
**Author Disclosure of Interest:**   Nil

**BACKGROUND**

The Secretary of the Cottesloe Rugby Union Club has advised that the club is holding the 25<sup>th</sup> annual “Easter Sevens” carnival on Saturday, 30 March, 2002, and have requested permission to use Cottesloe Oval.

**COMMENT**

While this arrangement has been standard practice for the past 25 years, there is still a need to liaise with the Nedlands – Claremont Cricket Club to ensure that there is no clash of fixtures and that cricket club’s watering programme does not result in a surface that may be more easily damaged or contribute to an injury.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council advise the Cottesloe Rugby Union Club that Council is willing to support the use of Cottesloe Oval by the Rugby Club on Saturday, 30 March, subject to there being no clash of fixtures with the Claremont Nedlands Cricket Club.**

Carried 10/0

**W11**      **USE OF COTTESLOE OVAL BY COTTESLOE RUGBY UNION CLUB**

**File Reference:**                      161 03 00  
**Prepared By:**                        Mr. Malcolm Doig  
**Report Date:**                         12 March, 2002  
**Author Disclosure of Interest:**   Nil

**BACKGROUND**

The Secretary of the Cottesloe Rugby Union Club has requested permission to use Cottesloe Oval as their second ground from April 2002, until July.

**COMMENT**

While similar requests have been agreed by the Cricket Club and Council for a number of years. In March 2000, the Claremont Nedlands Cricket Club opposed the use because of the potential for adult players do irreparable of



damage to the turf wicket. In April 2000 a meeting was held with representatives of Council, the Rugby Club, the Junior Football Club and the Cricket Club.

A compromise was reached when it was agreed that rugby usage would be allowed up until the end of May, as had occurred in the winter of 1998, plus one playing date in late June. This would allow fixtures to be revised and all parties time to consider action required to protect the surface.

Council subsequently resolved:

*“That Council advise the Cottesloe Rugby Club and the Claremont Nedlands Cricket Club:*

- (1) That Council will allow rugby to be played at Cottesloe Oval up until the end of June 2000 on the provision that in the month of May and June only two and one fixtures be played respectively;*
- (2) That the fixture played in June be subject to the approval of the Manager of Works following a ground condition inspection*
- (3) That Council will attempt to improve the surface drainage and reticulation of the wicket and surrounding area in consultation with WACA staff;*
- (3) The position will be reviewed prior to the 2001 season and suggest that the WARU should in future not plan on using Cottesloe Oval on dates after 31 May, 2001.”*

According to our records there was no application made to seek Council approval to use the wicket in the 2001 season, although it is possible that there was direct contact between the Rugby Club and the Cricket Club as has been past practice. However in a letter from the Rugby Club dated 17 December, which was attached to the February Agenda of the Works and Corporate Services Committee (Item W4), the Secretary advised that on three occasions last season the match referee deemed the oval to be unsafe for play. This matter was withdrawn by the committee as it was felt that there was a need to involve all the parties in further discussion.

The need to decide upon the use of the ground in the winter of 2002 is more pressing as the fixtures need finalised. Based on the previous decision of Council to advise the Rugby Club not to plan on using Cottesloe Oval on dates after 31 May, 2001, there is no obvious reason to allow play during June and July. In addition, it appears that the playing condition deteriorated to such an extent in the winter of 2001, that play was considered dangerous.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr. Miller, seconded Cr. Ewing

That Council:

- (1) Advise the Cottesloe Rugby Union Club and Claremont Nedlands Cricket Club that it is willing to support the use of Cottesloe Oval by the Rugby Club in April and May 2002;
- (2) Invite representatives of the Cottesloe Rugby Union Club, Claremont Nedlands Cricket Club and Cottesloe Junior Football Club to attend a joint meeting with Council delegates to consider the condition and use of Cottesloe Oval.

### AMENDMENT

Moved Cr. Ewing, seconded Cr. Miller

That the motion be amended by adding the words "*and interested community members*" after "*Junior Football Club*".

5/5, Carried on Mayor's Casting Vote

The amended motion was put.

### COUNCIL RESOLUTION

**That Council:**

- (2) Advise the Cottesloe Rugby Union Club and Claremont Nedlands Cricket Club that it is willing to support the use of Cottesloe Oval by the Rugby Club in April and May 2002;**
- (2) Invite representatives of the Cottesloe Rugby Union Club, Claremont Nedlands Cricket Club and Cottesloe Junior Football Club and interested community members to attend a joint meeting with Council delegates to consider the condition and use of Cottesloe Oval.**

Carried 10/0

**W12**

### **NO. 50A MARGARET STREET - STREET TREE**

File Reference:286 04 00

Prepared By: Mr. Malcolm Doig

Report Date: 12 March, 2002

Author Disclosure of Interest: Nil

### BACKGROUND

Correspondence was received from Mr. Noel Crichton-Browne in December 2001 requesting a review of a 1999 Council decision not to authorise the removal of a Rottnest Island Tea Tree at No. 50a Margaret Street. In January 2002 the Manager of Works advised that a council officer had again inspected the tree and advised that there were insufficient grounds to recommend the removal of the tree. In accordance with Council policy the request was declined.

Further correspondence was received in February advising that it was Mr. Critchon-Browne's wish that the matter be referred to the Works and Corporate Services Committee.

**COMMENT**

There is no reason to remove the tree based on safety issues, species or condition.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council receive the correspondence from Mr. N. Critchon-Browne and the tree inspection report prepared by Council staff and advise Mr. Critchon-Browne that Council is not willing to authorise the removal of the Rottnest island Tea Tree located at No. 50a Margaret Street.**

Carried 10/0

**W13**

**WEST COAST HIGHWAY AND NORTH STREET INTERSECTION**

**File Reference:** 292 32 00  
**Prepared By:** Mr. Malcolm Doig  
**Report Date:** 13 March, 2002  
**Author Disclosure of Interest:** Nil

**BACKGROUND**

Main Roads WA has written to request Council agreement to change the light sequence that controls right turn movement from West Coast Highway into North Street.

**COMMENT**

At present right turn movement is prohibited except for controlled periods when a green arrow is displayed. The proposal is to retain the green arrow phase, but also allow right turning vehicles to filter through gaps in approaching traffic. This arrangement is common to most traffic lights. The basis of the recommendation is that there is adequate site distance, suitable gaps occur frequently and traffic flows have stabilised since the conclusion of the Servetus Street Project.

Council has also been informed that Main Roads WA is soon to install 50km/hr speed signs. This should encourage drivers to adjust speed to within legal limits. Further traffic counts will be taken by Council to determine if there is any beneficial effect on average traffic speeds. If a significant improvement driver behaviour is not noted soon after the 50 km/hr speed signage is erected, it is proposed that the Police be called upon to monitor the traffic.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Ewing

**That Council advise Main Roads WA that it is not opposed to the alteration of the right turn phases of the traffic signals at the intersection of West Coast Highway and North Street subject to a review after three months of operation.**

5/5, Carried on Mayor's Casting Vote

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

**W14 VERGE PARKING - NO. 104 BROOME STREET**

**File No.:** 291 29 00  
**Author:** Mr. Malcolm Doig  
**Report Date:** 21 March, 2002  
**Author Disclosure of Interest:** Nil

**COMMENT**

The owners of 104 Broome Street have requested that Council give urgent consideration be given to an issue relating to verge parking.

At No. 104 Broome Street there are the remnants of two vehicle-crossing places that have for some considerable time been used as visitor parking. Vehicle entry to the property is via the ROW as the front boundary is fully fenced.

Three weeks prior the reconstruction of the kerbing in Broome Street, the property owners were given advance warning that the remaining pavement was to be removed and the kerb replaced in accordance with policy. The owners were also advised that the policy made provision for properly constructed verge parking areas in some circumstances. It appears that the intent of the letter from Council was misunderstood as no reply was received until after the new kerb was laid.

The owners have now requested that the kerb be removed so that they may have direct vehicle access to the verge. As an alternative, if Council does not agree, they have requested that permission be granted to construct a verge parking area in accordance with the policy.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Birnbrauer, seconded Cr. Ewing

**That Council advise Ms. G. Hill of No. 104 Broome Street that it believes that the provisions of the Residential Parking Policy do apply in these**

circumstances and that approval is granted for the construction of a verge parking area in accordance with policy.

Carried 10/0

**14 ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**15 CLOSURE**

*The Mayor announced the closure of the meeting at 10.40pm.*

CONFIRMED: MAYOR \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_