

TOWN OF COTTESLOE



FULL COUNCIL MEETING

MINUTES

**The Ordinary Meeting of Council
held in the Council Chambers, Cottesloe Civic Centre
on 26 August, 2002, commencing at 7.00pm.**

ORDINARY MEETING OF FULL COUNCIL

INDEX

1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4	PUBLIC QUESTION TIME.....	1
5	APPLICATIONS FOR LEAVE OF ABSENCE	1
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	2
8	PUBLIC STATEMENT TIME.....	2
9	PETITIONS/DEPUTATIONS/PRESENTATIONS	2
10	REPORTS OF COMMITTEES AND OFFICERS.....	2
	SRP8 PROPOSED DRAFT TOWN PLANNING SCHEME NO. 3.....	2
	SR9 REQUEST FOR REVIEW OF CONTRACT - SHERYL CHAFFER AND ASSOCIATES	8
	B2 NO. 11 PERTH STREET, COTTESLOE – SWIMMING POOL BARRIER.....	9
	TP88 NO. 48 (LOT 16 AND 17) BROOME STREET- PROPOSED TWO, TWO STOREY BRICK & SLATE AND BRICK & METAL RESIDENCES.....	12
	TP89 NO. 40 (LOT 3) GRANT STREET- PROPOSED BRICK, HARDIPLANK AND METAL SECOND STOREY AND GARAGE ADDITIONS	22
	TP90 NO. 37 (LOT 49) JOHN STREET – PROPOSED REMOVAL OF EXISTING ROOF COVER OVER EXISTING OUTDOOR EATING AREA AND REPLACEMENT WITH A NEW ROOF COVER AND SIDE WALL - JOHN STREET CAFE.....	27
	TP91 NO. 39 (LOT 48) JOHN STREET- PROPOSED TWO STOREY BRICK, WEATHERBOARD AND TILE RESIDENCE	30
	TP92 NO. 99 (LOT 45) BROOME STREET – PROPOSED DEMOLITION OF AN EXISTING GARAGE APPURTENANT TO AN EXISTING SINGLE STOREY RESIDENCE AND CONSTRUCTION OF A NEW GARAGE.....	36
	TP93 NO. 57 (LOT 1) ERIC STREET- PROPOSED TWO STOREY METAL ADDITION TO THE EXISTING RESIDENCE.....	38
	TP94 NO. 132 (LOT 65) GRANT STREET- PROPOSED GARAGE AND PORTICO.....	42
	TP95 NO. 101 (LOT 1) BROOME STREET- PROPOSED SECOND STOREY ADDITION AND RENOVATION TO EXISTING HOUSE.....	45
	TP96 NO 26 (LOT 90) WILLIAM STREET, COTTESLOE – SUBMISSION OF REVISED PLANS FOR A PROPOSED TWO STOREY SINGLE HOUSE - BASED ON DETERMINATION MADE BY THE TOWN PLANNING APPEAL TRIBUNAL.....	48
	TP97 PROPOSED SALE OF SPITE STRIP BETWEEN NOS 9 AND 11 WEBB STREET – SUBMISSION OF REVISED SUBDIVISION PLANS	50

INDEX

- 2 -

TP98	NO. 8 (LOT 77) MARINE PARADE – PROPOSED TWO STOREY RENDER AND METAL RESIDENCE – REQUEST FOR VARIATION TO CONDITION OF PLANNING CONSENT.....	52
TP99	NO. 8 (LOTS 34 & 35) LOMA STREET- PROPOSED GARAGE, SWIMMING POOL, LANDSCAPING AND FENCE ADDITIONS TO THE EXISTING RESIDENCE.....	55
TP100	NO. 529 (LOT 101) STREET- PROPOSED PYLON SIGN TO THE COTTESLOE MEDICAL CENTRE	59
TP101	NO. 121 (LOT 6) GRANT STREET, COTTESLOE – TWO STOREY ADDITIONS AND ALTERATIONS TO AN EXISTING SINGLE HOUSE.....	62
TP102	NO 231 (LOT 2) CURTIN AVENUE, COTTESLOE – FURTHER REQUEST FOR PROPOSED DENSITY INCREASE FROM R20 TO R30.....	65
TP103	NO. 24 (LOT 15) PRINCES STREET- REQUEST FOR APPROVAL IN PRINCIPLE FOR A TWO STOREY DEVELOPMENT OF EIGHT MULTIPLE DWELLINGS PLUS BASEMENT CAR PARKING AREA	69
TP104	NO. 30 (LOTS 46-48) JARRAD STREET- PROPOSED THREE STOREY BRICK AND METAL MIXED USE DEVELOPMENT	73
TP105	TOWN PLANNING APPEAL TRIBUNAL DECISION – NO. 26 WILLIAM STREET	78
TP106	APPLICATION FOR PLANNING APPROVAL – ERECTION OF SIGN AT THE WESTERN AUSTRALIAN DEAF SCHOOL 53 (LOT 23147) CURTIN AVENUE, COTTESLOE.....	81
TP107	APPLICATION FOR PLANNING APPROVAL – NEW BALCONY TO NORTH ELEVATION AT 14 (LOT 101) FORREST STREET, COTTESLOE – DELEGATED AUTHORITY.....	82
C64	STATUTORY FINANCIAL STATEMENTS	83
C65	SCHEDULE OF INVESTMENTS & SCHEDULE OF LOANS	84
C66	ACCOUNTS	85
C67	PROPERTY & SUNDRY DEBTORS REPORTS	86
C68	CEO'S EMPLOYMENT CONTRACT – PROBATIONARY PERIOD	87
C69	PRINCIPAL ACTIVITIES PLAN.....	90
C70	COTTESLOE CIVIC CENTRE – CATERING LEASE.....	91
C71	SOS COTTESLOE – BEACH PARKING	95
C72	SPORTING ACTIVITIES ON COTTESLOE BEACH	98
W25	REGIONAL STRATEGY FOR MANAGEMENT OF STORMWATER QUALITY.....	100
W26	DIVING FROM THE GROUYNE INTO SHALLOW WATER.....	102

INDEX

- 3 -

W27	RUBBER TREES OVERTON GARDENS.....	104
W28	PORT JACKSON FIG TREES – NO. 29 CONGDON STREET	105
W29	BUS SHELTER - MARINE PARADE	106
W30	TRAFFIC MANAGEMENT POLICY.....	108
11	ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	113
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....	114
	11.1..... TRAIN SERVICES – GRANT STREET	114
13	MEETING CLOSURE	114

ORDINARY MEETING OF COUNCIL

26 August, 2002

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson announced the meeting opened at 7.02pm.

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

2.1 PRESENT

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
	Cr. R. Whitby
Chief Executive Officer:	Mr S.D. Tindale
Manager, Engineering Services:	Mr M.R. Doig
Manager, Development Services:	Mr S. Sullivan

2.2 APOLOGIES

Mr Alan Lamb.

2.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr. Birnbrauer, seconded Cr. Miller, that the minutes of the Ordinary Meeting of Full Council held on the 22 July, 2002, be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Hammond advised that he had attended a meeting with the Minister for Heritage and made the following points:

- The need for direction from the Minister for Heritage is now recognised
- A Municipal Inventory is not a tool of planning
- Minister has supported Cottesloe's position
- Mayor believes Council has community support
- Local government is now working for a clear direction.

8 PUBLIC STATEMENT TIME

- 8.1 Diane and Sarah Nicholson, 231 Curtin Avenue – Item No. 102
Believe that a negative effect had resulted from the subdivision and development at No. 233 Curtin Avenue and urged Council to rezone No. 231 from R20 to R30 so that subdivision could occur.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS**10 REPORTS OF COMMITTEES AND OFFICERS****TOWN OF COTTESLOE****TOWN PLANNING SCHEME REVIEW COMMITTEE****9 August, 2002****SRP8 PROPOSED DRAFT TOWN PLANNING SCHEME NO. 3**

File No.: 301:00:00
Author: Mr Stephen Sullivan
Report Date: 2 August, 2002
Disclosure of Interest: Nil
Senior Officer: Mr Stephen Tindale

PURPOSE OF REPORT

To seek direction on densities for the proposed No. 3 Town Planning Scheme.

COMMENT

The Town Planning Scheme Review Committee needs to determine the process for the determination of densities under the proposed No. 3 Town Planning Scheme and then obtain endorsement from Council on that process. There is no clear direction for the progression of the proposed Town Planning Scheme in relation to densities under that Scheme. Until that has been resolved, the proposed Scheme will not progress.

Whilst there are a number of options that could be prepared on advancing the draft Town Planning Scheme, the following have been identified and presented for consideration:

Option 1 – Recommence Community Consultation Process

This option is to effectively re-commence the consultation process and develop a revised Town Planning Scheme based on the results of the consultation process. The consultation process could take at least 6 months. This would enable Council to effectively review the feedback from the community on issues that were sought during the early stages of the proposed No. 3 Town Planning Scheme - including densities in the non-residential areas.

Out of the consultation process, Council would then:

- (1) review the proposed Town Planning Scheme based on the second consultation process;
- (2) adopt a revised version of the draft Town Planning Scheme with changes (if required);
- (3) refer the draft Town Planning Scheme to the Department for Environmental Protection for assessment;
- (4) refer the draft Town Planning Scheme to Western Australian Planning Commission for approval to advertise the Scheme (amend if necessary based on Commission's requirements);
- (5) advertise the draft Town Planning Scheme for three months;
- (6) review submissions and amend the draft Town Planning Scheme as determined by Council;
- (7) submit the final draft Town Planning Scheme to the Western Australian Planning Commission for final endorsement and amend if required by the Commission (this may include a further public submission period for specific changes required by the Commission);
- (8) submit final draft Town Planning Scheme for approval by the Minister;
- (9) gazette the Scheme (Scheme becomes operational).

IMPLICATIONS

Consultants would need to be engaged to undertake the consultation process.

Work on Town Planning Scheme No. 3 would cease and the Western Australian Planning Commission would need to be advised that Council is undertaking a second consultation process.

Council would need to determine its position on Amendment No. 31 before and after the second consultation process was completed.

The existing draft Scheme (including Local Strategic Plan) would need to be modified based on the second consultation process.

There are time and financial implications.

Option 2 - Put Proposed Town Planning Scheme No. 3 on Hold and Advance Amendment No. 31 to the Existing Town Planning Scheme

The Notice of Motion prepared by Councillor Walsh for Amendment No. 31, which was adopted by Council, was a review of densities in certain areas of the District. It sought to reduce the density coding in various parts of the District,

although the effect of the proposed amendment would vary depending upon lot size and the existing development on that site.

Amendment No. 31 is currently with the Department for Planning and Infrastructure. They have been requested to halt any further assessment of the additional information they had requested on the Amendment until after the August 2002 meeting of Council. At that stage, it is anticipated that Council will have a clearer position in relation to future status of the Amendment.

If Council accepts this option, then it is anticipated that the following steps would occur:

- Advise Department for Planning and Infrastructure of resolution to proceed with the proposed Amendment;
- Department for Planning and Infrastructure to review the information on Amendment No. 31 and resolve whether to:
 - (a) permit the Amendment to be advertised for public comment;
 - (b) require changes to the amendment before it is advertised for public comment; or
 - (c) refuse to permit the amendment to advertised.

The decision in dot point two may take 1-3 months.

It is anticipated that if approval is granted to advertise in scenarios (a) and (b), then the advertising period may be 3 months in length.

At the end of the submission period, the submissions would be collated and a report prepared which provides an assessment of those submissions together with recommendations. Council would need to review that report on the submissions at one and possibly two meetings of Council and then resolve whether to:

- (i) proceed with the Amendment unchanged;
- (ii) amend the Amendment based on the submissions received; or
- (iii) not proceed with the Amendment.

At this stage Council will have formed a position in relation to the residential densities under the existing Town Planning Scheme and will have a clearer sense of direction for the proposed No. 3 Town Planning Scheme.

Council would then commence steps (1) to (9), as set out in Option 1 to progress the proposed Town Planning Scheme towards gazettal. The wording in step 1 would be amended to reflect the Scheme amendment process rather than the second community consultation process.

Council would also be required to inform the Western Australian Planning Commission that it has made a determination on proposed Amendment No. 31 (refer to points (i) to (iii) above). Council would then be at step (7) of Option 1 in relation to Amendment No. 31.

IMPLICATIONS

Work on Town Planning Scheme No. 3 would cease.

Amendment No. 31 does not address those areas of the District where Council may wish to increase densities to promote specific types of re-development.

Further, some requests for an increase in density coding will be put on hold. Council has resolved that these requests will be considered as part of the deliberations on the proposed No. 3 Town Planning Scheme. Specifically, these requests relate to:

- Nos. 1-3 John Street (currently subject to an amendment under the existing Town Planning Scheme)
- No. 10 and 12 North Street;
- No. 231 Curtin Avenue;
- Stirling Highway – between Eric street and Boreham Road
- Dawson Garden Nursery – Railway Street
- No. 5 Congdon Street.

The existing draft scheme (including Local Strategic Plan) would need to be modified based on the outcome of the amendment process.

Council will also need to determine whether the minimum advertising requirements of the Commission are appropriate or whether further community consultation is required, and if so, to what extent that consultation should occur.

There are time and financial implications.

Option 3 - Proceed with Town Planning Scheme No. 3 - incorporating Amendment No. 31

In this option, the proposed amendment No. 31 is used as the basis for the draft Town Planning Scheme. Council would have to determine whether there are any specific areas it would need to address before it adopted the final version of the Town Planning Scheme and how that would occur.

Once the densities are determined, then the draft Town Planning Scheme can be developed into its final version for adoption by Council.

IMPLICATIONS

This process does not involve a second or additional consultation process. The statutory public submission period for the draft Town Planning Scheme becomes the second consultation process, where as the other options would involve three consultation periods.

COMMENTS FROM SOS COTTESLOE INC.

Council has received a letter from SOS Cottesloe Inc. on proposed Town Planning Scheme No. 3 and proposed Amendment No. 31 to the No. 2 Town Planning Scheme.

The submission from SOS Cottesloe Inc supports option 2. It also makes specific recommendations in terms of informing the community and property owners on rezonings.

CONCLUSION

The options represent those areas that were raised at the briefing session.

Option 1 would probably be the most time consuming and costly. Option 3 would be the least costly and time consuming process to follow. Whilst Options 1 and 2 would allow community input, they would be subject to a second consultation process when the draft Town Planning Scheme is granted approval to advertise as part of the statutory process. A detailed breakdown of anticipated costs has not been prepared and would vary depending upon decisions made by Council on the preferred option.

The statutory process requires Council to advertise the draft Town Planning Scheme, once it has been vetted by the Commission, for public comment during a three month period. Following that submission period, Council can still vary the draft Town Planning Scheme based on community comments or its own determination.

Council needs to provide clear direction for the Consultants and staff so that the draft Town Planning Scheme can be progressed through either of the options presented or any variation to those options.

The Consultant submitted a letter seeking direction in terms of the steps to be taken in the progression of the proposed Town Planning Scheme.

OFFICER RECOMMENDATION

That the following three options be presented to Council for determination of the most appropriate option for the progression of the proposed No. 3 Town Planning Scheme :

Option 1 – Re-Commence Community Consultation Process

Option 2 - Put Proposed Town Planning Scheme No. 3 On Hold And Advance Amendment No. 31 To The Existing Town Planning Scheme

Option 3 - Proceed with Town Planning Scheme No. 3 - incorporating Amendment No. 31

COMMITTEE COMMENT

The Committee discussed the various options and were of the opinion that option 1 and a new alternative option should be presented to Council for consideration.

The new option would result in Council proceeding with both proposed Amendment No. 31 and the proposed No. 3 Town Planning Scheme, with densities based on the principles of proposed Amendment No. 31.

This would enable Council to receive early feedback on the proposed Amendment while still proceeding with the finalisation of the proposed Town Planning Scheme. Consultation would be based on the advertising requirements determined by the Commission, although Council could carry out additional notification if considered necessary.

COMMITTEE RECOMMENDATION

Moved Mayor Hammond, seconded Cr. Ewing

That Council:

- (1) (A) Re-commence the community consultation process; OR
(B) Proceed concurrently with proposed Amendment No. 31 and the preparation of the proposed Town Planning Scheme No. 3 with densities for the proposed No. 3 Town Planning Scheme, based on the principles of proposed Amendment No. 31.
- (2) Advise SOS Cottesloe Inc of Council's decision.

AMENDMENT NO. 1

Moved Cr. Furlong, seconded Cr. Sheppard

That the motion be amended by adding the following:

"(3) Distribute information on the proposed changes in densities to all ratepayers as soon as possible."

Carried 6/5

AMENDMENT NO. 2

Moved Cr. Birnbrauer, seconded Cr. Whitby

That the motion be amended by deleting (1)(A).

Carried 9/2

Cr. Birnbrauer left the meeting at 7.48pm and returned at 7.49pm.

AMENDMENT NO. 3

Moved Cr. Whitby, seconded Cr.

That the motion be amended by the addition of:

"Send an additional letter to affected residents when the WA Planning Commission made a determination on Amendment No. 31."

Lost 4/7

The amended motion became the substantive motion.

SR8

COUNCIL RESOLUTION

That Council:

- (1) Proceed concurrently with proposed Amendment No. 31 and the preparation of the proposed Town Planning Scheme No. 3 with densities for the proposed No. 3 Town Planning Scheme, based on the principles of proposed Amendment No. 31.**
- (2) Advise SOS Cottesloe Inc of Council's decision.**
- (3) Distribute information on the proposed changes in densities to all ratepayers as soon as possible.**

Carried 7/4

SR9 **REQUEST FOR REVIEW OF CONTRACT - SHERYL CHAFFER AND ASSOCIATES**

File No.: 301:00:00
Author: Mr Stephen Sullivan
Report Date: 6 August, 2002
Disclosure of Interest: Nil
Senior Officer: Mr Stephen Tindale

SUMMARY

Having regard to the length of time has elapsed in the formulation of the proposed Town Planning Scheme, the Chief Executive Officer be authorised to review the terms of the contract, having regard to the decision made in SR5.

COMMENT

Sheryl Chaffer and associates were engaged during 1997 to carry out the preparation of the proposed No. 3 Town Planning Scheme. This process has taken longer than originally estimated when expressions of interest were originally called during 1996.

The Manager, Development Services has previously raised with the matter of the contract with the Town Planning Scheme Review Committee in terms of the date that the contract was entered into, the contract price and the delays that have occurred which have been beyond the control of the consultant. The Consultant was requested to prepare a submission to have the terms of the contract reviewed

A letter in support of the request was submitted. The letter outlines various issues that have affected the progress of the draft Town Planning Scheme. Other reasons include:

- almost a complete change in Councillors following the May 1997 elections;
- two reviews of the Residential Planning Codes;
- heritage matters; and
- changes in Council staff.

The finalisation of the draft Town Planning Scheme is close, however, this will depend upon the option determined by Council in item SR8 above.

COMMITTEE COMMENT

The Committee discussed the draft Town Planning Scheme and the progress that had been made to date. It was identified that the major outstanding item on the finalisation of the draft Town Planning Scheme was the determination of densities and compilation of the final documents.

The Committee discussed the contract with Ms Chaffer and the Mayor expressed his concern in relation to the period of time that had elapsed and whether new consultants should be engaged.

The Manager, Development Services expressed concern at this suggestion due to the impact that it would have on the progress of the Town Planning Scheme.

It was agreed to retain the services of the Consultant and that she should complete the compilation of the proposed Scheme as best as possible by the end of November. It was acknowledged that until the determination of densities occurred, then the compilation of the draft Town Planning Scheme could not be completed.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Hammond, seconded Cr. Ewing

Following a determination being made in SR8, the Chief Executive Officer be authorised to review the contract between Sheryl Chaffer and Associates and the Town of Cottesloe for the preparation of the proposed No. 3 Town Planning Scheme.

AMENDMENT

Moved Cr. Furlong, seconded Cr. Sheppard

That the motion be amended by substituting the word “*review*” with the word “*negotiate*”.

Carried

The amended motion was put.

COUNCIL RESOLUTION

SR9 **Following a determination being made in SR8, the Chief Executive Officer be authorised to negotiate the contract between Sheryl Chaffer and Associates and the Town of Cottesloe for the preparation of the proposed No. 3 Town Planning Scheme.**

Carried 10/1

DEVELOPMENT SERVICES COMMITTEE

19 August, 2002

BUILDING

B2 NO. 11 PERTH STREET, COTTESLOE – SWIMMING POOL BARRIER

File No.:	No. 11 Perth Street, Cottesloe
Applicant:	Mr T & Mrs L Brice
Author:	Mr Stephen Sullivan
Report Date:	15 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

Summary

The owners, Mr & Mrs Brice, of No.11 Perth Street have requested that Council apply the pre November 2002 Swimming Pool Regulations to the above property. Council resolved to refer the request back to the Committee for further consideration.

Information has been prepared in relation to the submission of applications.

The Building Surveyor is on leave until Monday, 19 August, 2002 and therefore, comments in relation to the exercise of discretion is not possible. This information will be relayed to the Development Services Committee at its August meeting.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 Part VIII Section 245A. Private Swimming Pools.

Building Regulations 1989 Part 10 – Private Swimming Pools.

Australian Standard 1926.1 – 1993 Fencing For Swimming Pools

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

To implement the current regulations would impose additional costs to Mr & Mrs Brice.

BACKGROUND

At its July meeting, Council resolved to refer this matter back to the Committee to enable a check to be made on the timing of the lodgement of the planning and building applications and Council's powers of discretion in relation to current regulations.

STAFF COMMENT

The following is a chronology of events that have been identified:

	COMMENT	DATE
Plnng Appn Rec'd	No swimming pool shown	15/11/2000
Building Appn Rec'd	No swimming pool shown – application form did not have box ticked for swimming pool as part of the application	16/01/2001
Revised Plnng Plans	No swimming pool shown	2/02/01
Planning Approval Granted		21/02/2001

	COMMENT	DATE
On-site meeting	Vic Etherington (previous Building Surveyor) and owners	13/03/2001
Revised Plan	Revised plans submitted to satisfy conditions (7)(i)-(iii) of Planning Consent - no swimming pool shown	20/03/2001
Approval letter	Letter of approval signed by Manager, Development Services advising that plans received on 30 March 2001 satisfied conditions (7)(i)-(iii) of the Planning Consent.	22/03/01
Structural Drawings	No swimming pool shown	30/03/2001
Demolition Application Rec'd		31/10/2001
New Pool Regulations		05/11/2001
Demolition Licence Issued		27/11/2001
Building Licence Issued	No Swimming pool shown	31/01/2002
On-site meeting	Meeting with Mr Stone and owners	17/05/2002
Planning & Building Application for Swimming Pool Rec'd	Details of swimming pool shown	11/06/2002
Plngng Consent Issued		16/07/2002

There are no notes on the plans to indicate that revised plans for a swimming pool had been submitted.

The swimming pool legislation was amended on the 5 November, 2001, in order to improve the standards relating to swimming pools. Unless specifically addressed in the legislation, any application that is received after the enacted date of that legislation, must comply with the relevant legislation.

Council will be in the same position with the new Residential Design Codes. Once these codes are gazetted, Council is required to make its determination on any application for Planning Consent under that new legislation, irrespective of whether it was submitted before or after the gazettal date. Advice by staff will relate to the current Residential Design Codes until the gazettal date has been released by the State Government.

The Building Surveyor will make further comments on the legislation at the Development Services Committee meeting.

OFFICER RECOMMENDATION

The Building Surveyor will provide further comments to the August meeting of the Development Services Committee.

COMMITTEE COMMENT

The Building Surveyor advised the Committee of an inspection that he had carried out on the site. The work that had been carried out was not in accordance with the swimming pool regulations.

The Building Surveyor recommended that as the pool proposal had not been submitted prior to the gazettal of the new regulations, the existing works had not carried out in accordance with the regulations and there was no structural impediment to the provision of the new swimming pool requirements.

The Committee were of the opinion that the applicant should meet the requirements of the November 2001 Swimming Pool Regulations.

B2

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council approve the building licence with conditions applying to the current swimming pool regulations.

Carried 11/0

PLANNING

TP88

NO. 48 (LOT 16 AND 17) BROOME STREET- PROPOSED TWO, TWO STOREY BRICK & SLATE AND BRICK & METAL RESIDENCES

File No: No. 48 Broome Street
Author: Lisa Goff
Report Date: 9 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: Jengola Pty Ltd & Kinetic Development Investments

Applicant: Greg McCann Architect
Date of Application: 23 July, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 405m² each

SUMMARY

Both of the two storey brick and slate, and brick and metal residences proposed at No. 48 Broome Street are recommended for approval, subject to conditions.

The southern residence, proposed on Lot 17, is generally more compliant with the Town Planning Scheme and Residential Planning Code restrictions. It is

recommended that conditions require minimising the retaining and fill on site. Conditions relating to balcony screening and window modifications have also been recommended to ensure the privacy of the adjoining property is maintained.

Conditions requiring the reduction of the levels proposed for the outdoor areas, the limitation of retaining and fill have been recommended for the northern residence (Lot 16). Compliance with the wall and ridge heights of the main residence has also been recommended, but it is considered that the tower design feature is acceptable at an increased height.

It is considered that window modifications and a balcony screen are appropriate to restrict overlooking into the rear gardens of the adjoining properties.

The consent of neighbouring property owners for the boundary fencing has also been required for both developments. Conditions relating to the restriction of noise emissions from the swimming pool/spa pumps have also been recommended.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	No. 5 - Building Heights
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HERITAGE LISTING:

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

Area of Non-Compliance – NORTHERN RESIDENCE

Statutory Non-compliance	N/A	
Discretionary Provisions	Required	Proposed
Wall height	6.0m (14.93)	6.156m (15.086) to house 7.356m (16.286) to tower
Roof ridge height	8.5m (17.43)	8.87m (17.80)
Side setback to northern ground floor deck wall – height 3.3m, length 6.7m, with major openings	1.7m	Nil

Discretionary Provisions	Required	Proposed
Side setback to northern ground floor wall – height 3.6m, length 28.8m, with major openings	4.5m	2.5m
Side setback to southern ground floor stair wall – height 3.7m, length 11.4m, no major openings	1.2m	Nil
Side setback to southern ground floor kitchen and lanai wall – height 4.1m, length 10.4m, no major openings	1.2m	Nil
Side setback to southern ground floor whole wall – height 4.1m, length 22.5m, with major openings	3.7m	2.42m
Side setback to northern first floor bed 1 wall – height 5.8m, length 8.0m, with major openings	3.0m	1.2m
Side setback to northern first floor whole wall – height 6.2m, length 25.7m, with major openings	5.8m	2.5m
Side setback to southern first floor stair wall – height 6.5m, length 7.7m, no major openings	1.3m	Nil
Side setback to southern bed 3 & bath wall – height 6.7m, length 10.4m, no major openings	1.4m	Nil
Side setback to southern first floor whole wall – height 6.7m, length 22.6m, with major openings	5.5m	2.42m

Area of Non-Compliance – southern residence

Statutory Non-compliance	N/A	
Discretionary Provisions	Required	Proposed
Side setback to southern ground floor guest room and garage wall – height 3.2m, length 13.7m, with major openings	2.1m	1.8m
Side setback to southern ground floor dining room to garage wall – height 3.3m, length 18.4m, with major openings	3.1m	2.5m
Side setback to southern ground floor whole wall – height 3.4m, length 28.5m, with major openings	4.5m	3.0m
Side setback to northern ground floor wall – height 3.3m, length 24.2m, no major openings	1.7m	Nil
Side setback to northern first floor wall – height 6.4m, length 19.7m, no major openings	2.4m	Nil

CONSULTATION

Neighbours notified by registered mail - three submissions received.

A submission has been received from the owners of No. 29 Pearse Street, which is located to the north of the subject property. It raises concern in relation to overlooking from first floor windows and balconies. They have queried shadow diagrams, however the subject site is to the south of their property and so will have no effect on access to northern light.

The owner of No. 27 Pearse Street, also located to the north of the subject site, have expressed concerns regarding a loss of privacy from the first floor balcony and windows.

Concerns regarding overlooking from first floor windows and the rear alfresco area have been received from the owner of No. 46 Broome Street, a property to the south of the subject site. Objection to the proposed building setbacks from the southern boundary and fencing materials have also been submitted. Boundary fencing is an issue for neighbours under the Dividing Fences Act, however, a condition requiring the applicant to consult with the adjoining owner over an appropriate fence material can be considered.

Application has been made for the demolition of No. 46 Broome Street.

The owner of No. 46 Broome Street has queried the 1.2m southern side setbacks proposed. These have been calculated as compliant with the requirements of the Residential Planning Codes, based on wall heights, lengths and the presence of major openings.

The following points of Clause 5.1.2 of the Town Planning Scheme may be applicable to the issues raised in the submissions:

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 –

- (a)*
- (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;*
- (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;*
- (i) in respect of privacy, the impact of verandahs, balconies and of large viewing windows above ground floor level;*
- (j) in respect of overshadowing, the impact on the utilisation of solar energy by neighbouring properties;*

BACKGROUND

The site at No. 48 Broome Street is located on the eastern side of the road, between Pearse and Lillian Streets. There is a 2.5m crossfall on the site,

which consists of two lots (Lots 16 & 17). There is an existing single storey residence that straddles the lots, as well as a swimming pool and outbuildings.

The neighbouring property to the south (No. 48 Broome Street) is in a similar situation with one house over two lots. The properties to the north of the subject site all face Pearse Street and have rear boundaries common with the subject site.

STAFF COMMENT

The existence of two lots allows the development of two new, two storey residences to be developed, without the requirement for subdivision. The two buildings proposed in this application are different in appearance and calculations have been completed separately as they are proposed on separate land titles.

The areas of non-compliance are generally greater for the northern residence. This residence, although similar in design to the southern building, has floor levels that are 0.5m higher, despite the fall of the land being consistent across the lots. As such, the overall building heights and the setback calculations are affected by this.

The developments are compliant with the front setbacks, open space, rear setbacks and overshadowing requirements.

Side Setbacks

Clause 2.5.2 of the Residential Planning Codes allows the setbacks between buildings to be reduced to Nil, at the applicant's discretion, if subdivision is concurrent with development:

2.5.2 In the case of a subdivision involving the development of two or more single houses the side setback between adjoining houses in the subdivision may be reduced to nil.

It is considered that this clause has provided the basis for the design of the proposed residences, although the development is technically ineligible for consideration under that clause because the lots are existing. The tables indicating areas of non-compliance at the beginning of this report reflect the internal boundary setbacks as variations to the Code requirements.

The southern residence is generally compliant in terms of side setbacks. The southern side setback variations are for ground floor walls and have occurred because the wall heights have averaged out at over 3.0m (which makes them ineligible for consideration under Table 2 of the Codes) and because of the presence of major openings. The affect of particular major openings will be discussed later in the report, however it is generally considered that ground floor major openings do not affect the privacy of adjoining neighbours.

There are a number of setbacks proposed for the northern residence that have been calculated as non-compliant with the R Code provisions. The wall heights and extension of the rear deck to the side boundary have increased the number of variations.

Building Heights

The building heights for the northern residence have been calculated as being non-compliant, while the southern residence does comply (there is 0.5m difference between the floor levels of the developments). The northern residence has a tower design feature at the front, and is higher than the rest of the building.

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 of Lot 16 has been determined as RL 8.93 using this method.

The wall height for the main residence has been calculated at 0.156m above the height restriction, while the tower feature has a wall height 1.356m higher. The main part of the development could easily be lowered to comply with the 6.0m requirement, while Council needs to decide whether the tower design feature is appropriate.

The roof ridge height of the development has also been calculated as non-compliant by 0.37m.

For new development, there is the opportunity to comply with the restrictions, and in this instance, the design of the neighbouring building (on the southern lot) has indicated that compliance is achievable. Furthermore, the neighbouring buildings on either side of the subject sites are single storey so an overheight development will have a greater impact (although it is acknowledged that application for the demolition of No. 48 Broome Street has been made).

Ground Levels

The timber decks at the rear of both developments are raised above the natural ground level by 1.1m (northern residence) and 0.8m (southern residence). The development proposes boundary fencing as part of the application, which is

shown on the plans as being 1.8m above the proposed ground and deck levels, and which screens the neighbouring properties from. However, the 1.8m fence heights do not take account of any retaining. From the levels of the adjoining properties, the fences are going to be up to 2.9m and 2.6m high, which is considered excessive.

The proposed ground and deck levels could be lowered by stepping the development, which would decrease the height required for the boundary fencing to achieve privacy. A level that is 0.5m above the natural ground level is generally considered to be appropriate, which

Overlooking

Overlooking usually occurs from first floor windows or balconies, as boundary fencing generally obscures vision from ground floor openings. Major openings (openings larger than 1.5m² to habitable rooms) have generally been limited on the first floor for both these developments, and especially for the northern building.

The southern development has a number of south facing windows which are coloured. This generally means they are obscured, however conditions can be placed on the windows to ensure this.

The northern development has a major opening to the first floor lounge room and balcony that may overlook the rear gardens of the adjoining properties. These are also major openings that have affected the setback calculations for those walls, with the potential for the setbacks to become compliant through modifications to the openings.

Voting

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- (1) GRANTS its Approval to Commence Development for the two storey brick and slate residence at No. 48A (Lot 16) Broome Street Cottesloe, as shown on the plans received on the 31 July, 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 by the Manager, Engineering Services, to construct a new crossover, where

- required, in accordance with the local law. The crossover must be located at least 1.5m from the base of the existing street tree.
- (e) Any front boundary fencing to Broome Street being of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) The applicant providing Council with a copy of the signed consent of the adjoining property owners for the proposed boundary fences, prior to issue of a building licence.
 - (g) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the finished floor levels of the deck and lanai area being lowered to RL 8.85, and the northern boundary fencing being lowered correspondingly;
 - (ii) retaining walls along the northern boundary being reduced to a maximum of 0.5m above the natural ground level;
 - (iii) the wall and ridge heights of the proposed development (excluding the tower design feature at the front of the building) being lowered to a maximum of RL 14.93 and RL 17.43, to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;
 - (iv) the northern window to the first floor family 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;
 - (v) the northern side of the first floor balcony being fitted with fixed, obscure screening to a minimum height of 1.65m above the floor level;
 - (vi) the spa pump being adequately screened to prevent the emission of noise into adjoining properties.
- (2) GRANTS its Approval to Commence Development for the two storey brick and metal residence at No. 48 (Lot 17) Broome Street Cottesloe, as shown on the plans received on the 31 July, 2002, subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where

- required, in accordance with the local law. The crossover must be located at least 1.5m from the base of the existing street tree.
- (f) Any front boundary fencing to Broome Street being of an "Open Aspect" design and the subject of a separate application to Council.
 - (g) The applicant providing Council with a copy of the signed consent of the adjoining property owners for the proposed boundary fences, prior to issue of a building licence.
 - (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) retaining walls along the northern boundary being reduced to a maximum of 0.5m above the natural ground level;
 - (ii) the southern windows to the ground floor lanai, and the first floor spa, shower, void, bath and wc 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 southern side of the first floor balcony being fitted with fixed, obscure screening to a minimum height of 1.65m above the floor level;
 - (iv) the swimming pool pump being adequately screened to prevent the emission of noise into adjoining properties.
- (3) Advise the submitters of this decision.

COMMITTEE COMMENT

There was general agreement that there were too many areas of non-conformity with the Residential Planning Codes and that the buildings should comply with all relevant setback and height provisions. It was agreed that they could allow the turret but no other concessions would be permitted.

COMMITTEE RECOMMENDATION

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Greg McCann – Architect for the proposed development of two, two storey brick & slate and brick & metal single houses at No. 48 (Lot 16) Broome Street and No. 48A (Lot 17) Broome Street ; and
- (2) Request that the applicant submit revised plans showing conformity with the:
 - (a) provisions of the Residential Planning Codes; and
 - (b) height controls under the Town Planning Scheme, apart from the tower.
- (3) The submitters be advised of Council's decision.

AMENDMENT

Moved Cr. Morgan, seconded Cr. Utting

That Items (1)(g) and all the text up to the word "showing", plus (2)(g)(iv)-(vi); plus (2)(h) and (i)-(iv) from the Officer Recommendation be added to the Committee Recommendation under (3) and renumbered.

Carried 11/0

The amended motion was put.

TP88 COUNCIL RESOLUTION

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Greg McCann – Architect for the proposed development of two, two storey brick & slate and brick & metal single houses at No. 48 (Lot 16) Broome Street and No. 48A (Lot 17) Broome Street ; and
- (2) Request that the applicant submit revised plans showing conformity with the:
 - (a) provisions of the Residential Planning Codes; and
 - (b) height controls under the Town Planning Scheme, apart from the tower;
- (3) Request that the applicant submit revised plans for approval of the Manager of Development Services showing:
 - (a) northern window to the first floor family room 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;
 - (b) northern side of the first floor balcony being fitted with fixed, obscure screening to a minimum height of 1.65m above the floor level;
 - (c) spa pump being adequately screened to prevent the emission of noise into adjoining properties;
 - (d) retaining walls along the northern boundary being reduced to a maximum of 0.5m above the natural ground level;
 - (e) the southern windows to the ground floor lanai, and the first floor spa, shower, void, bath and wc 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;

- (f) the southern side of the first floor balcony being fitted with fixed, obscure screening to a minimum height of 1.65m above the floor level;
- (g) the swimming pool pump being adequately screened to prevent the emission of noise into adjoining properties.

(4) The submitters be advised of Council's decision.

Carried 11/0

TP89

NO. 40 (LOT 3) GRANT STREET- PROPOSED BRICK, HARDIPLANK AND METAL SECOND STOREY AND GARAGE ADDITIONS

File No:	No. 40 Grant Street
Author:	Stephen Sullivan
Report Date:	9 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Tindale
Property Owner:	David and Marian Lin
Applicant:	Thompson Ong and Associates
Date of Application:	18 June, 2002
M.R.S. Reservation:	Urban
Zoning (TPS No. 2):	Residential
Density:	R20
Lot Area:	617m²

SUMMARY

The application for a proposed brick, hardiplank and metal second storey and garage additions to the existing residence at No. 40 Grant Street, Cottesloe, is recommended for approval, subject to conditions.

It is considered that Council should approve the secondary street setbacks to Lyons Street under Clause 1.5.4 of the Residential Planning Codes, as adequate traffic sight lines are maintained. A condition requiring compliance applies to the rear garage because it is considered that the structure will be imposing on the streetscape and for pedestrians at a setback of only 0.6m.

The wall height of the proposed studio addition is also recommended for approval as minimal floor to ceiling heights have been used. The variation qualifies under Clause 5.1.1 of the Scheme for consideration, as it is an extension to an existing building and the site is sloping.

A condition requiring compliance with the front setback (Table 1 of the Residential Planning Codes) of the proposed deck off bedroom 2 is imposed on the recommendation. Although the property currently has a solid front wall, it is considered that the deck structure will still be visible as it is raised above ground level and has a pergola over it. Council has been requiring compliance with the 6.0m front setback for consistency in the streetscape.

It is recommended that the roof height of the rear garage be required to comply with Town Planning Scheme Policy No. 4. This will require lowering of only

0.2m, and will reducing the imposing nature of the building on the streetscape, the adjoining property, and pedestrians.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	No. 4 - Outbuildings
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HERITAGE LISTING:

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

AREA OF NON-COMPLIANCE

Statutory Non-compliance	N/A	
Discretionary Provisions	Required	Proposed
Wall height	6.0m	6.0 – 6.7m
Front setback to decking (south)	6.0m	5.65m
Side setback to Garage/Workshop	6.0m 1.5m secondary street setback	0.6m
Side setbacks to porch, foyer & bedroom 3	6.0m 1.5m secondary street setback	1.5m
Height of outbuilding	4.0m	4.2m

CONSULTATION

Neighbours notified by registered mail - no submissions received.

BACKGROUND

No. 40 Grant Street is located on the western corner of the Grant Street and Lyons Street intersection. There is a crossfall of approximately 3.8m over the site, and a vacant lot is located immediately to the west. An existing brick residence is located centrally on the property, with a carport at the northern end of the site.

The existing building generally maintains the appearance of a single storey residence, however is comprised of two levels.

STAFF COMMENT

The current application proposes to retain the current residence and extend it with the addition of a deck and porch to the ground floor level, and a studio as a third level. A new garage/workshop is proposed at the rear of the property, with access from Lyons Street.

Building Height

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.

The existing residence is over two levels with the ground floor level extending out, and a lower level being introduced as the land slopes away. The proposed addition is to be constructed on the south-western side of the residence, where the building is currently single level. This will have a stepping effect, where the building will remain as two storeys at any one point. The exception to this is where the lower ground store, ground floor kitchen and first floor studio overlap, however the lower ground store is not a habitable room.

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 RL 51.96 by averaging the levels at the four corners of the site, as the slope on the property is regular.

The wall height has been calculated at a maximum of 0.7m above the height restriction. The roof ridge height is compliant.

The wall height variation has occurred because the addition is proposed on the high side of the site, and is over an existing building. These are both criteria that the Scheme states should be considerations for a variation to the height restriction, if the amenity of the surrounding area is not unreasonably diminished. Minimum floor to ceiling heights have been used for the studio.

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 front setback for this site is considered to be from Grant Street, despite the entry to the building being from Lyons Street. The residence currently complies with the 6.0m front setback requirement under the Residential Planning Codes with a setback of 7.5m. It is proposed to add a deck to the south of bedroom 2 which is raised approximately 0.7m above the natural ground level at that location. The plans indicate the deck will be covered with a pergola.

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.

Council has been consistently requiring a 6.0m front setback for new developments over the previous few years.

Side Setbacks

Clause 1.5.4 of the Residential Planning Codes allows a lesser setback to be granted for properties that abut more than one street reserve. That ruling may be applied to the eastern boundary of the subject property, as the Grant Street boundary is determined to be the primary frontage.

The Codes have determined that a setback of 1.5m is appropriate, if traffic sight lines are not affected. The porch extension on the eastern side of the existing residence complies with the secondary street requirements.

The new garage at the rear of the site proposes an eastern setback of only 0.6m. The garage wall extends for 9.1m along the eastern boundary and there is a footpath adjoining the structure.

Rear Setback

Clause 2.1.2 of the Residential Planning Codes allows a 40m² 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 carparking at the rear of the property (with access from a secondary street, as is the situation with No. 40 Grant Street).

Clause 2.1.2 is a Code provision that can be exercised at the applicant's discretion, and allows the development of "*one or more walls built up to one or more side or rear boundaries*".

A 40m² courtyard, with a minimum dimension of 5.0m is proposed in the north western corner of the property. The rear garage proposed as part of this application is located on the northern boundary, and there has been no objection to it from the adjoining property owner.

Outbuildings

The size and bulk of outbuildings is controlled under Town Planning Scheme Policy No. 4 in the Town of Cottesloe. The proposed garage is considered to be an outbuilding as it is a freestanding structure, separate from the main dwelling.

The structure generally complies with the wall height and floor area restrictions within the policy. The roof height is restricted to a 4.0m maximum, and the proposed structure is in excess of the restriction by 0.2m. It is considered that the structure could be easily modified to comply, which would reduce the effect of bulk on the streetscape and the adjoining property.

Voting

Simple Majority.

TP89 **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council grant planning consent for the brick, hardiplank and metal second storey and garage addition at no. 40 (lot 3) Grant Street, cottesloe in accordance with the plans received on the 24 & 26 July, 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 new front boundary fencing to Grant Street, and for the southern 6.0m of the Lyons Street boundary, 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 garage roof ridge height being lowered to a maximum of 4.0m above ground level, to comply with Town Planning Scheme Policy No. 4 – Outbuildings;
 - (b) the development being setback at least 6.0m from the front (Grant Street) boundary;
 - (c) the rear garage being setback at least 1.5m from the eastern (Lyons Street) boundary, in accordance with Clause 1.5.4 of the Residential Planning Codes (secondary street setbacks).

Carried 11/0

TP90

NO. 37 (LOT 49) JOHN STREET – PROPOSED REMOVAL OF EXISTING ROOF COVER OVER EXISTING OUTDOOR EATING AREA AND REPLACEMENT WITH A NEW ROOF COVER AND SIDE WALL - JOHN STREET CAFE

File No: No. 37 John Street
Author: Stephen Sullivan
Report Date: 12 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

Property Owner: M I Winter
Applicant: Mrs P Hall
Date of Application: 17 June, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 637m²

SUMMARY

The applicants are proposing to change the roof of the existing pergola structure locate to the north-east of the existing building and to construct a 2.4m high side boundary fence on the eastern boundary of the site.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Residential Planning Codes
Building Code of Australia

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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HERITAGE LISTING:

State Register of Heritage Places -	N/A
TPS No. 2 – Schedule 1	N/A
Town Planning Scheme Policy No. 12	N/A
Draft Heritage Strategy Report - John Street Heritage Area - Essential	
Municipal Inventory -	Category 3
National Trust -	N/A

Area of Non-Compliance

Statutory Non-compliance	Required	Provided
N/A		
Discretionary Provisions	Required	Provided
Construction forward of the building line to John Street	6.0m	1.3m
Side boundary setback	1.0m	Nil

CONSULTATION

One neighbour notified by registered mail - no submissions.

BACKGROUND

This application is one of three abutting applications for Planning Consent. The proposals have been considered by the Design Advisory Panel and Council's Heritage Consultant. Each application will be considered separately.

STAFF COMMENT

The proposal before Council involves the removal of the roof cover over the existing external eating area on the property and replacement with a new pitched roof. It is proposed to extend the roof cover to the boundary (nil setback) and columns on the boundary are proposed to support the roof.

A 2.4m high fence is also proposed to be built along the eastern side boundary, from the existing building to the John Street boundary.

The Design Advisory Panel expressed concern in relation to the proposed wall along the eastern boundary. Discussions with Council's temporary Building Surveyor have indicated that the proposed addition would not comply with the requirements of the Building Code of Australia. This will require the structure to be setback from the boundary to meet these requirements.

Council's Heritage Consultant has advised that in principle no objections are held, although further details would be required.

Therefore, it is recommended that Planning Consent be granted subject to the:

- (i) roof structure being modified to comply with the Building Code of Australia requirements; and
- (ii) boundary wall be set back 1.3m from John Street and the height of the wall being lowered to 1.8m.

COST OF ADVICE

Councillor Utting previously requested that the cost of seeking advice from the Heritage Consultants should be included in the report. The three applications were referred to the Consultant for advice. The cost of this advice for the three proposals was \$490. The Planning fee received from the applicant for the three projects was \$1,135.

Voting

Simple Majority.

OFFICER RECOMMENDATION

That Council:

GRANTS its Approval to Commence Development for the proposed roof cover over the existing courtyard area and eastern side fence at No. 37 (Lot 49) John Street Cottesloe, as shown on the plans received on the 16 June, 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) 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.
- (3) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (a) the proposed eastern boundary fence being setback 1.3m John Street and such wall being having a maximum height of 1.8m;
 - (b) the roof covered structure being set back at least 0.45m from the eastern side boundary and the columns being set back 0.9m from that boundary.

COMMITTEE COMMENT

The Committee agreed to the request from the owner of the property to permit the eastern boundary fence to be 1.2m in height for the first 1.3m of that boundary.

COMMITTEE RECOMMENDATION

That Council:

GRANTS its Approval to Commence Development for the proposed roof cover over the existing courtyard area and eastern side fence at No. 37 (Lot 49) John Street Cottesloe, as shown on the plans received on the 16 June, 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) 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.

- (3) Revised plans being submitted for approval by the Manager, Development Services, showing:
- (a) the proposed eastern boundary fence being 1.2m for the first 1.3m, then 1.8m thereafter;
 - (b) the roof covered structure being set back at least 0.45m from the eastern side boundary and the columns being set back 0.9m from that boundary.

TP90 **COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Furlong

That the matter be deferred at the request of the applicant.

Carried 11/0

TP91 **NO. 39 (LOT 48) JOHN STREET- PROPOSED TWO STOREY BRICK, WEATHERBOARD AND TILE RESIDENCE**

File No: No. 39 John Street
Author: Lisa Goff
Report Date: 29 July, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: M Winters
Applicant: P Hall
Date of Application: 17 June, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 637m²

SUMMARY

The application for a two storey brick, weatherboard and tile residence at No. 39 John Street, Cottesloe, is recommended for approval, subject to conditions.

It is recommended that the building be lowered to comply with the minor area of non-compliance relating to the roof ridge height. This should be achieved without modifying the roof pitch, which is consistent with the character of the street, and will slightly increase the north-westerly aspect from No. 97 Broome Street.

Modifications to the eastern pane of the first floor bed 2 window are recommended to protect the privacy of the adjoining property at No. 97 Broome Street.

It is recommended that Council approve the location of the western ground floor wall on the boundary, subject to a detailed plan being submitted indicating how landscaping can reduce the impact of the parapet from the front elevation.

The plan will be subject to approval by the Manager, Development Services prior to issue of a building licence.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

TPS Policy Implications:	No. 5 - Building Heights
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HERITAGE LISTING:

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

Area of Non-Compliance

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Side setback to western ground floor boundary wall – height 2.8m, length 17.3m, no major openings	1.5m	Nil
Side setback to first floor western wall – height 6.0m, length 14.8m, with major openings	4.0m	2.9m
Roof ridge height	8.5m (32.05)	8.59m (32.14)

CONSULTATION

Neighbours notified by registered mail - one submission.

One submission has been received from the owners of No. 97 Broome Street, a property to the east of the subject site. The submission indicates objections to the impact of a two-storey development on the existing westerly aspect, and the reduction of privacy.

The submission points out that the adjoining residences (No's 95 and 99 Broome Street) are in the same ownership as the subject property, therefore negating any objection or comment on the proposed development on similar grounds.

It is considered that the bay window projecting from the rear of bed 2 will impact on the privacy of the property at No. 97 Broome Street. It is considered that treatment of the east-facing pane of that window will minimise overlooking.

In relation to the obstruction of westerly views, the two storey section of the proposed development is located to the north-west of No. 97 Broome Street, and will impact on that aspect. There is a 1.79m difference between the floor levels of No. 97 Broome Street and the proposed development, with No. 97 being higher. The single storey portion of the proposed residence extends to the rear of the property, however considering the difference in levels, it is considered that No. 97 will maintain a westerly aspect over the proposed development.

Design Advisory Panel Comment

The application was considered by the Design Advisory Panel on Tuesday 6 August 2002. The Design Advisory Panel supported the proposal provided that the height of the development complied with the height controls for the site.

In response to the submission from the owner of No. 97 Broome Street, the Panel were of the opinion that both the existing and proposed development impacts on the outlook from the property at No. 97. The proposed development is only two storeys at the front of the site and single storey to the rear.

Heritage Advice

Circulated separately from this report is a copy of the comments received from Council's Heritage Consultant on this proposal. The submission raises various issues which have been discussed with the Architect for the project. They have submitted a letter in response to those comments.

BACKGROUND

The property at No. 39 John Street is located on the eastern side of the John Street Café. There is a public street to the east and south of the subject property, although it maintains the appearance and use of a right of way. A small truncation (approximately 2.0m x 2.0m) exists on the corner of the public streets, although the existing fence is set in and makes the truncation larger.

There is currently a single storey brick and iron residence on the site, and this building is recommended as a contributory building under the draft Heritage Strategy. The proposal is to demolish the existing residence and develop a new two storey residence.

STAFF COMMENT

Heritage

It is preferable to retain contributory buildings under the draft Heritage Strategy, however, new development can be supported if the following conditions are met:

- *The development to replace the item to be demolished is of a scale and character compatible with the scale and character of*

development in the area and designed to a high functional and architectural standard;

- *Replacement development has been given approval; and*
- *The approval includes a legal commitment that the approved building be (sic) will be constructed.*

Discussions between the Manager, Development Services and the property owners have indicated that the owners are willing to enter into an agreement requiring an approved dwelling to be constructed.

The draft Residential Conservation and Development Guidelines contain provisions for new development. The proposal is for a contemporary design, using neutral colours and is setback from the street, where a front setback greater than the required 6.0m is planned. The car parking is proposed to be at the rear of the property, with access from the right of way/public street. These factors should reduce the impact of the new dwelling on the streetscape. The other factors listed by the Guidelines are:

- Incorporation of traditional character elements in a contemporary manner;
- Form and roof pitch to fit well with neighbouring buildings;
- Open fencing in accordance with street character;
- Consistent and appropriate materials.

The roof ridge has been hipped to allow a pitch that reflects that of the neighbouring John Street Café, while virtually containing a two storey development within the height restriction. The hip is apparent in the roof style of the adjoining residence to the east (side setback).

Side Setbacks

Two variations to the Code provisions for side setbacks are proposed. A long boundary wall has been proposed on the eastern side of the site, abutting the John Street Café. The wall consists of two parapet sections that connect with the main house, and an open-air court where the boundary fence height is consistent with the parapet sections. As such, there is the appearance of one boundary wall in the western elevation.

The café has a timber deck area at the front of the property, which extends close to the eastern boundary, and contains openings. Council's building surveyor has indicated that standard fire rating issues are applicable in this instance, as the Café is the non-compliant structure.

The proposed boundary wall is less than 3.0m high, and greater than 17.0m long and as shown, requires Council to approve a concession. If there is a variation to setback provisions, Clause 1.5.8 (f) of the Codes details appropriate options for boundary wall variations. The proposal does not comply with these additional options.

However, the John Street Café is the affected premises, and it is considered that the wall will not affect the amenity of that property. Furthermore, the Café and the subject property are owned by the same person, so there is no objection to the wall. The Café is a non-conforming use under Town Planning

Scheme No. 2, and the wall is providing a noise and privacy buffer to a development that is consistent with the Residential zoning.

From a streetscape perspective, the proposed wall will bring the Café and the new development very close together, where the existing buildings maintain approximately a 2.75m gap. The boundary wall starts at 18.0m from the front boundary, so the distance should reduce the impact. There are also windows located facing north and south on the sections of building that project to the western boundary, which increases transparency.

The second side boundary setback variation relates to the upper floor western wall, containing the front balcony. This balcony is considered as a major opening under the Codes and therefore has a greater setback requirement. However, the balcony gains westerly views across the front of the John Street Café, which is under the same ownership as the subject property, and is open to the general public, so there is considered to be no effect on the amenity of that property.

Roof Ridge Height

A minor variation of 0.09m has been calculated for the roof ridge height. The natural ground level at the centre of the site has been determined as RL 23.55, through extrapolation between the contours of a survey diagram. The wall height is compliant, and it is considered that the building can be easily lowered to account for the 0.09m, without affecting the design and maintaining the roof pitch.

Voting

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- (1) GRANTS its Approval to Commence Development for the two storey brick, weatherboard and tile residence at No. 39 (Lot 48) John Street Cottesloe, as shown on the plans received on the 18 June and 29 July, 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) Any front boundary fencing to John Street and for the northern 6.0m of the eastern boundary shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (e) Revised plans being submitted for approval by the Manager of Development Services, showing:

- (i) details of the proposed retaining walls, boundary fences and finished ground levels along the boundaries;
 - (ii) the roof ridge height of the proposed development being lowered 0.09m to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text, without modification to the roof pitch;
 - (iii) the east facing pane of the upper floor bed 2 window 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) details of landscaping reducing the impact of the western boundary parapet from the front elevation.
- (2) Advise the submitter of this decision.

COMMITTEE COMMENT

The Committee supported the project and agreed to modify the recommendation based on the comments contained in point 3 of the Architect's letter dated 13 August, 2002 relating to the front elevation.

TP91 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) **GRANTS its Approval to Commence Development for the two storey brick, weatherboard and tile residence at No. 39 (Lot 48) John Street Cottesloe, as shown on the plans received on the 18 June and 29 July, 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) **Any front boundary fencing to John Street and for the northern 6.0m of the eastern boundary shall be of an "Open Aspect" design and the subject of a separate application to Council.**

- (e) Revised plans being submitted for approval by the Manager of Development Services, showing:
- (i) details of the proposed retaining walls, boundary fences and finished ground levels along the boundaries;
 - (ii) the roof ridge height of the proposed development being lowered 0.09m to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text, without modification to the roof pitch;
 - (iii) details of landscaping reducing the impact of the western boundary parapet from the front elevation; and
 - (iv) the canterlivered bay window projecting a maximum of 0.8m from the face of the building.

(2) Advise the submitter of this decision.

Carried 11/0

TP92

NO. 99 (LOT 45) BROOME STREET – PROPOSED DEMOLITION OF AN EXISTING GARAGE APPURTENANT TO AN EXISTING SINGLE STOREY RESIDENCE AND CONSTRUCTION OF A NEW GARAGE

File No: No. 99 Broome Street
 Author: Stephen Sullivan
 Report Date: 12 August, 2002
 Author Disclosure of Interest: Nil
 Senior Officer: Stephen Tindale

Property Owner: M I Winter
 Applicant: Mrs P Hall
 Date of Application: 17 June, 2002

M.R.S. Reservation: Urban
 Zoning (TPS No. 2): Residential
 Density: R20
 Lot Area: 602m²

SUMMARY

The applicants are proposing to demolish an existing garage and replace it with a new structure, which has access from the right of way located to the rear of the site.

The application is recommended for approval.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

TPS Policy Implications: N/A

HERITAGE LISTING:

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

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Required	Proposed
N/A		
Discretionary Provisions	Required	Proposed
Reversing Distance	6.0m	4.2m

CONSULTATION

One Neighbour notified by registered mail - No submissions.

STAFF COMMENT

The Design Advisory Panel had no objection to the proposal.

The applicants are seeking to vary the minimum reversing distance for the garage. The reversing distance is 4.2m and the minimum distance is 6.0m. The length of the garage is 6.0m (5.5m minimum required) and the opening is 5.2m, with the internal garage width being 7.8m (5.6m minimum required).

The length of the garage is in excess of the requirements and therefore, the length of the garage can be reduced to help manoeuvre into the garage by approximately 0.5m. Due to the width of the garage door opening, the internal width of the garage and the reduction in the length of the garage, it is recommend that a variation be granted for the reduced reversing space.

Voting

Simple Majority.

TP92 COMMITTEE RESOLUTION DETERMINED UNDER DELEGATED AUTHORITY

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 GRANTS its Approval to Commence Development for a the demolition of the existing garage structure and construction of a new garage to an existing single house at No. 99 (Lot 45) Broome Street, Cottesloe in accordance with the plans submitted on the 18 June, 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 internal length of the garage be reduced to 5.5m.

Carried at Committee Meeting 5/0

TP93

NO. 57 (LOT 1) ERIC STREET- PROPOSED TWO STOREY METAL ADDITION TO THE EXISTING RESIDENCE

File No: No. 57 Eric Street
Author: Lisa Goff
Report Date: 9 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: M & A Mercer
Applicant: Odden Rodrigues Architects
Date of Application: 24 July, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 823m²

SUMMARY

The proposal is recommended for approval, subject to conditions. It is considered that Council should make an exercise of discretion to approve the building heights under Clause 5.1.1 (c) of the Scheme.

It is also considered that the western side setback of 2.4m is appropriate for a secondary street.

The recommendation imposes a condition relating to the projection of the studio into the front setback area, requiring it to comply with Clause 1.5.4 of the R Codes.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	No. 5 - Building Heights
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HERITAGE LISTING:

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

Area of Non-Compliance

Statutory Non-compliance	Min/Required	Proposed
N/A		
Discretionary Provisions	Min/Required	Proposed
Wall height	6.0m (14.95)	7.05m (16.00)
Flat roof height	7.0m (15.95)	7.55m (16.50)
Western side setback	6.0m	2.4m secondary street setback
Front setback	6.0m	4.8m

CONSULTATION

Neighbours notified by registered mail - one submission in support of the development.

The neighbour backing onto the subject property has written in support of the proposed height extension of the southern boundary fence, as it will increase privacy for both properties. The rear setback of the subject property is compliant with the 40m² courtyard requirement of R Code Clause 2.1.2.

BACKGROUND

The property at No. 57 Eric Street is located on the south-east corner of the Eric Street – Marmion Street intersection. The site is triangular in shape and has a fall of over 4.0m from west to east. The property has two street frontages (Eric and Marmion Streets) and an existing low profile, white brick residence.

A similar application to what is proposed was considered by Council at its July, 2002 meeting. In that application, the upper floor addition was located to the rear of the site whereas it is now located to the front of the site in a more prominent position.

STAFF COMMENT

The application is for minor ground floor modifications to the existing building and the addition of a two-storey studio at the front of the property. The additions are contemporary in design and are proposed to have a metal finish. The areas where Council is required to make an exercise of discretion for variations from Town Planning Scheme and Residential Planning Codes requirements are as follows.

Building Heights

The proposed structure extends over the existing patio at the front of the property. In the calculation of building height, a 7.0m flat roof restriction has been used, as this is considered to be applicable design of the building.

The substantial fall of the land has indicated that the natural ground level at the centre of the site (for the calculation of building height) is RL 8.95. The existing building is constructed on the high side of the property, and has a floor level that is over 1.0m higher than the central natural ground level. The wall height and flat roof height of the proposed studio are therefore non-compliant by a maximum of 1.05m and 0.55m respectively.

Clause 5.1.1 (c) of the Town Planning Scheme states:

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

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

It is considered that both these areas of variation (topography and extensions to existing structures) are applicable to the subject site.

The sloping roof design of the addition incorporates minimum floor to ceiling heights (2.4m) at the southern end and 3.1m ceiling heights at the northern end. The addition adds bulk to the building, however it is isolated. Marmion Street is at a higher level than the subject property, the addition is located a long way from adjoining properties, and the Eric Street road reserve is wide.

It is considered that the 6.0m wall height is not applicable in this instance, as with most flat roofed developments. The ceiling height is indistinguishable from the flat roof height, and it is the roof height that provides the external parameters.

Front Setback

The existing building currently complies with the 6.0m setback requirement from Eric Street. The actual room space for the studio (shown as a broken line on the plans), also complies with the 6.0m setback. The external front of the studio projects forward into the front setback by 1.2m, in an angular manner.

A standard eaves projection into a specified setback area is determined to be 0.75m under Clause 1.5.4 of the Residential Planning Codes. Generally, the existence of eaves is characteristic of a pitched roof structure, rather than a flat roofed design. In this instance, the projection produces greater bulk and presence than a standard eave because it projects at the western and eastern ends.

Side setback

Clause 1.5.8 (c) of the R Codes allows a secondary street setback to be reduced to 1.5m, if adequate traffic sight lines are maintained. In this instance, Marmion Street is higher than the property and the adequate road verges of

both Marmion and Eric Streets provide the required sight lines. The proposal is for a setback of 2.4m, which is in excess of the required 1.5m.

Voting

Simple Majority.

OFFICER RECOMMENDATION

That Council:

GRANT its Approval to Commence Development for the two storey metal addition to the existing residence at No. 57 (Lot 1) Eric Street, Cottesloe in accordance with the plans received on the 24 July, 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 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.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) Any front boundary fencing to Eric Street and for the northern 6.0m of the Marmion Street boundary being of an "Open Aspect" design and the subject of a separate application to Council.
- (7) Revised plans being submitted for approval by the Manager, Development Services, showing the building being setback at least 6.0m from the Eric Street boundary (the roof only is able to project a maximum of 0.75m as an eave under Clause 1.5.4 of the Residential Planning Codes).

COMMITTEE COMMENT

The Manager, Development Services explained to the Committee that the previous proposal involved the addition of a second storey to the rear of the existing building, whereas the revised proposal resulted in the addition being located at the front to of the site.

The Committee expressed concern in relation to the non-compliance with the height controls, the prominent position of the site and the use of metal cladding on the sides of the addition. It was resolved to refer the application to the Design Advisory Panel for comment.

TP93 **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) defer consideration of the application for Approval to Commence Development submitted by Odden and Rodrigues for a second storey addition and alterations to the existing building at No. 57 (Lot 1) Eric Street; and
- (2) refer the application to the Design Advisory Panel for comment.

Carried 11/0

TP94 **NO. 132 (LOT 65) GRANT STREET- PROPOSED GARAGE AND PORTICO**

File No: 132 Grant Street
Author: Janine McDonald
Report Date: 13 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: Mr & Mrs J & K Mann
Applicant: As Above
Date of Application: 2 July, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 707m²

SUMMARY

The purpose of this report is for Council to make a determination on an application for planning consent for a new garage and portico entryway.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

TPS Policy Implications:	No. 3 – Garages and Carports in front Setback Area
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HERITAGE LISTING:

State Register of Heritage Places - N/A

TPS No. 2 -	N/A
Town Planning Scheme Policy No. 12	N/A
Draft Heritage Strategy Report - Claremont Hill Precinct - Non-contributory	
Municipal Inventory -	N/A
National Trust -	N/A

Area of Non-Compliance

Statutory Non-compliance	Max/Required	Proposed
N/A		
Discretionary Provisions	Max/Required	Proposed
Front Setback (Portico)	6m	4.1m
Side Setback (Garage)	1m	Nil

CONSULTATION

Neighbour notification not required – applicant is adjoining owner affected by the proposal.

STAFF COMMENT

Background

In April 2000, the landowners applied to the Western Australian Planning Commission for the green title subdivision of the parent Lot (Lot 36) to create 2 new titles of 731m² and 451m². The application was granted approval subject to the 731m² lot (No. 132) being provided with 2 car parking bays.

Proposal

The proposed development comprises an enclosed garage and a portico entryway. It is proposed to modify the existing enclosed front boundary fence to Grant Street to accommodate a crossover and walkway to the above but to retain the rest of the fence.

Front and Side Boundary Setback Variations

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. In this instance the proposed portico projects out to a setback of approximately 4m.

Table 2 of the Residential Planning Codes indicates there is a 1.0m side boundary setback requirement for walls less than 3 metres in height without major openings to habitable rooms. In this instance, a nil setback between the garage and the side boundary has been provided.

Clause 1.2 of the Residential Planning Codes requires compliance with the provisions of the Codes to achieve desired objectives. However, Clause 1.5.7 of the Codes allows Council to approve lesser setbacks provided it has regard to:

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

With respect to point 3 above, there is the likelihood that when the adjacent lot (No. 132a) is developed, that the garage to that development will abut the garage on No. 132. This has the potential to negatively impact upon the streetscape in the locality. Further, Council's heritage strategy identifies the Claremont Hill locality as having heritage value and therefore new development should be consistent with, or not detract from, existing development in the area. Generally speaking, development in this locality is set away from boundaries.

Finally, it is considered that there is scope to move the proposed development off the boundary to achieve the required setbacks or alternatively, to provide parking at the rear of the lot with access from the right-of-way.

CONCLUSION

The proposed development be approved subject to adequate setback from the boundaries as specified in the Residential Planning Codes.

Voting

Simple Majority.

TP94 COMMITTEE RESOLUTION DETERMINED UNDER DELEGATED AUTHORITY

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 GRANTS its Approval to Commence Development for a garage at No. 132 (Lot 36) Grant Street, Cottesloe in accordance with the plans submitted on the 2 July, 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 applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (4) Revised plans being submitted for approval by the Manager, Development Services, showing the development being set back a minimum of:
 - (a) 1.0m from the eastern side boundary; and
 - (b) 6.0m from the front boundary.

Carried at Committee Meeting

TP95 NO. 101 (LOT 1) BROOME STREET- PROPOSED SECOND STOREY ADDITION AND RENOVATION TO EXISTING HOUSE

File No: No. 101 Broome Street
Author: Janine McDonald
Report Date: 14 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: Mr & Mrs R & J Ashton
Applicant: As above
Date of Application: 13 July, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R20
Lot Area: 334m²

SUMMARY

The purpose of this report is for Council to make a determination on an application for planning consent for a second storey addition and renovations to an existing single storey single house.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No.2
Residential Planning Codes of WA

POLICY IMPLICATIONS

TPS Policy Implications:	Building Heights Policy No. 5
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HERITAGE LISTING:

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

Area of Non-Compliance

Statutory Non-compliance	N/A	
Discretionary Provisions	Max/Required	Proposed
Front Setback to East – New Upper Floor Balcony	6m	3.6m
Wall Height	6m	0.1m – 0.4m

Discretionary Provisions	Max/Required	Proposed
Ridge Height	8.5m	0 – 0.2m
Side Setback to North – Upper Floor – Bedroom 3 and Bathroom 2 wall	1.2m	1m

CONSULTATION

Neighbours notified by registered mail - 1 submission was received.

STAFF COMMENT

Background

This item was previously considered by Council at its meeting of 22 July, 2002 which resolved to:

“refer this item to the Design Advisory Panel and defer consideration of this item until the August meeting of the Development Services Committee.”

The issue causing particular concern was the variation to the front setback required for the proposed upper floor balcony. In this regard, the original officer's report stated that:

“The Residential Planning Codes require that any development under the R20 zoning be setback a minimum of 6m from the front boundary. In this particular case a 6m front setback cannot be achieved for the ground floor as it is an existing structure. However, the east facing upper floor balcony is a proposed new structure and therefore requires a 6m setback. The balcony is proposed to be located on top of the existing ground floor verandah with a 3.6m setback from the boundary.

Administration is concerned that the overall scale and bulk of the addition at a close proximity to the front boundary will visually disrupt the amenity of the area. It is therefore recommended that the upper floor east facing balcony be removed from the application.”

Design Advisory Panel Comments

There was some concern by various members of the Panel that the extended roof would be detrimental to the adjoining, lower property to the south.

Some members thought that the design was sympathetic to the existing building. However, the Panel were of the opinion that the proposed addition was not appropriate in the context of its setting and therefore, the variation to the front setback was not supported.

Therefore, based on those comments, the Committee's July 2002 recommendation to Council is submitted for approval. This committee recommendation required the deletion of the upper balcony.

TP95 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) Grant planning consent for a second storey addition and renovation at no. 101 (lot 1) Broome Street, Cottesloe, in accordance with the plans received on 13 June, 2002 and 5 July, 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. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve or adjoining properties. Details on the method to be used for the disposal of the stormwater runoff within the boundaries of the site 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) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing the East facing upper floor balcony being deleted from the plans.
- (2) The submitter being notified of this decision.

AMENDMENT

Moved Cr. Morgan, seconded Cr. Rattigan

That the motion be amended by deleting (1)(d).

Lost 2/9

The original motion was put.

COUNCIL RESOLUTION

That Council:

- (1) **Grant planning consent for a second storey addition and renovation at no. 101 (lot 1) Broome Street, Cottesloe, in accordance with the plans received on 13 June, 2002 and 5 July, 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. - Construction sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve or adjoining properties. Details on the method to be used for the disposal of the stormwater runoff within the boundaries of the site 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) Revised plans shall be submitted by the applicant for approval by the Manager of Development Services, such plans showing the East facing upper floor balcony being deleted from the plans.

(2) The submitter being notified of this decision.

Carried 9/2

TP96

NO 26 (LOT 90) WILLIAM STREET, COTTESLOE – SUBMISSION OF REVISED PLANS FOR A PROPOSED TWO STOREY SINGLE HOUSE - BASED ON DETERMINATION MADE BY THE TOWN PLANNING APPEAL TRIBUNAL

File No.:	No. 26 William Street
Author:	Stephen Sullivan
Report Date:	13 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Tindale

Property Owner:	Mr and Mrs Moullins
Date of request:	12 August, 2002

SUMMARY

The original application was considered by Council at its December 2001 meeting. Council imposed certain conditions when it issued its Planning Consent. The owners appealed to the Town Planning Appeal Tribunal against the imposition of conditions (g)(iii), (iv) and (v) of that approval.

The Tribunal dismissed the appeal against condition (g)(iii), but varied the condition to require changes to the garage – to the satisfaction of Council. The appeal against condition (g)(iv) was upheld. Condition (g)(v) was partly upheld by requiring the building to be set back from the side boundary and allowing the boundary wall to be located on the eastern boundary.

The appellants were required to submit revised plans addressing the re-location of the garage from the western boundary and the suitable design for re-establishing the garage.

Revised plans have been submitted which address most of the concerns relating to the decision of Council and the Town Planning Appeal Tribunal. Further time is required to assess one of the directions made by the Town Planning Appeal Tribunal and therefore further comments will be made to the Development Services Committee.

STAFF COMMENT

Circulated separately was a copy of the:

- (1) letter from the Architect advising of the changes to the plans required by the Tribunal and other minor variations;
- (2) original plans which Council considered at its December, 2001 meeting; and
- (3) revised plans as a result of the Tribunal decision (which have been identified as set "C").

A comparison of the two sets of plans shows that the revised plan:

- (1) now complies with conditions (g)(i) and (ii) of Council's original approval;
- (2) shows the deletion of the pergola to the front of the development (compliance with the Tribunal decision);
- (3) has the garage set back 0.9m from the western side boundary (a 1.0m is required under the R-Codes); and
- (4) shows the retention of the boundary wall on the eastern side boundary (permitted by the Tribunal).

The consequence of conformity with the conditions of approval and the Tribunal decision is that the elevational treatment to William Street has changed. The revised street elevation, which is not a matter for consideration by Council, is more in keeping with the Residential Conservation and Development Guidelines.

The only issue that remains is the Tribunal's requirement in paragraph 67 of the decision. The Tribunal disallowed the appeal in respect of condition (iii):

"...but it imposes an alternative condition that the dwelling be redesigned to ameliorate the impact of the garage doors to the satisfaction of the Council."

The original plans showed the garage opening to be 5.2m wide and 2.4m high. The revised plans show the garage opening to be 4.8m wide and 2.6m high. The internal width of the garage is 5.8m. A computer generated 3D image of the proposal has been prepared and the Manager, Development Services will be viewing this on Friday 16 August, at the architect's office.

Further consideration is required on this matter and therefore additional comments will be made to the Development Services Committee at its August meeting.

Officer recommendation

Additional comments will be made to the Development Services Committee by the Manager, Development Services following further assessment of the proposal relating to the design of the garage.

COMMITTEE COMMENT

The Manager, Development Services advised the Development Services Committee that he was satisfied with the revised plans that had been submitted in response to the determination made by the Town Planning Appeal Tribunal and the special conditions of Planning Consent imposed by Council.

The committee was satisfied with the revised plans.

TP96 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council authorises the Manager, Development Services to accept the revised plans annotated as Set “C” received from Smith and Hooke Architects on the 12 August, 2002, as they satisfy:

- (1) Conditions (g)(i), (ii) and (iii) of its original Planning Consent;**
- (2) the section of Condition (g)(v) of its original Planning Consent that relates to the garage being set back from the western boundary; and**
- (3) the Tribunal direction in paragraphs 67 and 76 of the appeal determination relating to the garage design.**

Carried 10/1

TP97 PROPOSED SALE OF SPITE STRIP BETWEEN NOS 9 AND 11 WEBB STREET – SUBMISSION OF REVISED SUBDIVISION PLANS

File No: 9 & 11 Webb Street
Author: Stephen Sullivan
Report Date: 13 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Mr Stephen Tindale

Property Owner: Town of Cottesloe
Applicant: Mr Kalnenas
Date of Request 3 July, 2002

SUMMARY

Council has agreed to sell to the owner of No. 9 and 11 Webb Street, a portion of Council owned spite strip between the two properties.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Development Act

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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FINANCIAL IMPLICATIONS

Revised proposal would not affect any financial considerations.

BACKGROUND

At its June 2002 meeting, Council resolved as follows:

That Council:

- (1) *having provided State-wide notice under the Local Government Act and there being no submissions received, agree to the disposal of the portion of Lot 66 marked reserve on Plan 5627 (Vol 1890, Folio 736) adjoining No. 9 (Lot 33) Webb Street, Cottesloe, subject to:*
 - (a) *the cost of the land as indicated by the Valuer General's report, and other costs associated with subdivision and settlement, being borne by the owners of Nos 9 & 11 Webb Street;*
 - (b) *the completion of all relevant processes to comply with applicable legislation;*
 - (c) *a legal agreement that agrees to the amalgamation of these lots as per the plan submitted by Mr Kalnenas to the Development Services Committee Meeting on 17 September, 2001.*
- (2) *advise the applicant that it does not support the use of the right of way as sole access to any of these blocks and this should be noted in the agreement.*
- (3) *Mr and Mrs Kalnenas confirm in writing the acceptance of the conditions outlined above.*
- (4) *Following receipt of the written advice in (3), the Manager, Development Services be authorised to undertake the necessary steps to achieve the sale of the portion of land identified in part (1) above.*

STAFF COMMENT

The applicant has submitted a revised plan for consideration by Council – refer to copy of covering letter and revised plan for subdivision circulated separately from the agenda.

The following table highlights the changes proposed based on the revised plan:

Proposal	No. 9 Webb	No. 11 Webb
Existing Lot Areas	1083m ²	934m ²
September 2001 plan	850m ²	1167m ²
July 2002 plan	900m ²	1116m ²

Currently, the existing subdivision layout would allow for four dwellings. The September, 2001 proposal would have reduced this potential to three dwellings. The current proposal would increase the development potential to four dwellings based on the existing R20 density coding.

Voting

Absolute Majority.

OFFICER RECOMMENDATION

That Council:

- (1) *proceed with the sale of the spite strip based on Council's June 2002 resolution, subject to part (1)(c) being modified to reflect the revised subdivision plan received on 3 July, 2002; and*
- (2) *advise Mr Kalnenas of Council's decision.*

COMMITTEE COMMENT

The Development Services Committee expressed concern in relation to the change to the lot configuration. The revised subdivision could result in the subdivision of the westernmost lot width of 8.75m. This was seen to be inconsistent with the existing lot widths in the street and therefore, the Committee did not support the revised subdivision plan.

TP97 **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council advise Mr Kalnenas that it:

- (1) will only proceed with the sale of the spite strip based on Council's June 2002 resolution and the plan submitted in support of that request; and
- (2) requires his acceptance in writing of this decision before proceeding with the sale of the spite strip.

Carried 10/1

TP98 **NO. 8 (LOT 77) MARINE PARADE – PROPOSED TWO STOREY RENDER AND METAL RESIDENCE – REQUEST FOR VARIATION TO CONDITION OF PLANNING CONSENT**

File No:	8 Marine Parade
Author:	Janine McDonald
Report Date:	13 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Sullivan
Property Owner:	Mr G Dodds
Applicant:	Webb, Brown & Neaves
Date of Application:	24 July, 2002
M.R.S. Reservation:	Urban
Zoning (TPS No. 2):	Residential
Density:	R30
Lot Area:	286m²

SUMMARY

The applicants have previously obtained Council's Planning Consent. They have re-submitted a new application seeking relief from condition (1)(g) of Council's original approval.

The applicants did not undertake the required notification process and this has just commenced.

Direction is sought from Council in terms of whether it is prepared to re-consider the imposition of Condition (1)(g) of the previous approval.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Residential Planning Codes of Western Australia
Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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HERITAGE LISTING:

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

AREAS OF NON-COMPLIANCE

Discretionary Provisions	Min/Required	Proposed
Rear setback	6.0m av	7.0m av calculated from the centre of the right of way.
Side setback to southern ground floor garage wall – height 2.9m, length 9.0m, no major openings	1.0m	Nil
Side setback to southern ground floor ensuite wall – height 3.0m, length 14.0m, no major openings	1.5m	1.0m
Side setback to northern first floor dining room wall – height 6.2m, length 13.2m, no major openings	1.7m	1.5m

CONSULTATION

Neighbour notification not undertaken in error. Notification is currently underway. Letter of support from neighbours directly to the north has been provided.

STAFF COMMENT

Background

This proposal was previously submitted for planning approval in April 2002 with a staff recommendation to approve the proposed development despite the areas of non-compliance. With specific reference to the rear setback, the planning officer reported that:

“it does not meet the 6m setback requirement measured from the lot boundary to the garage as stipulated in Table 1 of the Residential

Planning Codes. However, clause 1.5.8(d) the Residential Planning Codes also state:

“Where a lot adjoins a right of way, pedestrian access way or similar the required setback may be reduced by half the width of the right of way or accesway .The effect of this is that the setback is measured from the centreline of the right of way...”

When applying the above, the 6m rear setback does average and therefore comply. Council is encouraged to acknowledge this compliance and apply discretion to the rear setback variation.”

At the Development Services Committee of 20 May, 2002 concern was expressed regarding the rear boundary setback and the difficulty in manoeuvring into and out of the garages having regard to the fact that the right of way terminates at the southern boundary of this site.

In order to address its concerns, the Committee added condition (1)(g) which required compliance with the 6m rear setback without variation. Council accepted the Committee’s recommendation.

Current proposal

The applicant resubmitted the proposal on the 24 July, 2002 specifically requesting a reconsideration of Condition 1(g). However the applicant did not undertake neighbour notification in accordance with Clause 7.1.4 – 7.1.5 of the Scheme other than to receive the prior consent of the rear landowner to the setbacks proposed. The applicant has been advised to undertake neighbour notification immediately.

In order to progress this matter without further delays, staff is seeking advice from Council whether it would be willing to now support the proposal with a relaxation to the rear set back requirement as originally proposed and if so, to allow delegation to the Manager, Development Services to determine the application once neighbour notification is complete.

Voting

Simple Majority.

TP98 **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) Delegate to the Manager, Development Services its authority to make a determination on the application for planning consent for No. 8 (Lot 77) Marine Parade under Section 7.10 of the Town of Cottesloe Town Planning Scheme No. 2 text, following completion of all of the necessary formalities.**
- (2) Support the variation to the rear setback as set out in clause 1.5.8(d) of the Residential Planning Codes.**

Carried 11/0

TP99 **NO. 8 (LOTS 34 & 35) LOMA STREET- PROPOSED GARAGE, SWIMMING POOL, LANDSCAPING AND FENCE ADDITIONS TO THE EXISTING RESIDENCE**

File No:	No. 8 Loma Street
Author:	Lisa Goff
Report Date:	8 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Sullivan
Property Owner:	D Gurney
Applicant:	Ariane Prevost Architect
Date of Application:	22 July, 2002
M.R.S. Reservation:	Urban
Zoning (TPS No. 2):	Residential
Density:	R20
Lot Area:	1310m²

SUMMARY

The application for garage, swimming pool, landscaping and fence additions to the existing residence at No. 8 Loma Street, Cottesloe, is recommended for approval. The property is listed on Schedule 1 of the Town Planning Scheme, as a property with heritage significance. The proposed renovations and additions are considered to be complimentary to the existing building and its setting.

Clause 6.2.3 of the Scheme allows Council to approve works on this property, despite non-compliances with the R Codes or other provisions of the Scheme. The western setback of the garage is non-compliant with the requirements of the R Codes, however the overall design of the structure is complimentary to the existing residence. The garage has utilised the minimum widths available for double parking.

The neighbouring property owner has concerns regarding access to light. Planning requirements generally focus on access to northern light rather than eastern light as is applicable in this instance.

The garage is proposed with an 8.0m front setback, in line with the hard face of the building. The verandah of the residence projects further forward for an additional 2.5m. It is considered that the western side of the garage could be opened up into pillars, and the roof be set back 0.45m from the western boundary (to comply with the BCA). This will provide a more open structure, technically compliant with the definition of a carport, and will allow light and space between buildings.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Local Law - Fencing

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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Area of Non-Compliance

Statutory Non-compliance	N/A	
Discretionary Provisions	Min/Required	Proposed
Side setback to western garage wall – height 3.6m, length 10.5m, no major openings	1.2m	Nil

CONSULTATION

Neighbours notified by registered mail - one submission received.

A submission has been received from the owners of No. 4 Loma Street, which is located to the west of the subject property. The property is directly affected by the proposed garage being located on the boundary, and raises concern in relation to the height of the boundary wall and inaccuracies on the plans.

The submission states that the garage structure will obscure eastern light from entering two rooms, although it does not state the use of these rooms. Clause 5.1.2 of the Town Planning Scheme relates to amenity and states the following in relation to sunlight:

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 –

- (a)*
- (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;*
- (l) the Council may refuse approval to any non-residential development if more than 50% of an adjoining lot would as a result of that development be in shadow at noon on the 21st June.*

Access to northern light is considered important under the Residential Planning Codes and Clause 5.1.2(l) of the Scheme, which both restrict overshadowing at the winter solstice.

The submission also clarifies the status of existing structures and current setbacks.

BACKGROUND

The property at No. 8 Loma Street is located on the northern side of the street, near the Broome Street intersection and consists of two lots, for a total land area of 1310m². The site has a crossfall of 3.5m down towards the right of

way, and the existing residence is located towards the south-west corner of the property.

The existing residence on the site is listed on Schedule 1 of Part VI of Town Planning Scheme No. 2 – *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest*. This listing gives the property statutory protection, with Council approval required for any development on the site, including landscaping and fencing. The Scheme also contains the following provision, which allows Council to approve development irrespective of compliance with the Scheme or Residential Planning Codes:

6.2.3 If the Council decides to give its written consent to the commencement or carrying out of any development or other work referred to in paragraph 6.2.1, the Council may give that written consent notwithstanding that the development or work involved does not comply with the Residential Planning Codes or with any requirement or standard specified in or arising out of this Text.

The property is also an essential element of the John Street heritage area and a Category 2 place on the Municipal Inventory.

STAFF COMMENT

The front of the building is original, and has been extended with a skillion roofed structure at the rear. It is proposed to conserve and restore the original part of the house, while demolishing the rear section which is in poor condition. It is further proposed to construct an open aspect front fence, a garage, and a swimming pool, and landscape the garden.

Fencing

The front fencing generally complies with the definition of open aspect under the Town of Cottesloe Local Law on Fencing. The fence height has been stepped to follow the natural slope of Loma Street, and produces a more open fence than development up to the maximums under the definition provides.

The electrical and gas meter box on the western side of the proposed fence is non-compliant with the fencing definition, however it is balanced out by the remainder of the fence. Furthermore, the residence faces east so the solid section will obscure only the proposed carport.

Landscaping

The proposed landscaping will require the removal of most trees from the site. There is no supporting documentation detailing the significance of any vegetation, and the proposal will provide an improved setting for the building than the existing unkempt surrounds. The landscaping has taken account of the natural levels of the site, with some terracing being incorporated on the eastern side.

The proposal also incorporates the addition of a below ground swimming pool in the north-eastern corner of the property. This is at natural ground level and incorporates safety fencing.

Garage

A new parking structure is proposed on the western side of the existing residence. Technically the structure is considered a garage, as greater than 50% of the perimeter is enclosed, however this does not alter the required standards. The proposed structure has a front setback of 8.5m, which is in line with the solid face of the existing building.

The structure has the ability to cover up to four cars in tandem formation, which is in excess of the two parking bays per property required under the Codes. The proposal for double width requires the structure to be located on the western boundary. The R Codes requires a setback of 1.2m under normal circumstances for a wall with the proposed dimensions.

There is an existing lean-to patio/verandah structure on the western side of the house, and dense vegetation. The proposed garage will be higher than the existing structure, and will require a 3.6m high boundary wall for 10.5m. This is approximately twice the height of a standard fence, and includes 0.75m of retaining due to the slope of the land.

The adjoining house to the west has a carport under the main verandah of the house, against the eastern boundary of that property. The existing structure at No. 4 Loma Street and the proposed structure at No. 8 are only abutting for a distance of 2.6m. The structure at No. 4 maintains a 4.0m front setback and is 7.0m long.

Consultation with the applicant has determined that pillars along the western side of the property are appropriate instead of a solid wall. The Building Code of Australia requires the roof to be set in at least 0.45m from the boundary to be compliant with fire rating standards. This option will not provide total weather-proofing for all four vehicles, but will maintain some space and light between structures.

Voting

Simple Majority.

TP99

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) **GRANTS its Approval to Commence Development for a garage, swimming pool, landscaping and fence additions to the existing residence at No. 8 (Lots 34 & 35) Loma Street, Cottesloe in accordance with the plans received on the 22 July and 2 August, 2002, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights**

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

- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law. The crossover must be located at least 1.5m from the base of the existing street trees.
- (f) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the western wall of the carport being reduced to pillars above the 1.8m standard fence height;
 - (ii) the side of the carport roof being setback at least 0.45m from the western boundary to comply with the requirements of the Building Code of Australia.

(2) Advise the submitters of this decision.

Carried 11/0

TP100 NO. 529 (LOT 101) STREET- PROPOSED PYLON SIGN TO THE COTTESLOE MEDICAL CENTRE

File No:	No. 529 Stirling Hwy
Author:	Janine McDonald
Report Date:	14 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Foundation Medical Centres
Applicant:	Compac Marketing
Date of Application:	19 July, 2002
M.R.S. Reservation:	Primary Road Reservation
Zoning (TPS No. 2):	Town Centre
Density:	N/A
Lot Area:	N/A

SUMMARY

The purpose of this report is to seek Council approval to the display of a pylon sign.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Metropolitan Region Town Planning Scheme
 Town of Cottesloe Town Planning Scheme No. 2
 Town of Cottesloe By-law No. 33 – Signs, Hoardings and Billpostings

POLICY IMPLICATIONS

TPS Policy Implications:	Policy No. TPSP 010 - Advertising
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HERITAGE LISTING:

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

AREA OF NON-COMPLIANCE

Statutory Non-compliance	N/A
Discretionary Provisions	N/A

CONSULTATION

Main Roads Western Australia – no objection subject to imposition of conditions.

STAFF COMMENT

The proposed pylon sign is approximately 2.4m wide by 5.8m high and is located on the northern most corner of the Cottesloe Medical Centre site within 4 metres of Stirling Highway and Forrest Street. Copies of the plans are circulated separately from this report.

Provision of signage is subject to Town Planning Policy No. 10 – advertising. The proposed signage is not contrary to any provisions contained within the policy.

Voting

Simple Majority.

TP100 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) **GRANT its Approval to Commence Development pursuant to the provisions of the Metropolitan Region Scheme, for the pylon sign at No. 529 (Lot 101) Stirling Highway, Cottesloe, as shown on the plans received on 19 July, 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 except with the written consent of Council.
 - (c) The type of sign and location comply fully with all relevant by-laws and planning schemes made by Council.
 - (d) The sign and sign structures are to remain on private property and do not encroach upon or hang over onto the road reserve.
 - (e) The signs do not flash or pulsate.
 - (f) A low level of illumination is used.
 - (g) No other unauthorised signing is displayed.
 - (h) The signs must not be modified without Main Roads or Councils approval.

- (2) **That Council GRANT its Approval to Commence Development for the pylon sign at No. 529 (Lot 101) Stirling Highway, Cottesloe in accordance with the plans received on the 19 July 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 except with the written consent of Council.
 - (c) The type of sign and location comply fully with all relevant by-laws and planning schemes made by Council.
 - (d) The sign and sign structures are to remain on private property and do not encroach upon or hang over onto the road reserve.
 - (e) The signs do not flash or pulsate.
 - (f) A low level of illumination is used.
 - (g) No other unauthorised signing is displayed.
 - (h) The signs must not be modified without Main Roads or Council's approval.

Carried 8/3

TP101 NO. 121 (LOT 6) GRANT STREET, COTTESLOE – TWO STOREY ADDITIONS AND ALTERATIONS TO AN EXISTING SINGLE HOUSE

File No: 121 Grant Street
Author: Stephen Sullivan
Report Date: 13 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

Property Owner: K D Hitchen & B E Meredith
Applicant: Gerard McCann Architect
Date of Application: 19 June, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R 20
Lot Area: 1442m²

SUMMARY

The purpose of this report is for Council to make a determination for planning consent on additions and alterations to the above-mentioned property in the draft Claremont Hill Heritage Area.

It is recommended that approval be granted subject to certain special conditions of Planning Consent.

STRATEGIC IMPLICATIONS

Draft Town of Cottesloe Heritage Strategy.

STATUTORY ENVIRONMENT

Cottesloe Town Planning Scheme No. 2
 Residential Planning Codes

POLICY IMPLICATIONS

TPS Policy Implications: Building Heights Policy No. 5

HERITAGE LISTING:

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

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
N/A		

Discretionary Provisions	Max/Required	Proposed
Wall Height	6.0m	7.3m to 7.8m
Ridge Height	8.5m	8.6m to 10.5m
Side Setback to West – Upper Storey Wall to Bedroom 1, Ensuite and Wardrobe with Major Openings	3.4m	1.6m
Proposed Boundary wall – eastern boundary - 2.7-3.2m high by 12.2m in length	1.5m	Nil
Modifications to existing garage (existing set back of 1.2m)	6.0m	4.5m
Proposed Arbours	N/A	1.2m – 2.8m
Secondary Setback to Joinery Way	6.0m	1.2m

CONSULTATION

Neighbours were notified by registered mail. No submissions were received.

BACKGROUND

Council records indicate that an application was submitted to Council for a new two-storey residence in February of 2000. The application was approved by Council at the March Council Meeting of 2000. However, the development was not carried out.

The topography of the lot lends itself to a cross fall of 3.49m sloping down from the front of the property to the rear.

STAFF COMMENT

Design Advisory Panel Comments

The Design Advisory Panel expressed concern in relation to the bulk of the proposed addition and its impact on the existing building and streetscape. It was considered that the proposed additions should be lowered to reduce the impact of the additions.

This would result in greater conformity with the height controls under the existing Town Planning Scheme and a less dominant addition.

Basement Games Room

The basement games room results in the development being three storeys in height. The lowering of the additions will result in the basement being located further into the ground.

Side Setback

A variation exists for the wall that accommodates Bedroom 1, Ensuite and Wardrobe on the western side of the lot. The Residential Planning Codes require a 3.4m setback from the boundary. The applicants have proposed 1.6m resulting in non-compliance.

In order to achieve compliance, the applicants can provide fixed obscure glazing to the Bedroom 1 window to a height of 1.65m from the upper floor level. Undertaking the above-mentioned will result in a setback requirement of 1.4m needed for that wall which is provided and therefore, would comply.

Secondary Street Setback to Joinery Way

The applicant is proposing to set the garage back 1.2m from Joinery Way. This is an additional parking structure as it is proposed to modify the existing car parking structure that is located forward of the building setback line to Grant Street.

The streetscape is still emerging in Joinery Way. It is anticipated that the streets of Pennefather Lane, Joinery Way and McNamara Way will for some time, continue to be used as service roads to the rear of sites.

It is considered that the set back to Joinery Way should be at least 1.5m.

Eastern Boundary Wall

The boundary wall is located to the rear of these very deep Grant Street lots. These lots are capable of being developed with three dwellings, although this has yet to happen. In this instance, the owners are seeking to develop a substantial dwelling on the site.

The site to the east is a landscaped area. The proposed boundary wall varies in height from 2.7 to 3.2m and is 12.2m in length. Having regard to the surrounding development and the current use of the adjoining property, no objection is held to the proposed side setback variation.

Grant Street Works

It is proposed to modify the existing garage which is setback 1.2m from Grant Street and is located on the western boundary. The proposal is to convert the garage into a carport and set it back 4.5m from Grant Street. No objection is held to modification to the existing garage.

Arbours are proposed forward of the existing dwelling. Structures of this type are not controlled by the Residential Planning Codes. The detail of these arbours are not clear and therefore, further detail should be submitted for approval by the Manager, Development Services.

The existing fence has been removed, although it is not clear from the plans as to the landscaping treatment to the front of the property. It appears as though there will be no fence to Grant Street. Again, further detail would resolve this matter.

CONCLUSION

It is recommended that the application for Planning Consent be granted subject to the imposition of certain conditions relating to:

- (a) building height;
- (b) number of storeys,
- (c) western upper floor setback;
- (d) details of the arbour and front fencing;
- (e) tennis court fencing; and
- (f) secondary street setback.

Voting

Simple majority

TP101 **OFFICER & COMMITTEE RECOMMENDATION**

That Council GRANT its Approval to Commence Development for the proposed two storey additions and alterations to the existing single house at No. 121 (Lot 6) Grant Street, Cottesloe in accordance with the plans received on 19 June, 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 applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (5) Any front boundary fencing to Grant Street being of an "Open Aspect" design and the subject of a separate application to Council.
- (6) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (a) details of the proposed retaining walls, boundary fences and finished ground levels along the eastern and western boundary;
 - (b) the wall and ridge height of the proposed addition being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;
 - (c) the building complying with the number of storeys as defined in Clause 5.1.1 of the Town Planning Scheme text;
 - (d) details of the proposed arbours;
 - (e) details of the proposed tennis court fencing; and
 - (f) the garage being setback 1.5m from the Joinery Street boundary.

COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Furlong

That the item be deferred at the request of the applicant.

Carried 11/0

TP102 NO 231 (LOT 2) CURTIN AVENUE, COTTESLOE – FURTHER REQUEST FOR PROPOSED DENSITY INCREASE FROM R20 TO R30

File No.:	No. 231 Curtin Avenue
Author:	Stephen Sullivan
Report Date:	August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Tindale

Property Owner:	Mrs Nicholson
Date of request:	17 September, 2001

M.R.S. Reservation:	Urban
Zoning (TPS No. 2):	Residential
Density:	R20
Lot Area:	615m²

SUMMARY

To make a determination on a request for an amendment to the existing Town Planning Scheme to increase the density coding of the No. 231 Curtin Avenue from "R20" to "R30".

It is recommended that the request for an amendment to the existing Town Planning Scheme to increase the density coding of the site from R20 to R30 not be supported.

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2
TPS Policy Implications:	Nil
Financial Implication:	Nil
Strategic Implication:	Nil

NOTIFICATION OF NEIGHBOURS

Neighbours were not required to be contacted in respect to the request for an amendment to the Town Planning Scheme.

Public notification is normally undertaken if the amendment request is supported by Council and will occur as part of the statutory scheme amendment process.

STAFF COMMENT

Council has previously considered this request for an increase in density coding on three previous occasions, and on each of those occasions, Council has not supported those requests. The requests were considered in 1995, 1997 and 2001. Council resolved that the first two requests should be considered as part of the preparation of the proposed Town Planning Scheme.

The basis for the request for a density increase is Mrs Nicholson's letter of the 15 September, 2001. A further letter has been submitted in support of the request.

BACKGROUND

At its October, 2001 meeting Council resolved as follows in response to Mrs Nicholson's request:

That Council:

- (1) *is not prepared to initiate an amendment to the existing Town Planning Scheme to increase the density coding of No 231 (Lot 2) Curtin Avenue, Cottesloe from "Residential" R20 to "Residential" R30 as it is of the opinion that the increase in density would:*
 - (a) *result in a development that would adversely affect the amenity of adjoining properties;*
 - (b) *have a negative impact on the streetscape by the creation of two narrow width lots; and*
 - (c) *be inconsistent with the direction Council is taking in relation to the density of development within the district.*

- (2) *Advise the applicant of Council's decision.*

Current Request

The following general comments are made in response to the issues raised in the recent letter.

Over the years, Council staff and Councillors have inspected the office site at No. 233 Curtin Avenue and viewed the rear of Mrs Nicholson's property (No. 231 Curtin Avenue) when considering various applications for Planning Consent for the development of the four sites on the corner of Curtin Avenue and Athelstan Street. Conditions of Planning Consent have been imposed to address specific issues relating to amenity.

One of the main issues raised in the letter is the amount of noise emanating from the adjoining property. Noise from people is an uncontrollable factor and is dependent upon the people living in those premises. The issue is whether there is sufficient justification through "noise" from an adjoining residential property to warrant from a planning perspective, to increase the density of the applicants site. Following on from that matter, the implications of the density increase need to be carefully examined to determine whether such an increase is warranted. Matters such as the result type of development, building bulk, traffic movements, effect on adjoining properties, etc need to be carefully examined.

The frontage to Curtin Avenue is 15.19m but is angled. The applicants site is 14.08 m in width across the rear of the site. This results in an "effective width" of 7.04m for any future lot if the site is subdivided in the middle based on an R30 density coding. This would result in one of the narrowest width lots in the District.

The examples quoted in the letter at No. 77 Napier Street and Nos. 38-40 Railway Street are special cases. The site at No. 77 Napier Street already had two separate titles. Council objected to the proposed subdivision but the Western Australian Planning Commission approved the re-alignment of the common boundary. The site at No. 38-42 Railway Street had a single house that was erected across three lots. In both cases, the owners did not have to seek Commission approval for the creation of an additional lot, unlike the current situation which requires a Scheme Amendment to bring about the density increase.

The development standards between the R20 and the R30 are the same except for land area requirements. The ultimate development of the four adjoining sites, with setbacks between the upper levels provide some break in the building bulk. It should be noted that even at R20, the site at No. 233 Curtin Avenue (site area of approximately 1,380m²) could have been developed for three grouped dwellings or three single houses (subject to Commission approval for the variation to the minimum lot area requirement).

As stated in the letter received from the owner, it is expected that a subdivision would result in two storey development occurring on No. 231 Curtin Avenue. This in itself, can create problems to the adjoining property owners. This has been a concern especially in relation to the potential impact on the properties to the south and west of No. 231 Curtin Avenue.

In terms of Curtin Avenue, Council has noted the proposal for the Fremantle to Cottesloe traffic Study that seeks to develop a two lane road to the east of Curtin Avenue. Curtin Avenue would then be downgraded to a service road, as the regional traffic would use the new two lane road. It would be expected that suitable noise attenuations measures would be incorporated as part of the new road design.

The split density coding referred to in the letter seeks to encourage development along Stirling Highway in a specific manner. To obtain the increased density coding, applicants need to re-develop more than two lots without vehicular access to Stirling highway. In this instance, an increase in the density of the site will result in additional traffic movements onto Curtin Avenue, possibly with more vehicles backing onto the street.

CONCLUSION

Concern is expressed at the potential impact that the development would have on the adjoining properties and therefore, the request for an increase in the density coding is not supported.

It is considered that the density coding of R20 should remain and therefore, Council's October, 2001 resolution is submitted for endorsement.

TP102 **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) is not prepared to initiate an amendment to the existing Town Planning Scheme to increase the density coding of No 231 (Lot 2) Curtin Avenue, Cottesloe from "Residential" R20 to "Residential" R30 as it is of the opinion that the increase in density would:**
 - (a) result in a development that would adversely affect the amenity of adjoining properties;**
 - (b) have a negative impact on the streetscape by the creation of two narrow width lots; and**
 - (c) be inconsistent with the direction Council is taking in relation to the density of development within the district.**

(2) Advise the applicant of Council's decision.

Carried 6/5

TP103 NO. 24 (LOT 15) PRINCES STREET- REQUEST FOR APPROVAL IN PRINCIPLE FOR A TWO STOREY DEVELOPMENT OF EIGHT MULTIPLE DWELLINGS PLUS BASEMENT CAR PARKING AREA

File No: No. 24 Princes Street
Author: Stephen Sullivan
Report Date: 14 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

Property Owner: J Nelson and A King
Applicant: Overman Zuideveld
Date of Application: 25 July, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Residential
Density: R30
Lot Area: 1702m²

SUMMARY

For consideration by Council in relation to the concept plans submitted for the re-development of the site.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Residential Planning Codes

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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HERITAGE LISTING:

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

Area of Non-Compliance

Application is for approval of concept plans and is not a development application. Therefore, a full assessment has not been carried out.

CONSULTATION

Neighbours notified by registered mail (44 letters sent). Submission period closed on the 7th August, 2002 – 6 submissions received – copies circulated separately from the agenda.

BACKGROUND

At its July, 2002 meeting, Council resolved as follows:

That Council:

- (1) *defer consideration of this application to the August 2002 meeting of council;*
- (2) *refer the development proposal to the next meeting of the Design Advisory Committee for comment;*
- (3) *require the adjoining property owners to be informed of the proposal and seek their comments; and*
- (4) *seek legal advice regarding the need for a Scheme Amendment.*

STAFF COMMENT

The zoning table in the Town of Cottesloe Town Planning Scheme No. 2 states that multiple dwellings are an 'AA' use in the Residential Zone, as opposed to single house and grouped dwelling developments which are permitted (P). An AA use is defined as the following:

A use that is not permitted unless special approval is granted by the Council.

The objective for the Residential zone is set out in the Town Planning Scheme text, which is reproduced below:

3.4 ZONE PROVISIONS

3.4.1 Residential Zone

- (a) *The purpose and intent of the Residential Zone is to promote a residential environment in any particular locality compatible with the maximum residential density permissible in that locality and with the desire of the inhabitants for Cottesloe to retain its quiet residential character. Development will be guided and controlled by the Development Guide Map, the Residential Planning Codes and the variations thereto as well as the amenity provisions contained in Part V - General Provisions of the Scheme.*

The development is in excess of the "expected" density of development that would occur for this locality. With multiple dwellings being a use that is not permitted, unless special approval is granted by Council, it would be difficult to support that this development would create a residential environment that is:

"...compatible with the maximum residential density permissible in that locality..."

Comment on Submissions

Three of the six submissions are a standard letter that has been signed by property owners in Princes Street, opposite the development site. These letters support option 1, which is the upgrading of the existing 17 units into 12 units.

The fourth letter is a detailed submission made on behalf of the owners of No. 22 Princes Street. In essence, they have indicated their support for Option 1 and are opposed to Option 2. They also request Council to consider the preparation of a Scheme Amendment to overcome this loophole that exists within the Town Planning Scheme text.

The submission from the property owner in Salvado Street objected to the swimming pool and balconies of the proposed development (option 2) and made a comment on the right of way.

The last submission raised issues in relation the impact that the parking of tradesmen vehicles in the street would have on their property.

Design Advisory Panel Comments

The Design Advisory Panel and the Development Services Committee met to discuss various items at the meeting on the 6 August, 2002, including this proposal. At the time the Design Advisory Panel considered the proposal, only two submissions had been received (the submission period closed on the 7 August, 2002). A further four submissions objecting to this option were received the following day.

The Panel were of the opinion that Option 2 was a good development within itself. However, concern was expressed in relation to the density of the development, which was not consistent with the intent of the R30 density coding.

Legal Advice

Legal advice was obtained on the matter of the Scheme provisions and how they relate to multiple dwellings in the R30 density coded areas.

The advice was that a Town Planning Scheme Amendment is not required for the proposal before Council. Therefore, the applicants could lodge an application for Planning Consent for either options, which Council would be required to consider and make a determination on.

During the discussions with the solicitor, concern was expressed that there was this area of the Town Planning Scheme that effectively had little controls, when compared to other forms of development.

Options

Two options have been referred to Council for consideration and these were:

Option 1: conversion of the existing 17 units into 12 units; and

Option 2: re-development of the site with 8 units.

The first option is very much a status quo type of development in that upgrading of the building occurs, although there is minimal impact on the surrounding property owners as a consequence of the development proposal.

The second option is a substantial change to the locality and is likely to have a greater impact on surrounding property owners.

This has been highlighted in some of the submissions in terms of loss of landscaping, increased building bulk, reduced open space, lesser setbacks, etc.

Proposed Scheme Amendment

This development proposal has highlighted the deficiencies in the existing Town Planning Scheme text. Having regard to the legal advice, it is recommended that Council that an amendment to the existing Town Planning Scheme be introduced to clearly identify that multiple dwellings are not permissible in density codings of R30 or less.

It should be noted that under the current Residential Planning Codes, the development standards for multiple dwellings commence in the R40 density coding. The revised Residential Design Codes have introduced multiple dwellings into the R35 coding. In order not to create further problems when the Residential Design Codes are introduced, the amendment should address this change.

CONCLUSION

Of the two option presented, it is considered that Option 1 should be the preferred form of development:

- (a) it is less likely to impact on the surrounding properties;
- (b) it will result in an upgrading of the existing premises; and

Option 2 will result in a new development. Although it is at a lesser density, the development would not be in keeping with the objective for the zone or the expectations of the community in terms of the expected density of development. Being an "AA" land use in the Residential Zone, the development should be of an exceptional standard and have no or very little detrimental impact on the locality. It is also recommended that Council amend its Town Planning Scheme text to address this current anomaly.

TP103 **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

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

Cr. Furlong left the meeting at 8.42pm and returned at 8.43pm.

AMENDMENT

Moved Cr. Morgan, seconded Cr. Furlong

That the motion be amended by deleting (2) & (3).

Lost 4/7

The original motion was put.

COUNCIL RESOLUTION

That Council:

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

Carried 10/1

TP104 NO. 30 (LOTS 46-48) JARRAD STREET- PROPOSED THREE STOREY BRICK AND METAL MIXED USE DEVELOPMENT

File No: No. 30 Jarrad Street
Author: Stephen Sullivan
Report Date: 15 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Sullivan

Property Owner: Acemount Pty Ltd
Applicant: Hillam Architects
Date of Application: 19 June, 2002

M.R.S. Reservation: Urban
Zoning (TPS No. 2): Town Centre
Density: R100
Lot Area: 1277m²

SUMMARY

For consideration of an application for Planning Consent by Council.

The applicant is seeking considerable variations. Whilst the Design Advisory Panel have supported the concept, there were concerns in relation to the residential layout of the proposed development, the movement of vehicular traffic along Clapham Lane and the possible non-conformity with the Building Code of Australia.

The Panel also suggested that additional retail floor space should be supported on the lower level, with a subsequent reduction in the requirement for parking. However, as the development is over in plot ratio and this is a statutory requirement, Council will need to consider further the comments of the Panel.

This is a prominent site in the Town Centre and as such, Council should have a clear understanding of the development that is to be built on this site. Such a development will set the tone for other development within the Town Centre.

The recommendation is to defer the application so that the development is brought into greater conformity before a decision is made by Council on the proposal.

STRATEGIC IMPLICATIONS

N/A

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	No. 1 - Vehicle Parking Requirements Town Centre No. 5 - Building Heights
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HERITAGE LISTING:

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

Area of Non-Compliance

Statutory Non-compliance	Max/Required	Proposed
Plot Ratio	1.0	1.17

Discretionary Provisions	Max/Required	Proposed
Number of storeys	2	3
Wall height	6.0m (13.36)	9.67m (17.03)
Roof ridge height	8.5m (15.86)	11.33m (18.69)
Setbacks of residential units	As per R Codes (9.0m setbacks to 3 street frontages)	Nil
Setbacks of canopies at south-west corner, southern entrance and western entrance	Contained on site	Overhang boundary by 2.4m, 1.0m and 0.6m respectively
Northern setback (under BCA)	3.0m	Nil
Car parking	AS2890.1 (11.1b)	Non-compliant
Private balconies	1 per unit	None for units 8-10
Communal open space	20%	Nil

Discretionary Provisions	Max/Required	Proposed
Major openings	1 per habitable room	None for living/dining areas of units 9 & 10

CONSULTATION

Three Neighbours notified by registered mail - three submissions.

Submissions have been received from the owners of No's 9 Napoleon Street, 32 Jarrad Street and 2A Railway Street. All submissions raise concerns regarding increased usage and vehicle access onto Clapham Lane. Further issues raised are building bulk and rubbish collection.

BACKGROUND

No. 30 Jarrad Street is a focal site within the Town Centre Zone, located on the corner of Jarrad and Railway Streets. The site is currently occupied by Vivian's Plumbing and is comprised of three lots, totalling 1277m² in area. It has three street frontages, as Clapham Lane to the north is a gazetted road.

The proposal is to construct a three storey mixed use development. The ground floor of the development comprises car parking and three retail shops, one of which has been specified as a café. Twelve residential units are planned to occupy the first and second floors, with units 11 and 12 being in a penthouse situation.

The application has been referred to the Design Advisory Panel and whilst supporting the concept, they raised a number of issues relating to the proposal. In particular, the layout of the residential units and the use of light courts and poor outlook from certain units. Other matters raised by the Panel included:

- (a) vehicular access to the site due to the narrow width of Clapham Lane;
- (b) difficulty in the entry and exits points to Clapham Lane;
- (c) non-compliance with the Building Code of Australia;
- (d) need for further retail along Railway Street; and
- (e) potential for reduced car parking.

STAFF COMMENT

The panel have indicated support for the introduction of further retail space on the lower level, with a reduction in the number of parking spaces. The Town Planning Scheme allows Council to consider the reduction on the number of parking spaces for a mixed development provided it is satisfied in relation to certain matters. However, the development has been calculated to be in excess of the plot ratio requirements already.

Plot ratio is a statutory requirement that can only be increased by an amendment to the current Town Planning Scheme. Therefore, further retail space can only be included if there is a reduction on the residential floor space. The Panel have expressed concern in relation to the layout of the residential

units. If the residential layout is addressed and the development is further reduced, then there may be provision for further retail space along Railway Street.

Safety to pedestrians and drivers will be an issue as further intensification of the Town Centre properties occur. The buildings abutting the entry and exit points from Railway Street and into Stirling Highway from Clapham Lane show the marks of car accidents caused through the use of the narrow street. The setting back of the building from Clapham Lane and the truncation of the site at the intersection of Railway Street and Clapham lane is necessary and therefore, will impact on the design of the development.

The development is approaching the 60 days for a determination to be made, otherwise it is deemed to be refused. However clause 7.9.3 of the Town Planning Scheme text allows Council to make a determination outside of that time and that decision shall be regarded as being valid.

Having regard to the prominent location of this site and the proposal is seeking various concessions, a decision on the application should be deferred to the September, 2002 meeting of Council.

In the meantime, the applicant should submit revised plans that address the following areas:

- (i) plot ratio excess;
- (ii) increase setback from Clapham Lane;
- (iii) allowance for a standard 3.0m by 3.0m corner truncation to Clapham Lane and Railway Street;
- (iv) improve amenity in the layout of the units, addressing such matters as improved outlook from major rooms and the provision of appropriate private courtyards; and
- (v) car parking layout where parking spaces are measured clear of any columns.

Further assessment is being carried out in relation to planning, building and health issues. Therefore, further areas of change could be raised at the Development Services Committee meeting.

The other issue raised by the Design Advisory Panel is the matter of additional floor space on the lower level and the need for a variation to the parking standards, provided plot ratio limit is met. This is a matter for the applicant to decide on, but in making that decision, Council would need to determine a position whether it would support a reduced parking standard for the development.

Voting

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by a part two storey, part three storey mixed use development at No. 30 (Lots 46, 47 & 48) Jarrad Street; and
- (2) Request that the applicant submit revised plans incorporating the following changes to the site planning of the proposed development:
 - (a) plot ratio excess;
 - (b) increase setback from Clapham Lane;
 - (c) allowance for a standard 3.0m by 3.0m corner truncation to Clapham Lane and Railway Street;
 - (d) improved amenity in the layout of the residential units, addressing such matters as improved outlook from habitable rooms and the provision of appropriate private courtyards; and
 - (e) parking spaces are to be measured clear of any columns.
- (3) The submitters be advised of council's decision.

COMMITTEE COMMENT

The Committee discussed the proposal and expressed concern in relation to the narrow width of Clapham Lane. There were safety concerns in terms of the existing difficulty in entering and leaving Clapham Lane and implications when future developments occur that rely on Clapham Lane for vehicular access.

With the development before Council, it was considered appropriate that traffic consultants should be engaged to review the existing situation and provide comments/proposals to address traffic safety and movement issues for Clapham Lane. This could include widening of properties to address traffic issues, with the possibility of concessions being built into the Scheme to compensate for the loss of land area.

The Committee also supported the Design Advisory Panel comment that an independent review of the proposal with Consultants that were experienced in assessing applications of this type (mixed use developments in Subi Centre or East Perth) would be worthwhile having regard to the importance of the site.

The money from the applicants planning fees of approximately \$2,400 could be used towards the cost of the two assessments.

TP104 **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) defer consideration of the application for Approval to Commence Development submitted by a part two storey, part three storey mixed use development at No. 30 (Lots 46, 47 & 48) Jarrad Street;**
- (2) engage the services of a Traffic Consultant to prepare a report on the issues and options for addressing traffic management issues associated with the proposed development and the potential for other developments to impact upon Clapham Lane/Railway Street and Clapham Lane/Stirling Highway;**

- (3) seek comments from appropriately qualified Consultants on the design and layout of the proposal.
- (4) subject to (2) and (3), request that the applicant submit revised plans incorporating the following changes to the site planning of the proposed development:
 - (a) plot ratio excess;
 - (b) increase setback from Clapham Lane;
 - (c) allowance for a standard 3.0m by 3.0m corner truncation to Clapham Lane and Railway Street;
 - (d) improved amenity in the layout of the residential units, addressing such matters as improved outlook from habitable rooms and the provision of appropriate private courtyards; and
 - (e) parking spaces are to be measured clear of any columns.
- (5) Engage a Traffic Consultant to study the impact of the development on surrounding roads.
- (6) authorise the Manager, Development Services, to commence action on items (2) and (3) prior to the August meeting of Council.
- (7) advise the submitters of council's decision.

Carried 11/0

TP105 TOWN PLANNING APPEAL TRIBUNAL DECISION – NO. 26 WILLIAM STREET

File No:	D2.4
Author:	Stephen Sullivan
Report Date:	15 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Stephen Tindale

SUMMARY

The Town Planning Appeal Tribunal have made a decision in relation to the appeal against Council's decision to impose certain conditions on an application for Planning Consent for a new house.

The Tribunal addressed the matter of heritage and how the Tribunal will consider any future appeals for new houses in identified heritage areas. This is based on Council using Town Planning Scheme Policies to provide the framework for its decision. Based on the information provided in the decision, it is recommended to Council that it should amend its existing Town Planning Scheme text to introduce heritage provisions relating to areas rather than using a Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Council has resolved to introduce two heritage areas. Its September, 2001 decision resolved that Town Planning Scheme Policies be prepared to identify the heritage areas under the Town Planning Scheme, which included the Residential Conservation and Development Guidelines.

Based on the information and decision made by the Tribunal for the new house in the proposed heritage area, it is considered that the existing Town Planning Scheme should be amended. The existing Town Planning Scheme text should be amended to include the heritage provisions contained within the Model Scheme Text.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

POLICY IMPLICATIONS

TPS Policy Implications:	N/A
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CONSULTATION

The amendment to the existing Town Planning Scheme will need to follow the statutory process for amending Town Planning Schemes. This will result in the amendment being open to a statutory public submission period, as determined by the Western Australian Planning Commission.

BACKGROUND

The following resolution was passed by Council at its September, 2001 meeting:

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) ...

STAFF COMMENT

The revised plans received from the applicant complying with the Tribunal decision and the conditions of Planning Consent imposed by Council has resulted in a building that is considered to be more in keeping with the character of the area. The decision did signpost to Council how the Tribunal will assess any future appeals for new houses in heritage areas that have been determined under the structure of the current Town Planning Scheme or through the adoption of Town Planning Scheme Policies.

Council in its September 2001 decision resolved to implement the introduction of heritage areas and the Residential Conservation and Development Guidelines through the adoption of a Town Planning Scheme Policy. Having regard to the advice contained within the decision, it is now recommended that Council move to amend its existing Town Planning Scheme to identify heritage as a scheme objective and introduce relevant Scheme provisions that will allow for the identification of heritage areas and the use of the Residential Conservation and Development Guidelines to guide development within those areas. The provisions will be based on the Model Scheme Text which were adopted by the State Government.

To progress Council's September, 2001 decision and having regard to the advice from the Town Planning Appeal Tribunal, Council needs to resolve to amend its existing Town Planning Scheme. Having resolved to amend the Town Planning Scheme, the administration would then prepare the Scheme amendment documents and then present them to Council for adoption and then referral to the Western Australian Planning Commission for approval to advertise. Council would then follow the remaining steps in the statutory process which will include:

- (a) consideration of submissions;
- (b) resolving whether to proceed with the amendment, amend it or proceed without any change; and
- (c) having resolved to proceed with the amendment (or in a modified form) Council would then seek the approval of the Minister for Planning and Infrastructure to have the amendment gazetted.

Voting

Simple Majority.

TP105 **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr. Ewing, seconded Cr. Walsh

That Council:

- (1) in pursuance of Section 7 of the Town Planning and Development Act (as amended) hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 by introducing or amending various clauses within the Scheme Text that:
 - (a) identifies heritage protection as a Scheme objective;
 - (b) incorporates relevant scheme provisions for the identification and control of development within heritage areas.
- (2) request the Administration to prepare the necessary documentation for adoption by Council.

AMENDMENT NO. 1

Moved Cr. Rattigan, seconded Cr. Morgan

That the motion be amended by adding the following:

“(c) requires future development to comply with energy conservation and solar passive principles.”

AMENDMENT NO. 2

Moved Cr. Utting, seconded Cr. Rattigan

That the motion be amended by the addition of:

“(3) *That a legal opinion be sought prior to taking further action.*”

Lost 3/8

The original motion was put.

COUNCIL RESOLUTION

That Council:

- (1) in pursuance of Section 7 of the Town Planning and Development Act (as amended) hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 by introducing or amending various clauses within the Scheme Text that:**
 - (a) identifies heritage protection as a Scheme objective;**
 - (b) incorporates relevant scheme provisions for the identification and control of development within heritage areas.**

- (2) request the Administration to prepare the necessary documentation for adoption by Council.**

Carried 8/3

TP106 APPLICATION FOR PLANNING APPROVAL – ERECTION OF SIGN AT THE WESTERN AUSTRALIAN DEAF SCHOOL 53 (LOT 23147) CURTIN AVENUE, COTTESLOE

An application for planning approval has been received for a sign at the Western Australian Deaf School. Because of its listing on the State Register of Heritage Places, the proposal needs to be referred to the Heritage Council of WA. A referral has been sent but a response will not be received by the August meeting of the Development Services Committee.

As the signage complies with Council’s Town Planning Scheme Policy No. 10 – Advertisement, and in order to expedite processing of the application without undue delay, it is requested that the Committee give consideration to allowing the Manager, Development Services delegated authority to determine the proposal once comments from the Heritage Council have been received.

TP106 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Walsh

That Council delegate to the Manager, Development Services its authority to make a determination on the application for planning consent for No. 53 (Lot 23147) Curtin Avenue under Section 7.10 of the Town of Cottesloe Town Planning Scheme No. 2 text, following completion of all of the necessary formalities.

Carried 11/0

TP107 APPLICATION FOR PLANNING APPROVAL – NEW BALCONY TO NORTH ELEVATION AT 14 (LOT 101) FORREST STREET, COTTESLOE – DELEGATED AUTHORITY

The proposed development is a balcony addition to a two-storey residence at the above address (yet to be constructed), which was granted planning approval in September 2001. The balcony is at the rear or northern end of the property, which abuts a narrow unnamed public street similar to a right-of-way.

The proposal is submitted to the August meeting of the Development Services Committee for determination as it considered to be a relatively minor matter and in order to avoid unnecessary delays.

One submission of objection was received from the owner of No. 13 John Street who expressed concern that the balcony may impact upon their amenity and privacy. A copy of the letter is circulated separately.

Both the rear and side setbacks to the balcony are in accordance with, or - in the case of the rear setback - exceed those specified in the Residential Planning Codes. Existing landscaping further obscures the view and therefore it is hard to substantiate loss of amenity.

Of greater concern is the overlooking of the neighbouring property to the west. Even though the owner of that property raised no objection to the balcony addition, it is considered appropriate to screen the western side of the balcony in the event that the adjoining house is sold and overlooking becomes an issue. Privacy screening has been included on the submitted plans in the event the Committee requires its provision.

It is recommended therefore that the Committee approve the balcony addition.

OFFICER RECOMMENDATION

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 meeting:

- (1) GRANTS its Approval to Commence Development for a balcony at No. 14 (Lot 101) Forrest Street, Cottesloe in accordance with the plans submitted on the 12 July, 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.
- (2) Advise the submitters of this decision.

COMMITTEE COMMENT

The Committee supported the proposal subject to the decision being amended to clarify that screening was required to the western side of the balcony.

TP107 **COMMITTEE RECOMMENDATION**

That the Development Services Committee, acting under authority delegated by Council Resolution TP40 May, 2002 meeting:

- (1) GRANTS its Approval to Commence Development for a balcony at No. 14 (Lot 101) Forrest Street, Cottesloe in accordance with the plans submitted on the 12 July, 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 balcony being screened to the western side in order to prevent overlooking of the adjoining property.
- (2) Advise the submitters of this decision.

Carried at Committee Meeting

WORKS & CORPORATE SERVICES COMMITTEE

20 August, 2002

C64 STATUTORY FINANCIAL STATEMENTS

File No.:	C7.14
Applicant:	N/A
Author:	Mr Alan Lamb
Report Date:	14 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2002, are presented for perusal and it is recommended that they be received.

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

N/A.

STAFF COMMENT

It will be noted from the Income statement on page 3 that more refinement is required on dividing income and expenditure into the months they are expected to occur.

VOTING

Simple majority.

C64 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the month ending 31 July, 2002, as submitted to the August meeting of the Works & Corporate Services Committee.

Carried 11/0

C65 SCHEDULE OF INVESTMENTS & SCHEDULE OF LOANS

File No.:	C7.12 & C7.13
Applicant:	N/A
Author:	Mr Alan Lamb
Report Date:	14 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Schedule of Investments and Schedule of Loans for the period ending 31 July, 2002, are presented for perusal and it is recommended that they be received.

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

N/A.

STAFF COMMENT

As will be seen from the Investments statement on page 34, \$577,208.82 was invested as at July 31, 2002. Of this \$569,655.34 related to reserves (restricted funds) and \$7,553.48 to unrestricted funds. 3.51% was invested with the National Bank, 62.1% with Home Building Society and 34.4% with Bankwest.

VOTING

Simple majority.

C65 **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr. Miller, seconded Cr. Whitby

That Council receive the Schedule of Investments and Schedule of Loans for the month ending 31 July, 2002, as submitted to the August meeting of the Works & Corporate Services Committee.

Carried 11/0

C66 **ACCOUNTS**

File No.:	C7.8
Applicant:	N/A
Author:	Mr Alan Lamb
Report Date:	14 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The List of Accounts for the period ending 31 July, 2002, are presented for perusal and it is recommended that they be received.

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts are presented monthly.

CONSULTATION

N/A.

STAFF COMMENT

Significant payments brought to Council's attention include \$14,581.60 to the Aged Persons Support Service for Council's contribution for the six months to December 2002; \$32,174 to WMRC for tipping fees and tip passes; \$17,642.96 to WALGA for annual subscriptions and June advertising; \$18,303.45 to K & F Concrete for various works including path repairs and crossovers; \$21,571 and \$50,974 to Town of Mosman Park for works done on behalf of Council; \$30,147.70 to Playground Solutions for new playground equipment; \$43,718.94 and \$33,675.90 to Roads and Robinson for rubbish collection service; \$17,415.75 to the Valuer General's Office for valuations (\$17,240.75 of this was for the general revaluation); \$18,770.20 to Fire & Emergency Services Authority of WA for the first quarterly payment; \$39,872.60, \$39,052.90 and \$36,778.96 for payroll. Other payments of note are the annual insurance premiums of \$36,272.50 for Public Liability and \$15,798.45 for general insurance and \$28,346.79 for property insurance. Insurance payments are made in two halves with the second payments being made in October and November. The other significant insurance premium still to come is for Workers' Compensation. It is noted that Council's Public Liability premium increased by just over \$7,000 or 11.3% from last year.

VOTING

Simple majority.

C66 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council receive the List of Accounts for the month ending 31 July, 2002, as submitted to the August meeting of the Works & Corporate Services Committee.

Carried 11/0

C67 PROPERTY & SUNDRY DEBTORS REPORTS

File No.:	C7.9
Applicant:	N/A
Author:	Mr Alan Lamb
Report Date:	14 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Property & Sundry Debtors Reports for the period ending 31 July, 2002, are presented for perusal and it is recommended that they be received.

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property & Sundry Debtors Reports are presented monthly.

CONSULTATION

N/A.

STAFF COMMENT

It will be noted from the Sundry Debtors Report on page 33, that the debtors balance was \$175,507.10. \$52,833.14 of this was for the current month and \$74,800 from the previous month related to a Main Roads WA grant (payment expected in August. The other large item that has been outstanding for some time (\$26,693.13 payable by the City of Nedlands) was paid in August.

As would be expected with the rates going out in July, the Debtors' Report on page 32 shows a significant balance of \$4,259,830.67.

VOTING

Simple majority.

C67 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) Receive and endorse the Property Debtors Report for the month ending 31 July, 2002; and
- (2) Receive the Sundry Debtors Report for the month ending 31 July, 2002.

Carried 11/0

Mr Tindale, CEO, declared an interest in this item, did not participate in the debate and left the meeting at 9.10pm.

C68 CEO'S EMPLOYMENT CONTRACT – PROBATIONARY PERIOD

File No.:	X9.12
Applicant:	Stephen Tindale
Author:	Stephen Tindale
Report Date:	13 August, 2002
Author Disclosure of Interest:	The author has a financial interest in the matter as it relates to the terms of his employment.

SUMMARY

The probationary period of employment for the CEO has expired.

Under the CEO's contract of employment, at the completion of the probationary period of employment the CEO is to be advised in writing of his successful completion of the probationary period or otherwise.

Should Council consider that the probationary period has not been successfully completed, it may terminate the contract or extend the probationary period for a further three months, up to a total term of nine months.

A recommendation is made to advise the CEO in writing of his successful completion of the probationary period.

STATUTORY ENVIRONMENT

Section 5.39 of the Local Government Act provides as follows.

5.39 Contracts for CEOs and senior employees

- (1) *The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract;*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*

Section 5.23 of the Local Government Act provides, in part, as follows.

5.23 Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;...*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil - assuming that the CEO has successfully completed his probationary period.

BACKGROUND

The specific clause within the CEO's contract reads as follows:

2.2 Probationary Period

The first six (6) months of this contract shall be a probationary period of employment. Not less than three months prior to the expiry of the probationary period of employment, the performance of the CEO shall be assessed by the Council and the CEO advised of the outcome of the assessment.

At the completion of the probationary period of employment the CEO shall be advised in writing of his successful completion of the probationary period or otherwise. Should the Council deem the probationary period to have not been successfully completed, it may terminate this contract or extend the probationary period for a further three months, up to a total term of nine (9) months.

CONSULTATION

Nil.

STAFF COMMENT

Technically, the three-month period for the assessment of the CEO's performance has come and gone. However in the interests of certainty it is recommended that Council continue with the assessment process.

To assist Council in this regard, a confidential report prepared by the CEO was circulated that addressed a number of performance related issues.

VOTING

Simple majority.

C68

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That pursuant to clause 2.2. of the Contract of Employment, Council advise the CEO in writing of his successful completion of the probationary period.

Carried 11/0

Mr Tindale returned to the Chamber at 9.12pm.

C69 **PRINCIPAL ACTIVITIES PLAN**

File No.: X12.3
Applicant: N/A
Author: Mr Alan Lamb
Report Date: 12 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

SUMMARY

This report was prepared to table the Principal Activities Plan for the period July 2002 to June 2006 for adoption by Council.

STATUTORY ENVIRONMENT

The Principal Activities Plan is reviewed each year as a mandatory exercise under the provisions of section 5.56 of the Local Government Act (1995). The Act provides that public notice is to be given inviting lodgement of submissions within 42 days.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Preparation of the Principal Activities Plan aligns with District Development – Asset Management - under the Strategic Plan.

FINANCIAL IMPLICATIONS

The Plan is not a commitment to expend funds.

BACKGROUND

The Plan for the next 4 years was advertised in the 'West Australian' (12/6/02) and 'Post' (15/6/02) and a notice placed on Council's notice board (11/6/02 to 24/7/02) and at the Library inviting submissions. The submission period closed on 24 July, 2002, and no submissions were received.

CONSULTATION

No external consultation was conducted other than the statutory advertising for submissions.

STAFF COMMENT

The Principal Activity Plan for the period July 2002 to June 2006 was prepared with input from relevant managers and other members of staff based on underlying programs where these existed. As in past years, no submission or comment has been received.

VOTING

Simple majority.

C69 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council adopt the draft Principal Activities Plan for the period 2002-2006 as presented.

Carried 11/0

C70 **COTTESLOE CIVIC CENTRE – CATERING LEASE**

File No.: C4.7
Applicant: N/A
Author: Mr Alan Lamb
Report Date: 12 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

SUMMARY

The current lease between Spotless Catering Services Ltd and Council expires on 1 August, 2003, and the purpose of this report is to review responses to the call for expressions of interest in tendering for another lease period.

STATUTORY ENVIRONMENT

The Local Government Act (Section 3.57) and Local Government (Functions and General) Regulations (11 to 24), relating to the calling of tenders, apply.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The implications are subject to the option selected and applicable lease details. If the lease is not renewed, then based on the current lease and 2001/02 financial information, Council's income would be reduced by \$74,000 per year. This would be partially offset by reduced costs in areas such as cleaning, maintenance and utility costs, however it is difficult to quantify this at this time.

BACKGROUND

The Civic Centre has been subject to leases for much of its time in Council's ownership. The current lease commenced on 2 August, 1993, with Mustard Catering P/L and was assigned, with Council's approval to Spotless Catering Services Ltd on 15 October, 1993.

The lease includes part of the building and confers exclusive catering rights to the lessee. The leased premises includes all areas east of the Games Room, Staff Kitchen and RSL Hall on the ground floor of the War Memorial Town Hall, except for a storeroom, switchboard room and stairwells. It also includes the Lesser Hall Kitchen.

Council passed the following resolution at its May 2002 meeting:

That Council:

- (1) *Call for expressions of interest in a lease relating to the use of the Cottesloe Civic Centre that may include:*
 - *Lease of parts of the Cottesloe Civic Centre buildings*
 - *Booking and/or facilities management services; and*
- (2) *The closing date for lodgement of expressions of interest be 12 July, 2002.*

Advertisements calling for expressions of interest were placed in the 'West Australian' newspaper on 1 June and 5 June, 2002, and on Council's notice boards from 1 June to 12 July, 2002. Thirteen entities responded to the advertisements seeking information packages, a number made further enquiries and a number inspected the premises. Four expressions of interest were received by the closing date and are summarised as follows:

No.	Interested Parties Name & Address	Description Interest lodged	Total Price
1.	Kevin Toland	5 years + 5 year lease. selection of private & corporate functions.	% of profit
2.	Mustard Catering	Continue exclusive catering rights & lease of facilities, plus take responsibility for: (1) wedding ceremonies & photos; (2) cleaning; (3) garden & lawn maintenance; and (4) preservation building maintenance, and one off restoration contribution.	\$45,000 pa plus GST. 25% of revenue collected where no reception. Cleaning & gardening at competitive rate.
3.	Delaware North Australia	Similar to current arrangement, plus full facility management.	Annual rent plus % of profit.
4.	Dee Logistic Services Pty Ltd	Options regarding kitchen/rent additional areas to be leased.	\$1,000 to \$3,500 per month (depending on terms of lease)

CONSULTATION

Nil other than that associated with the call for expressions of interest.

STAFF COMMENT

All of the interested parties, as listed above, documented their experience in catering. Two indicated an interest in extending the role to include aspects of facilities management, such as cleaning and maintenance, and in providing a booking service. All but the current lessee expressed difficulty in assessing potential activity/income levels at this time and this impacted on indications of rental offers (i.e. some offered an income share arrangement, no doubt offers in relation to this area will be more detailed and firm at the tender stage). Two expressions of interest included changes to the current arrangement regarding "premises" and three made specific comment in relation to the noise issue. Each of the four indicated an intention to build more business. Two specifically

expressed and it is understood that the others assumed, that the office areas currently used by the lessee would be included in the new lease.

There is an argument for not renewing the lease. Council's current office facilities at the Civic Centre are stretched to their limits and utilisation of the office areas of the current leased "premises" would make a significant improvement in this area. It is difficult to see though how the lessee could operate effectively without an on site office and it appears there are no other potential office areas from which the lessee could operate.

The lack of office accommodation is not a new issue. In 1998 Council's office area was modified and staff occupied the Committee Room. In 1999 Ranger's moved from the office into the Beach Ranger Office at the Indiana Tea House. For the past two years the Mayor's Office has been fully occupied by staff. More recently Council's Technical Officer was relocated to the Depot in part to relieve the pressure on office accommodation space. Recent exit interviews conducted with planning staff indicate that a lack of office space and noise distractions made jobs that much harder to do. The offices accommodated nine staff in 1990 and eighteen today.

Modifications to the office area have included a major extension (in 1991/2) and enclosing the front porch (2000/01). The modifications have not been entirely successful given that it is always difficult to work with older buildings and where dividing walls are often structural components.

Development pressures have seen Development Services area grow in staff numbers. A reorganisation of offices was done in 1998 and whilst this may have provided adequate space for this Department then, it is no longer functional. Another aspect of the 1998 reorganisation that has proven to be detrimental was the relocation of part of the Corporate Services team up stairs to the Committee Room. This has reduced our overall effectiveness in the customer service area and made aspects of operation disjointed at times. The separation of team members has adversely affected productivity. Other reorganisations have been contemplated over the past few years but deferred each time due to space and the inflexibility of the layout of the ground floor area. The expiration of the current lease presents an opportunity to consider utilising the office and ground floor kitchen areas to better accommodate Council's administration.

Another issue that supports the termination of lease arrangements include the potential for damage to the historically significant War Memorial Town Hall. Damage from high level use (such as the deterioration of the French polished surfaces of timber panelled walls and the potential for fire with commercial kitchen facilities in operation) are factors. This Hall may be better used for civic and special community type functions such as the Council sponsored concerts and the like. The Lesser Hall is ideal for casual hirers use, such as the various community groups and individuals who currently use it, because its internal works are less significant and less susceptible to damage. In practice, keys are given to out of hours hirers of the Lesser Hall and they are left to lock up and return the key. This type of operation is not possible for the War Memorial Town Hall due, among other things, to the significance and irreplaceable nature of the internal works, fixtures and fittings and their susceptibility to damage. Here it has been necessary to have someone to stay with the hirers during their after hours use and lock up after them.

The current lessee has worked with Administration and made significant efforts to minimise adverse impact of functions on nearby residents. Measures included the use of sound monitoring people and equipment, sound reduction panels and moving away from live bands and functions that had a greater potential for noise disturbance. No doubt further measures would be employed as part of any new lease, however it is suggested that it is not possible to operate the facility as a function venue without some adverse impact on the community.

Looking at the financial side, Civic Centre lease income amounted to just over \$45,000 in 2001/02. Added to this was income from hiring facilities to the lessee for catered functions (\$29,000), bookings from various individuals for wedding ceremonies and photos (\$30,000), and various hirings of the War Memorial Town Hall and Lesser Hall (\$1,400 and \$5,200 respectively). Other activities such as leasing the Cottage, hire for commercial film shoots and chair hire also generated income. Lease income plus hire fees amounted to approximately \$113,000 in 2001/02 and the total revenue relating to the lease was approximately \$74,000. If Council were to opt to not lease the facilities, administration may recommend that the wedding and other such ground use bookings be discontinued as these can be time consuming (bookings can take hours of staff time), require staff or contractors to be onsite at weekends to set up chairs etc and monitor the situation (up to \$60 per booking), be disruptive to residents using the grounds.

If Council chooses to continue the process toward leasing, it is suggested that all four entities who expressed an interest be invited to tender and that the tender be for the current "premises" (offices, cool room, store room, kitchen and access ways on the ground floor of the War Memorial Town Hall and the area marked on plans as the "kitchen" of the Lesser Hall), catering rights and whole of facility cleaning (halls, Council's offices and Chambers, and outside toilets). Other options such as building and grounds maintenance and bookings might be better left with Council staff to arrange. The historical significance of the buildings and grounds may be better preserved where the works are organised without a profit in mind. Retaining control over the bookings may better ensure that resident's bookings, which tend to be low in value due to discounts offered, still take precedence, and would give Council better overall control over use of the facility.

VOTING

Simple majority.

OFFICER RECOMMENDATION

That Council not proceed to call tenders for a lease relating to the use of the Cottesloe Civic Centre and that plans be made for the office, cool room, store room and kitchen included in the current lease as "premises" to be converted into office accommodation for Council's administration once the current lease expires in August 2003.

C70 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council defer the matter pending a more detailed report from administration dealing with matters such as office space requirements and options to meet these and options for use of the Civic Centre.

Carried 11/0

C71 SOS COTTESLOE – BEACH PARKING

File No.: C15.8
Applicant: N/A
Author: Mr Alan Lamb
Report Date: 14 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Mr Stephen Tindale

SUMMARY

To receive correspondence from SOS Cottesloe regarding Beach Parking.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the July 2002 meeting of Council the Mayor passed a letter from SOS Cottesloe Inc. to the CEO for referral to the Works & Corporate Services Committee.

The letter, copy attached, dealt with the following issues:

- User pays parking – on the beach front with funds going to maintenance of the beach.
- Timed parking – near the beach to allow people adequate time for a swim but not to stay all day.
- Flow back – of parking problems moving farther from residential streets as the result of efforts near the beach.

SOS Cottesloe's letter also made the suggestions dealing to the following:

- Redevelop parking area off Napier Street to multi-tier.
- Develop beautified parking areas in median strips and wide verges.
- Limiting traffic – Sponsored shuttle bus from Cottesloe station to beach.
- Leighton Beach

The SOS Cottesloe letter concludes with an expression of its willingness to work with Council in the development of strategies to achieve user pays parking or the alternative compensatory funding from the State Government.

CONSULTATION

Nil.

STAFF COMMENT

User Pays Parking

Council moved to implement paid parking along the beach front in 1998 but was prevented from so doing by the State Government. The Minister for Local Government at the time wrote to Council in September 1998 to advise that:

"in accordance with section 3.17(3) that the Governor has made a local law to amend the Town of Cottesloe Parking Facilities Local Laws. This amendment was gazetted Friday, 11 September, 1998 and has immediate effect"

The Minister's letter went on to advise that:

"The amendment, which is provided for by section 3.17 (1) of the Local Government Act 1995, prevents the Town of Cottesloe from imposing fees and charges for parking to the west of Broome Street thereby effectively stopping council from imposing paid parking for people wishing to use the beach.

In addition, a similar amendment has been made to the Local Government (Functions and General) Regulations to fully apply the restrictions against having such laws. This amendment was also gazetted on Friday, September 11, 1998 and likewise has immediate effect"

The opposition to the introduction of paid parking by the Town was supported by both of the major parties and so any moves to reverse that decision would have to be viewed as being difficult, if not impossible, if made along the lines of the previous attempt. A subsequent letter from the Minister in January 1999, in reply to a letter from Council in November 1998 requesting that the matter of paid parking at the Cottesloe beachfront be reconsidered, advised among other things that:

"As you would be aware I rejected the Town's proposal to charge for parking on the grounds that it was not intended as a traffic or parking control measure and was not designed to pay for parking facilities. It was intended to raise revenue and therefore could only be regarded as a charge for going to the beach. "

It is suggested that whilst the beach is a major cost to Council it does not follow that parking revenue should contribute to this. It is well established though that Council's do raise revenue from parking to maintain and improve parking facilities. Whilst Council has maintained and improved parking facilities on the beachfront to a reasonable level from its general revenue there is room for improvement especially at the two main car parks (number 1 and 2). The current study of parking in the beachfront area will result in a number of upgrades to signage and may result in physical modifications to reduce the incidence of illegal parking. Whilst none of this work has been costed as yet, its cost is expected to be such that the project would require to be conducted over a number of financial years. Council may wish to reconsider the paid parking issue in light of the need for upgrades to the car parks and beachfront parking generally. Perhaps the current parking study should be extended to

include costed concept plans for carparks and on street parking that are not constrained by current revenue restrictions for use in support of a move toward the introduction of paid parking.

TIMED PARKING

With regard to timed parking, a parking study is currently being undertaken and will be presented Council's September meeting. It is suggested that the views of SOS be taken into account when Council deals with that report.

FLOW BACK

The problem of flow back is recognised and it is proposed that strategies to reduce this be included in the report on parking to the September Meeting of Council.

OTHER SUGGESTIONS

Other suggestions made by SOS provides valuable feedback for forward planning and should be noted.

The redevelopment of number two carpark will have to be considered as part of an overall strategy for the beachfront, but paid parking would have to be seen as an integral part of any such major improvement to parking facilities. Similarly the other parking improvements suggested should only be considered in the context of a revenue stream from parking to pay for this.

The shuttle bus is being looked at by the TravelSmart Officer and the expression of community support should be noted. Whilst the Leighton Beach development is outside of Cottesloe's boundaries, Council and the community have a vital interest in this area and Council has been actively involved in various planning and review forums.

VOTING

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) thank SOS Cottesloe for providing its views on beach parking and other matters; and
- (2) request administration to look at the broader issue of parking facility requirements, improvements and maintenance as part of the current study on parking, with a view to Council making representation to the Government on the issue of paid parking.

AMENDMENT

Moved Cr. Morgan, seconded Cr. Whitby

That the motion be amended by adding after the words "*on the issue of paid parking*" in (2) the following: "*and/or to provide financial contribution towards construction of free parking facilities at the beach*".

Carried 10/1

The amended motion was put.

C71 **COUNCIL RESOLUTION**

That Council:

- (1) thank SOS Cottesloe for providing its views on beach parking and other matters; and
- (2) request administration to look at the broader issue of parking facility requirements, improvements and maintenance as part of the current study on parking, with a view to Council making representation to the Government on the issue of paid parking and/or to provide financial contribution towards construction of free parking facilities at the beach.

Carried 10/1

C72 **SPORTING ACTIVITIES ON COTTESLOE BEACH**

File No.:	C2.1
Applicant:	N/A
Author:	Mr Alan Lamb
Report Date:	15 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

To consider the matter of organised sporting activities on Cottesloe Beach and provide Administration with guidelines in relation to bookings of such activities.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council has three policies relating to the beach.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

It is understood that beach volleyball has been a feature of Cottesloe Beach for twenty years. WA Beach Volleyball conducts state and national competitions there and has erected some fixtures on the beach for its nets.

A number of complaints were received during the last beach season regarding the impact of organised beach volleyball events, and other such activities, on other beach users and the suggestion was that such activities should be banned. Complaints were also received in past seasons.

CONSULTATION

Minimal consultation has been undertaken at this stage.

STAFF COMMENT

It was hoped that this report would include a review of the three current policies relating to the beach and a draft of a single policy to replace them. However more work is required to complete this. In the meantime booking applications are being received for the coming beach season and it is necessary to get some guidance from Council now so that these may be dealt with expeditiously.

The current policies contain an element of ambiguity and delegate power/tasks directly to an officer other than the CEO, and could be extended to provide some guidance in relation to bookings of sporting events on the beach and in the water, beach closures and the like. Administration has enlisted the assistance of community members in aspects of the draft being prepared and it is suggested that the draft be put out for public comment once Council has reviewed it and before Council adopts it. It is apparent that this process would not serve the purpose of addressing the issue now before Council in time for the coming beach season as was hoped.

Beach volleyball events appeared to be the main cause of complaints especially at times when the beach area was reduced due to normal seasonal movements of the sands. Complaints also included the commandeering of shelters, noise, and the potential danger of balls and volleyball participants colliding with other beach users.

It is understood that the Cottesloe Beach venue is well known nationally and internationally and that volleyball players competing here include Olympic class athletes. A local volleyball club uses the WA Volleyball facilities and other sporting events have been staged on the beach.

It is suggested that the main problems arose last season due to the diminished nature of the beach at the time when WA Beach Volleyball had a major competition on that involved the setting up of a greater number of courts than usual. WA Volleyball has demonstrated its keenness to continue using Cottesloe Beach each time administration has contacted them regarding complaints by making adjustments to court numbers, play dates and generally exerting more control over their activities to minimise cause for complaint.

It is suggested that the status quo with regard to such beach bookings remain for the coming season, at least until the revised policy is adopted, with administration providing a higher level of monitoring and control over events to minimise their adverse effect on other beach users.

VOTING - Simple majority.

C72

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council make no change to restrict the booking of sporting activities on Cottesloe Beach at this time other than for administration to provide a higher level of monitoring and control over events to minimise their adverse effect on other beach users.

Carried 10/1

W25 **REGIONAL STRATEGY FOR MANAGEMENT OF STORMWATER QUALITY**

File No.: X11.20
Applicant: WESROC
Author: Mr Malcolm Doig
Report Date: 6 August, 2002
Author Disclosure of Interest: Nil
Senior Officer: Stephen Tindale

SUMMARY

The report details all stormwater catchments within the WESROC area, the various methods by which stormwater is disposed and proposes a water quality testing program in priority areas and a public education program to raise awareness.

STATUTORY ENVIRONMENT

There are no legislative implications at the moment.

POLICY IMPLICATIONS

The development of regional and local policies and action plans are consistent with policy.

STRATEGIC IMPLICATIONS

Supports existing objectives.

FINANCIAL IMPLICATIONS

Cottesloe has not been identified as an area of concern and has not been nominated for additional stormwater quality monitoring. The cost of additional publicity is not expected to be high.

BACKGROUND

Consultants Jim Davies and Associates were engaged by WESROC to undertake a study with the following objectives:

- To detail currently applicable water quality standards and criteria and identify possible changes that may impact of the collection, and disposal/treatment of stormwater in particular environments. Based on these, appropriate objectives and criteria will also be recommended.
- To provide a summary and review of water quality information which has been collected by local government and the relevant state agencies, and provide information regarding the sources and types of contamination in the region.
- To develop an integrated program for water quality monitoring and information gathering.
- To develop a regional plan identifying catchment boundaries and the current drainage collection systems in relation to existing stormwater discharge outlets.
- To identify current trends and developments in the area of stormwater management, including possible causes and sources of contamination, collection system engineering options, litter entrapment, nutrient stripping and disposal; stormwater re-use, and community education.
- To propose a range of options for various aspects of stormwater quality management applicable to the region.

- To recommend a strategy and actions to achieve improvement to the management of stormwater quality.
- To develop implementation plans with each local government that will allow specific projects to be advanced with appropriate integration with other local governments.

The final report has been agreed to by WESROC and is being submitted to the participating councils for consideration and implementation. A copy of the consultant's report has been distributed to councillors.

CONSULTATION

N/A.

STAFF COMMENT

The rationale for a Study was borne out of several identified issues and needs:

- Each of the western suburbs councils, to varying degrees, has undertaken and is continuing improvements to their stormwater collection and disposal network.
- Several state government agencies have prepared, or are considering guidelines for stormwater quality where that water discharges to rivers, lakes, ocean or drainage sumps.
- Implications of any quality guidelines would not be possible to assess in the absence of background information.
- Numerous catchment areas cross local government boundaries with an apparent lack of coordination or understanding of implications for water quality improvements at the discharge point.

The Study shows the diversity of disposal methods and the extent of reliance on disposal to both the river and the ocean, via local or Water Corporation drainage networks, is surprisingly high with 27.4% the regional catchments drained to the ocean/dunes and 20.7% to the river, largely via water Corporation Main Drainage.

In Cottesloe 78% of the area is drained to infiltration basins within the district. While the remaining 22% of Cottesloe has the potential to drain to the ocean, this is only 0.9 sq km or 1.4% of the regional catchment area. From a regional perspective, the disposal of stormwater in Cottesloe is very good, as only one small area between Warton Street and Sydney Street was identified in the report as 25th priority in the region, but this only represents 0.5% of the area of higher ranked locations.

Most of the area, south of Pearse Street and west of Broome Street, slopes to the ocean although there is already a number of drainage devices within this area that intercept the flow of storm water. This fact has not been fully recognised in the report as the majority of these drainage devices have been installed in the past two years as a result of the "Clean Seas" and "Road to Recovery" funded projects.

The reports notes that there has been a widespread shift in emphasis away from trapping and retarding pollutants to a more fundamental "prevention is better than cure" and recommends public education and increased street sweeping to influence stormwater quality.

Another aspect of the study was to ascertain possible nutrient and pollution sources based on land use planning and local knowledge. The areas identified as having a high priority for assessment are those that discharge into the lakes. Water sampling programs will need to be initiated in priority areas.

An increased emphasis on education programs would raise awareness about where the local stormwater goes, encouraging less use of garden fertilisers, use of native plantings and care with chemicals that can be washed into the stormwater system. This publicity could be coupled with ongoing program to encourage property to provide and maintain drainage systems capable of containing stormwater in all conditions to reduce the risk of local flooding.

VOTING

Simple majority.

W25 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Furlong, seconded Cr. Ewing

That Council:

- (1) **adopt the Regional Strategy for the Management of Stormwater Quality and participate in further regional level programmes to be overseen by WESROC; and**
- (2) **increase local education programs aimed at raising awareness about where stormwater goes, using less garden fertilisers, increased use of native plantings and care with chemicals and oils that can be washed into the stormwater system and cause damage to the environment.**

Carried 11/0

W26 DIVING FROM THE GROYPE INTO SHALLOW WATER

File No.:	C10.5
Applicant:	NA
Author:	Mr Malcolm Doig
Report Date:	9 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

Consideration of a suggestion that a fence is required at the groyne to deter diving.

STATUTORY ENVIRONMENT

Common law.

POLICY IMPLICATIONS

Would assist in the resolution and enforcement of long term beach safety issues.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Initial cost \$9,000 and the potential to avoid litigation in the event of a similar incident. Funds have not been specifically budgeted.

BACKGROUND

At the recent public liability case against Council, expert evidence was given about the limited effectiveness of signage generally and drew attention to the continuing practice of people diving from the groyne despite the signs and the occasional intervention of rangers, lifeguards and lifesavers. In the report the recommendation is made that the fence at the start of the groyne should be extended to provide physical barrier and clearly indicate to a potential diver that they have crossed into a forbidden zone and suggests that the onus would then be on the swimmer who would assume the risk. The report also recommends that the "dive" rock" be changed to make it less inviting to dive.

CONSULTATION

Nil.

Staff Comment

The location and effectiveness of signage, whether it be 'stop', 'give way', 'no parking', 'speed limit', 'no dogs', 'no littering' or in this case 'no diving', will inevitably be brought into question after any accident or infringement. In this case the 'no diving' signage was in place when the injury occurred in 1996 and has been supplemented with additional signs since then. It appears that such signage has very limited effect on public behaviour, as diving from the rocks is common despite the efforts of Rangers, Surf Patrols and the Lifeguards. If the practice continues, it seems inevitable that a further injury will occur. Additional safety measures therefore appear to be warranted.

In addition to resolving the longstanding problem of diving from the rocks, the erection of a fence may resolve one or two other issues that have emerged. There have been a number of cases where people have been knocked over by the unexpected size and force of the waves and a few have been washed into the ocean. In severe storm conditions some people cannot resist the temptation to venture out onto the groyne despite warning signs. During the severe storms of the past month, the Rangers found it necessary to rope off the groyne and erect additional signage. A handrail would also be a welcomed amenity for some as in windy conditions it can be difficult to stand and the groyne can also get quite slippery when wet. A fence would also deter the public from climbing onto the rocks that are also very slippery and some rocks may become unstable as further subsidence occurs.

If it is agreed that a fence is required, there are many options available including concrete bollards with a loose chain linkage, stainless steel pillars with stainless wire under tension or the galvanised steel "Monowill" system used at the groyne and other locations.

As the existing short section of fence at the base of the groyne is currently being replaced as it is now in poor condition, a quotation of \$8,930 has been

obtained for a 70 metre section of galvanised and powder coated pipe rail along the northern side of the groyne deck.

VOTING

Absolute majority as funds not specifically budgeted.

W26 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council accept that a handrail fence on the north side of the Cottesloe groyne would be a beneficial safety measure and authorise the necessary expenditure.

Carried 10/1

W27 RUBBER TREES OVERTON GARDENS

File No.:	E17.5
Author:	Mr Malcolm Doig
Report Date:	12 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The roots from three rubber trees growing on the central median at Overton Garden are causing pavement damage and it is recommended that the trees be removed and replaced.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Removal cost \$400 plus road pavement repairs.

BACKGROUND

In this case there are three comparatively immature "rubber trees" ranging in height from three to six metres. Inspection has revealed that the trees are in sound condition. However there is already evidence of root heave to the kerbing and damage to the pavement extending up to 30 metres from the tree and one tree is located close to a gas service cover.

CONSULTATION

Nil.

Staff Comment

Rubber trees (ficus elatica) are not a suitable street tree species and Council has never planted these. It is interesting to note that problems of root encroachment from fig trees have been reported at a number of locations, which may indicate a response to the prolonged drought conditions. It is inevitable that these trees will cause increasing damage as they mature and it is recommended that they be removed and replaced immediately.

Voting

Simple majority.

W27 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That residents of Overton Gardens be advised that Council has decided to remove three Rubber Trees from the central median and will replace them with Rottnest Island Tea trees.

Carried 11/0

W28 PORT JACKSON FIG TREES – NO. 29 CONGDON STREET

File No.:	E17.5
Applicant:	T A Craig
Author:	Mr Malcolm Doig
Report Date:	12 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

The property owner has advised of root damage caused by two Port Jackson fig trees on the verge and has requested their removal.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Street Tree Policy.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The owner of a tree is likely to be held responsible for costs where the tree is found to be the cause of damage.

BACKGROUND

The owner has advised that in the middle of last year the front garden was re-landscaped and during excavation an extensive root invasion was discovered from the two street trees. The invasive roots are said to have caused damage to the concrete veranda over the years and more recently to the limestone front wall.

Roots of up to 200 mm in diameter were also interfering with underground cables and lifting the concrete slab. In only a few months small feeder roots have become so invasive that most of the new plants have been decimated. The owner also draws attention to the fact that ficus trees lay a messy carpet of berries several times a year and that now that the need to prune the trees has been eliminated, the trees will continue to increase in size.

CONSULTATION

Earlier this year Council advised residents of the need to remove two other tree that were considered dangerous and I believe that this advice has prompted this request for removal.

STAFF COMMENT

All of the fig species are notorious for the damage they can cause to built structures and buried services, particularly drainage. It is possible that the recent drought and water restrictions have forced these trees to search further afield for water.

Fruiting from both Port Jackson fig trees and Moreton Bay fig trees is a common cause of complaint, although fruiting seems to vary between individual trees. Short of removal, there is no solution.

In this case there are two Port Jackson Fig trees involved. The smaller one is a poor specimen and could be removed immediately. The larger tree is reported to be in good condition although it is lopsided due to heavy pruning in the past to satisfy Western Power's safety requirements. Unfortunately the Port Jackson species is far too large for the narrow verge and it is likely that problems of this nature will emerge more frequently as these trees continue to grow. It is therefore recommended that residents of Congdon Street be advised that Council has resolved to remove and replace these two trees.

VOTING

Simple Majority.

W28 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That the residents of Congdon Street between Grant Street and Railway Street be advised that Council has agreed to the removal and replacement of two Port Jackson Fig trees at No. 29 Congdon Street due to severe root encroachment and resultant damage.

Carried 10/1

W29 BUS SHELTER - MARINE PARADE

File No.:	E3.1
Applicant:	Mr M. Bennett
Author:	Mr Malcolm Doig
Report Date:	12 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

Mr Bennett has written to the Mayor with a suggestion that the advertising be removed from the shelter or the shelter be removed.

Mr Bennett believes that as a result of the September Council meeting it was agreed that the shelter be non-advertising type.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If the shelter remains the financial implication would be nil.

If the advertising were removed the capital cost for the purchase of the shelter would be \$17,000 plus an annual maintenance cost of \$3,750. If the shelter is removed the cost to Council would be \$6,000.

BACKGROUND

Mayor Hammond has requested that this matter be referred back to the Committee for consideration.

The bus debate commenced when it was found necessary to relocate the bus shelter opposite Vera View Parade and originally centred on determining if there was a need for shelter and later shifted to determining the site.

Council considered the results of the first survey in September 2001 and, after a number of amendments were debated resolved as follows:

That Council:

- (1) Explore opportunities to locate the proposed bus shelter area 100m south of its previously recommended location of south of Vera View Parade;
- (2) Advise all residents who may be affected and invite comment;
- (3) Liaise with Transport on the proposed bus stop.

Carried 7/3

The matter was debated again in March 2002 and Council resolved:

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

CONSULTATION

This topic has been the subject of extensive consultation including two surveys following which Council made a decision to relocate the bus stop position and to erect an "Adshel" illuminated shelter.

STAFF COMMENT

There is no mention in the minutes of any decision to erect a non advertising shelter although it may well have been suggested or discussed at some stage during in the debate. However in November 2001, when further comments were sought on a proposed new location, residents were also advised that Council had resolved to look for an alternative site for a "no advertising bus shelter".

It was clear in March 2001 when the traffic-calming project began that shifting the bus stop and shelter to the north would simply shift the argument. This was confirmed in August when Council received a protest about the commencement of construction and halted the works and at a later date selected a site 100 metres to the south as a compromise.

In September 2001 the staff comment included comment that the provision of shelter is an important part of any viable public transport system and patrons are entitled to reasonable protection and some degree of comfort while waiting for public transport. These particular bus stops are exposed to extremes of weather with very strong winds, heavy rainfall and searing heat. Few locations in the metropolitan area are more exposed, as there is no alternative shelter provided by other buildings, or even the minor shelter that may be provided by street trees. For this reason alone a fairly good case can be made for the provision of two shelters.

VOTING

Any motion to rescind the March resolution would need to be supported by four Councillors before the matter could be considered and an absolute majority would be required if there is need to amend the budget.

W29 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council note the correspondence from Mr Bennett relating to advertising on the Marine Parade bus shelter and take no action to remove the shelter or advertising.

Carried 11/0

W30 TRAFFIC MANAGEMENT POLICY

File No.:	E8.3
Author:	Mr Malcolm Doig
Report Date:	13 August, 2002
Author Disclosure of Interest:	Nil
Senior Officer:	Mr Stephen Tindale

SUMMARY

In April 2001 Council resolved to receive the Traffic Management Plan prepared by Sinclair Knight Mertz and requested a revision of the Traffic Management Policy based on the recommendations.

COUNCIL STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Change of policy.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The existing Traffic Management Policy was adopted in 1994 and changed in 1998. It should be amended to reflect some of the changes that have occurred in recent years:

- (1) Council does not now support the extension of a four lane West Coast Highway.
- (2) The recommendations of the 2001 Traffic Management Plan.
- (3) Recent changes to the Road Hierarchy.
- (4) The introduction of the 50km/hr speed restriction on local roads.
- (5) The need to define an intervention policy aimed at uniform practice when considering reported problems.

CONSULTATION

The Cottesloe Traffic Management which was finalised by Sinclair Knight Mertz in February 2001 gave consideration to the public submissions received, together with technical information, traffic volumes and accident statistics.

STAFF COMMENT

The recommendations of the Cottesloe Traffic Management Plan of 2001 were based on the statutory environment at that time. Since then the traffic speed on local roads has been reduced from 60km/hr to 50km/hr. This seems to have resulted in a moratorium on the construction of "calming devices" and it is hoped that the cost and inconvenience of such devices will be avoided in the future as driver compliance improves.

For that reason the recommendations relating to specific devices have not been included in the policy. However Cottesloe Traffic Management Plan will continue to serve as a valuable reference and the recommendations can be considered as specific needs are considered in the future.

Schedule 2, which is the plan depicting the Functional Road Hierarchy Classifications has been amended to reflect recent changes.

Schedule 3 detailing intervention thresholds has been added so that it is clear that Council will only consider the full investigation and implementation of local area traffic management if the broad threshold is met or exceeded. These thresholds are based on traffic volumes, traffic speed and commercial vehicles. Furthermore, if a LATM study determined that traffic calming devices are warranted, then the recommended devices would only be considered for implementation with majority support following public consultation .

VOTING

Simple majority.

W30 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr. Furlong, seconded Cr. Utting

That Council adopt the following revised Traffic Management Policy:

TRAFFIC MANAGEMENT**(1) OBJECTIVES**

The objectives of this policy are:

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

(2) PRINCIPLES

- (a) Establish an agreed road hierarchy, from which to base future traffic management.
- (b) Minimise the impacts of through traffic on the community.
- (c) Minimise the impacts of commercial vehicles on the community.
- (d) Provide for good access to property and business.
- (e) Provide for pedestrians and cyclists.
- (f) Develop an intervention policy for the conduct of local area management schemes.
- (g) Ensure adequate data is available to effectively consider traffic management issues.
- (h) Ensure full consultation is undertaken when assessing traffic management issues.
- (i) Provide cost effective traffic management solutions.
- (j) Maximise access to business and recreation facilities with minimum impact on local residents.
- (k) Integrate the traffic management policy with other Council policies.
- (l) Establish a basis from which decisions on outstanding traffic management issues can be made.
- (m) Establish a mechanism for regular policy review.
- (n) Provide a means by which the traffic management strategy can be coordinated and facilitated.

(3) ISSUES

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

(a) **Road Hierarchy**

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

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

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

(b) **Traffic Management Strategy**

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

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

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

(c) **Pedestrian and Cyclists**

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

(d) **Road Classification & Design**

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

Stirling Highway

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

Curtin Avenue

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

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

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

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

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

(e) **Policy Review**

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

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

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

(4) **POLICY STATEMENT**

(a) **Road Hierarchy**

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

(b) **Traffic Management Strategy**

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

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

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

(c) **Pedestrian and Cyclists**

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

(d) **Road Classification & Design**

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

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

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

(e) **Traffic Management Policy Facilitation**

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

(f) **Policy Review**

That the policy be formally reviewed every four years.

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

(See attachments for Schedules 1 2 & 3.)

RESOLUTION NO:

DATE:

REVIEW: _____ / ____ / ____

Carried 11/0

11 **ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**(a) ELECTED MEMBERS****12.1 TRAIN SERVICES – GRANT STREET**

File: X4.10
Author: Cr. Walsh

A fax was received from Cr. Walsh on 26 August, 2002 advising that he would introduce the late item.

Moved Cr. Walsh, seconded Cr. Furlong

That Cottesloe Council ask the WAGR Commission to reconsider its plan to restrict train services to Grant Street and instead to extend the Grant Street platform to allow four carriage trains to safety stop there.

Carried 11/0

(b) OFFICERS
Nil.**13 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9.25pm.

CONFIRMED: MAYOR _____ DATE: ____/____/____