

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 26 July, 2010**

29 July 2010

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:04 PM.

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

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Jay Birnbrauer	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Victor Strzina	
Cr Davina Goldthorpe	
Cr Patricia Carmichael	
Cr Ian Woodhill	

Officers

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Assistant

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr James Tunmore , 17 Rosendo St, Cottesloe.– Item 11.2.2- Proposed Depot Relocation – Golf Course Site Concept – Progress Report

Further to my recent email to all Councillors regarding the proposed re-location of the depot to the Seaview Golf Course, replies from both the Mayor

and the CEO referred to the conceptual nature of the proposal. My questions are as follows:

Q1: If this is still conceptual has Council gone to tender for the sale of the depot and also considered development proposals to ensure building blend with the location?

A1: The Mayor advised that Council had not gone to tender however it had advertised a business plan for the sale of the land as it is required to do under the Local Government Act. Council will be developing a preliminary structure Plan for the site in order to set development parameters to address the concerns raised by Mr Tunmore.

Q2: Have recent purchases of blocks in Nailsworth St been assured of the imminent closure of the depot?

A2: The Mayor responded that the answer is no.

5 PUBLIC STATEMENT TIME

Mr Robert Frith, 1 Lilian Street, Cottesloe.– Item 11.2.2- Proposed Depot Relocation – Golf Course Site Concept – Progress Report

Mr Frith stated that he has canvassed the proposed relocation of the depot with a number of councillors and residents and he would like to outline key arguments that have been put forward for this proposal and comment on them:

In relation to the argument that the depot must move from the old quarry because the site is contaminated and will be expensive to fix, he commented that is based on the assumption that the depot could not be temporarily relocated and moved back to a smaller part of the quarry once restoration has been effected.

In relation to the argument that the depot site, which is owned freehold by council is too valuable to risk losing in a council amalgamation, forced or otherwise, and that we should sell it now and spend the money in Cottesloe; he commented that the value of the quarry land and the cost of restoring and developing it have not been satisfactorily established. Amalgamation seems to have been accepted as likely in the next few years by everyone he spoke to. If amalgamation proceeds an investment in depot facilities anywhere in Cottesloe is likely to become redundant.

In relation to the argument that Cottesloe will come under residential development pressure. Having a golf course on the reserve protects the reserve from development. We have to ensure the golf club's viability or we risk losing our public open space; he commented that first, from a practical standpoint it is not public open space, the non golfing public are far from welcome. Second, the golf course already benefits from a peppercorn rental on one of the best reserves in Perth, it also benefits from a substantial interest free loan courtesy of the residents of Cottesloe. Thirdly, having a valuable community resource there, one that the whole community can enjoy, would protect it even more.

The only appropriate place for residential development in Cottesloe is around the village. Council must accept that future residential development is necessary and likely, adopt a proactive approach and lobby the State for appropriate planning.

In relation to the argument that that Cottesloe's depot needs are very small these days. All that will be needed are a couple of sheds and an office; he commented that a couple of sheds and an office has a thin end of the wedge sound about it. The reserve already has a number of buildings that are poorly integrated with one another. A dusting of LIA over them will not season this pudding. If the depot needs are so small they should be accommodated on another smaller site.

In relation to the argument that Co-location with other councils has been sought in the past and found to be impractical or expensive; he commented that the state government's enthusiasm for amalgamation coupled with Nedlands and Subiaco's recent discussions have changed the political landscape since depot co-location was last investigated. This option must be looked at again.

He accepts things cannot always stay the same but he believes that this proposal is reactive planning though and recommended that Council must develop vision around the future of this town and have it's planning decisions driven by that vision.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Carmichael, seconded Cr Strzina

That Cr Carmichael request for leave of absence from the August and September round of meetings be granted.

Carried 11/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Birnbrauer

[Minutes June 28 2010 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 28 June, 2010 be confirmed.

Carried 11/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

In relation to the matter of the relocation of the Council depot the Mayor referred to the current recommendation before Council for officers to investigate alternative site options and he urged Councillors to tell staff which options should be considered. Officer reports suggest that the proposed option of co-location with the Golf Club's depot, with or without the additional

proposal to further encroach adjacent to the kindergarten, is one of the few remaining viable alternatives, and Council should provide clear direction to officers which if any alternative should be pursued. Even Mosman Park's depot is located on a reserve and near a golf course, and Mosman Park residents may accuse us of being hypocritical. It may be that Council will need to look to purchase commercial property or even consider a previously raised option of excavating under the western lawn of the Civic Centre. The current depot is not a fit place at the moment and we need to make a decision on a way forward or fix up the current site. In response to some comments from Mr Frith I can advise that the current proposal was not driven by a request from the golf club but rather an approach from Council. We still need a local depot site to store local equipment, even in the event of a future amalgamation of Councils.

In relation to local government reform, I advise that I have requested the CEO to investigate and make enquiries with the Cities of Subiaco and Nedlands to see if there is scope for Cottesloe to be considered as part of their Regional Transition Group (RTG). We need to know if this is a possibility for us so that we can consider our options. We know that our neighbours are not moving at the moment in terms of reform and yet I am aware that in other circles lines on maps may already be about to be drawn for future boundary changes. As a Council we need to be pro-active and willing to participate and negotiate terms that we can put out for community feedback before proceeding with any such opportunity. If we are not sitting at such a table and being part of the solution it will be dictated to us. We currently share our northern boundary with the City of Nedlands via the community of Swanbourne and we should consider being part of the process if only to investigate the viability of creating a closer relationship with them. It is incumbent upon us to provide our community with opportunity to become fully informed of available options and be consulted before proceeding.

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

BACKGROUND

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.

- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

COUNCIL RESOLUTION:

Moved Cr Dawkins, seconded Cr Strzina

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 11/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

For the benefit of the members of the public present and those who had made statements in relation to matters before Council, the following reports were dealt with first;

- 11.2.2 Proposed Depot Relocation – Golf Course Site Concept – Progress Report
- 11.1.1 No. 68 Railway Street – Change of Use from Residential Dwelling to Consulting Rooms / Professional Office
- 11.1.2 No.1 Station Street - Change of Use of an Approved Mixed-Use Development from 'Offices and Residential' to 'Offices and Shop (Café)'
- 11.2.3 Grant Street Parking/Access Issues East of Birkbeck Avenue, Cottesloe
- 11.2.5 Federal Government Regional and Local Community Infrastructure Program - Round 3

The remainder of the items from the Development Services Committee were dealt with *en bloc*:

- 11.1.3 52 John Street - Single Storey Alterations and Additions
- 11.1.4 217 Marmion Street - Swimming Pool, Alterations and Second Storey Additions to Dwelling
- 11.1.5 Reginald Street - Two Storey Dwelling
- 11.1.6 Government Request for Surplus Land Information

The remainder of the items from the Works and Corporate Services Committee were dealt with *en bloc*

- 11.2.1 Delegated Powers
- 11.2.4 Tender - Cast In-Situ Concrete Path Construction - Three (3) Year Period
- 11.2.6 Statutory Financial Reports for the month ending 30 June 2010
- 11.2.7 Schedule of Investments and Loans as at 30 June 2010
- 11.2.8 Accounts paid in the month of June 2010
- 11.2.9 Property & Sundry Debtors Report for the month ending 30 June 2010

13.1 Progress Report - Indiana Tea House Change Rooms and Toilets

10 REPORTS OF OFFICERS

Nil

11 REPORTS OF COMMITTEES**11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 JULY 2010****11.1.1 NO. 68 RAILWAY STREET – CHANGE OF USE FROM RESIDENTIAL DWELLING TO CONSULTING ROOMS / PROFESSIONAL OFFICE**

File No:	1978
Attachments:	68RailwayNeighbour Comments.pdf 68RailwayStPlans.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	19 July 2010
Author Disclosure of Interest	Nil
Property Owner	R Graaug
Applicant	Dr John Salmon
Date of Application	14 June 2010
Zoning:	Residential R20
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Lot Area:	632m²
M.R.S. Reservation:	Not applicable

SUMMARY

This report discusses the statutory provisions and assessment criteria relevant to this change of use proposal and refers to plans received on 14 June 2010, as well as to the applicant's and neighbours' submissions.

Given the assessment that has been undertaken, the recommendation is to refuse the application as contrary to the strategic intent and specific requirements of Council's planning Scheme and related Policy.

PROPOSAL

This application is seeking consideration of a change of use of an existing dwelling to consulting rooms for the treatment of chronic pain. The applicant wishes to purchase the property subject to approval in order to relocate from the Town Centre zone. The proposal also involves significant alterations and additions to the existing building including:

- Removal of existing carport and lean-to;
 - Removal of a predominantly flat-roofed extension at the rear of the dwelling and replacement with a new rear addition of similar footprint and a pitched roof to match the existing roofline;
-

- New rear verandah addition;
- Two additional rooms at mezzanine level with new internal stairs and 2 south-facing dormer windows and an east-facing window in a new gable end;
- Removal of existing kitchenette and replacement with new sink and cabinets;
- Removal of existing bathroom and replacement with new staff toilet;
- Provision of a new room for a separate disabled toilet;
- Middle portion of existing dwelling to be remodelled including removal of internal walls/doors to accommodate new facilities;
- Realignment and construction of new driveway along southern side of lot;
- Existing backyard to be cleared of sheds, fences, retaining walls, steps, paths and small trees to make provision for new parking area for 4 cars;
- Provision of 1 new disabled bay at front of premises; and
- Existing solid 1.8m high wall along front boundary and existing crossover to remain.

The proposed consulting rooms (based on submitted plans) will comprise of 2 consulting rooms, a storeroom, reception/waiting room, tea room, staff toilet, disabled toilet, staff room/retreat, patient education room, two archive rooms at mezzanine level as well as the new parking areas and driveway referred to above.

POLICY IMPLICATIONS

Professional Offices in a Residential Zone.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2 (TPS2).

PROPOSED LOCAL PLANNING SCHEME NO. 3

Proposed LPS3 maintains the Residential zoning of this lot and locality, but no longer contains provisions for professional offices, while consulting rooms continue as a discretionary use. This framework reflects firmer control over commercial uses in residential areas, ie to avoid impact on amenity.

CONSULTATION

The application was advertised as per Town Planning Scheme No. 2. The advertising consisted of letters to 5 adjoining properties. Four objections were received which are summarised below:

Lyne Woodland & David Ellwood, 70 Railway Street

- Would like to see the property improved but have concerns about increased vehicle traffic as Railway Street is a busy street and getting in and out of our driveway can be hazardous at certain times.
- More cars stopping on the road or verge and pulling in and out of No. 68 would increase this hazard and there is a strong possibility that any overflow will be illegally parked on the railway verge opposite.
- We question the need to bring commercial operations into this residential area.
- There are no nearby services such as other professional offices or coffee shops etc. Our first-hand knowledge of patients or indeed the person who transports them is often left with a considerable wait and the desire to access

other facilities. These are not available close-by and we would not like to see additional people loitering around the area.

- Although the applicant has agreed to construct a new boundary wall beside our property we are not convinced this will be sufficient to avoid privacy and safety issues caused by parking and visitors at the rear of the property.
- This type of use is much better located in properly zoned areas where other common commercial uses occur.

Jenny Bosich, 64 Railway Street

- Totally against the proposal.
- Built own house on the understanding it was in a residential zone.
- Once approved the property will always be offices. As stated by the applicant there is a shortage of medical rooms in the area. The law is governed by precedents and statutes.
- There will be very little improvement to the exterior of the existing building (painting, removal of lean-to, hard surface for parking and driveway).
- There will be future parking problems:
2 x consulting rooms = 2 cars
2 x patients = 2 cars
2 x patients in waiting room
1 x receptionist = 1 car
Total = 7 cars.
- Proposed store room could easily be converted into another consulting room to increase revenue.
- The only available parking is outside my house which will make it more difficult for myself or my visitors to access my property.
- The 'Pain Clinic' will send a message to the 'drug underground' even though no drugs will be kept on the premises. Desperate people will not know that and will create security and safety problems.
- The premises will be empty every night and all weekend bringing nothing positive to the area.
- The doctor has indicated this will be a very expensive development and I can see there being more than one consultant in attendance as he has stated medical rooms are difficult to get in the area.
- There is no kitchen or bathroom shown on the plans and so it would never be sold as a residence.
- There are few medical consulting rooms in the area because it is zoned a residential area and they should be in zoned localities, eg: Subiaco and Nedlands which are both very close to major hospitals.

Bruce & Heidi Gregory, 2 Boreham Street

- Do not support proposal.
- We purchased our home with the view of raising our young children in a neighbourhood surrounded by other homes, not commercial properties.
- The proposal is adjoining our backyard and will decrease the value of our property.
- There may be increased security risk – dark, vacant property every night with easy access off Railway Street into the driveway then straight over the wall into our property. People may think there are narcotics (ie burglars, thieves addicts, etc).

- Parking issues are likely which will result in parking in Boreham Street and outside our home.
- There will be an increase in traffic flow as people/patients trying to locate the clinic heading south on Railway Street may pass the premises and then try to turn in Boreham Street.
- Traffic already flies through with people trying to avoid the traffic build-up at the Eric Street roundabout.
- We don't believe the property will ever be reverted back to a residential use and it will remain a commercial property.

Fiona Pinardi, 6 Boreham Street

- Strongly opposed to proposal.
- A proposed vacant carpark directly adjoining my property is an open-invitation for undesirables to congregate at night. The carpark won't be visible at night from Railway Street so anyone could loiter there.
- A person desperate to get drugs will try regardless of any signage on the premises, and if unsuccessful could jump the eastern fence into my backyard.
- There will be insufficient parking on the site for staff and visitors and cars will spill over into Boreham Street.
- The existing practice at 2/89 Forrest Street has ample on-street parking on both sides of Forrest Street for the sole purpose of patients. It is a dual-carriage street which allows for a large turnover of cars parking. Boreham Street is zoned residential and hence should remain that way without the prospect of patients parking their cars to attend the medical practice.

APPLICANT'S JUSTIFICATION

The main points put forward by the applicant in support of the proposal are summarised below:

- The current residence is a dilapidated building divided into two low-value rental properties.
- The existing building will be completely renovated and painted.
- The existing rear extension will be demolished and rebuilt with a mezzanine floor for two new rooms, south and east-facing windows and a new roofline level with the building.
- The lean-to the building on the south side will be demolished to make provision for a 4m wide driveway to the rear where there will be a paved courtyard with parking spaces for four cars. There is also space at the front of the building for up to two cars.
- The proposed medical practice is for pain medicine (chronic pain management). It will comprise of two consulting rooms, a storeroom and reception/waiting area, with toilet and refreshment facilities. There will also be patient education and staff retreat rooms. The proposed mezzanine area will be for storage/archives.
- The renovation will be structured so that the house can be easily restored to a family residence if a subsequent owner so wished.
- The two specialists will be part-time and operate in aggregate for no more than 40 hours a week.
- There will be 1 receptionist/secretary.
- Patients will attend for booked appointments only and between 9am to 5pm Monday to Friday.

- The number of patients on the premises will not exceed four persons at any one time and the number of patients per day will not exceed 12.
- There will be no opiate medications or potential street drugs kept on the premises.
- The pain medicine practice has been established in the Cottesloe/Claremont area for the last 16 years. Current rooms are at 2/89 Forrest Street, Cottesloe with procedures performed at Bethesda hospital. It is the State's leading centre for implanted neuro-stimulation.
- Provision of a potentially permanent medical specialist practice site in Cottesloe will ensure that important medical services to the community are maintained in the future.
- There are very few suitable buildings for medical rooms in the Cottesloe area and failure to realise this opportunity will likely drive this practice to another suburb.

Additional comments provided by the applicant on 5 July 2010 in response to concerns raised by the Town regarding the proposed change of use are summarised below:

- Initial discussions with the Town suggested that my application appeared to fulfil the necessary criteria for professional offices in a Residential zone.
- My original proposal was for combined residential and office but I was advised by the Town that the application should be for offices only. Because of the space availability in the property I included another specialist working part-time in my rooms to cover the period that I do not work there.
- The reality is that there is no likelihood of another specialist working there and I can provide an assurance that the proposed use will be my current practice which has been essentially the same for the last 15 years and is not going to change over the next 10 years or so prior to my retirement.
- My established practice is to see patients from 11.30am to 5pm two days a week and on other days I generally will see patients for 3 hours in the middle of the day.
- New patients have a one hour appointment and follow-up patients have 30 minutes. The rest of the working week I am doing procedures at Bethesda and Hollywood hospitals.
- Therefore on two days a week 8-10 patients pass through my rooms over a 5-hour period and on other days it is generally less than 6 patients a day over a 3-4 hour period.
- I have discussed my initial application with all 5 neighbours and 3 out of the 5 indicated they were reasonably happy with my plans. The two neighbours that had concerns about a commercial use of the property will realise that there will be virtually no disturbance to them from the use of my property.
- My planned renovation is to allow return of the building to residential use with minimal alterations. It is not my intention that the building will remain a commercial building after my retirement.
- The appearance of the building will be much improved and will remain entirely as a residential/family home in appearance.
- The car parking provision at the rear of the property can be expanded to allow use of the whole area for turning to ensure that forward-driving exit from the site is guaranteed from all bays.

- The rear of the site will be a pleasant courtyard rather than a carpark in appearance. The surface shall be recycled brick/limestone concrete with maintenance of trees and shrubs lining the walls which will surround the parking area.
- The south boundary wall can be increased in height if the neighbours desire and I have agreed with the northern neighbour to build a wall separating the rear of his property from mine.
- Patient flow during the week will occur outside peak traffic congestion time and therefore there should be no concerns about traffic turning out of my property.
- I will not be parking on-site as I ride a bicycle to work.
- Concerns about building regulations can be resolved by simple design alterations.
- My Cottesloe patients have indicated strong support for me staying in the area, my practice is well-utilised by the local community and supported by local GPs.
- I do not have security of ongoing use in my current rented premises and I cannot afford to buy in the commercial zone.
- Consideration should now be given to my original plan which was to combine residential with office.

PLANNING COMMENT

The existing single dwelling is located on the eastern side of Railway Street between Eric Street and Boreham Street, close to the Primary School and busy Eric Street roundabout/bridge. Access to the site is via a single crossover off Railway Street (there is no lane).

Land Use

Land use in the locality is predominantly residential, although there is a liquor store at 24 Railway Street and a Naturopath at 10 Railway Street. These are both long-established uses occupying corner sites located closer to the Town Centre and have been limited in terms of scale of operation and parking.

Under TPS2 Consulting Rooms and Professional Offices are 'AA' uses in the zoning table for the Residential Zone; that is, uses which are *not permitted* unless special permission is granted by Council and following advertising. The presumption is not in favour of the use; however, Council may exercise discretion to allow it, subject to consideration of submissions and having regard to its Scheme and Policy provisions.

Statutory Provisions

Certain general provisions of TPS2 apply to non-residential development in the district, including parking, signage and other "matters to have regard to". These also form part of the framework for assessment of the development proposal in the context of surrounding residential land use and amenity.

Council should therefore determine the proposed change of use from a local planning perspective having regard to TPS2 and proposed LPS3, which both support low density residential development in the area.

TPS2

The following land use guidance is provided by TPS2 in terms of the intent of the zoning and land use / development controls:

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.*

5.1.2 Council shall have regard to:

- (k) *the impact on the general quiet of the locality, including the times of activity, traffic generation, access and parking, and air conditioning, plant rooms and machinery, in relation to neighbouring properties. In order to preserve the quiet of residential areas, Council may impose conditions on development approvals restricting the hours of work on a development site.*

The tenor of these Scheme provisions is a common theme of promoting residential amenity for the wellbeing of residents and to ensure that any proposals are consistent with this purpose. The Scheme does not involve any express provisions to facilitate the location of non-residential uses in residential areas, nor to manage the development of premises or conversion of dwellings for the purpose.

Proposed LPS3

Proposed LPS3 is modelled on TPS2 and echoes the land use intent and development control regime relating to this area. It strengthens the importance of zoning regulation, land use control and development requirements/standards, including residential amenity.

In other words, LPS3 supports the continuation of residential use and development in the vicinity and the proper location of non-residential uses in other appropriate zones or centres (ie business / commercial areas). Additionally, LPS3 is aimed at securing and strengthening the character and amenity of established residential neighbourhoods.

LPS3 has advanced to the final approval phase whereby it can be had regard to by Council as a seriously entertained planning proposal in ascertaining the planning intent and outlook for a locality.

Local Planning Policies

There is no local planning policy which deals specifically with consulting rooms; however, Council's *Home Occupations & Professional Offices Policy* provides a guide to considering and regulating non-residential uses in the Residential zone.

This Policy states that it is Council's basic objective to restrict Professional Offices to zones in which they are appropriately suited, but that Council may grant special approval where it is satisfied that the use will not prejudicially affect the amenity of the neighbourhood.

The Policy's assessment criteria for these types of applications include:

- *No more than 3 staff members shall operate from the business at any one time.*
- *Trading hours are to be restricted to 9-5pm weekdays only.*
- *No more than 10 vehicle trips per day shall be generated by the business.*
- *The number of clientele shall not exceed 4 persons at any one time.*
- *Parking shall be provided at the rate of 1 car space to every 40m² of gross floor area with a minimum of 4 spaces.*

The thrust of this Policy is to preserve the integrity of residential areas and to contemplate only those low-impact, non-residential Professional Office uses that are compatible with the preservation of residential amenity.

Although the proposed use may generally meet these assessment criteria, it is doubtful that such a proposal would not prejudicially affect the amenity of the neighbourhood, in particular due to the increased number of cars and visitors that would frequent the site, an issue that has also been highlighted by the adjoining residents.

Previous Decisions

For many years TPS2 had been successful in coordinating development to separate residential and incompatible non-residential uses, by directing commercial and professional activities to defined business centres and suitable premises, where urban amenity aspects such as transport, vehicular access and parking, hours of operation, plant/equipment noise, light-spill and signage can be addressed. The Town Centre, adjacent offices area and two local centres have performed well in this respect and have attracted dedicated medical and professional office-based buildings to satisfy the demand for local services and businesses.

As a measure of this planning strategy, Stirling Highway and the distributor roads in the district have not suffered encroachment and impacts by non-residential uses to erode residential use, character and amenity. For example, Council in consistently applying the Scheme refused change of use proposals for 463 Stirling Highway in both 1995 (chiropractic consulting rooms) and 2007 (psychiatry consulting rooms); and on appeal the latter was likewise refused by the SAT. Council also refused a similar proposal for Professional Offices (Natural Therapy Clinic) at 10 Railway Street. These refusals were essentially based on concerns regarding the amenity and traffic implications of land use changes and their associated physical development affecting established residential areas intended to be preserved and protected.

Part of Council's reasoning for this approach is that non-residential uses in residential areas can tend to get out of hand in terms of parking, hours of operation, intensity of activity and all the associated impacts, which can lead to complaints from residents whose amenity is compromised. Sometimes uses can further change without approval so become compliance matters

Parking and Access

The Manager Engineering Services is not supportive of the proposed use as it is likely to generate more demand for on-site parking for visitors and staff than that proposed, particularly as in reality patients often arrive early or have to wait for appointments and/or may have to be driven by others to the consulting rooms, thus further increasing the potential for more people to be at the premises at any one time than that suggested.

It may also result in cars illegally parking on the reserve land opposite or in Boreham Street and for traffic movements to and from the site to increase, creating traffic safety issues on Railway Street, which can be very busy as a key distributor road serving the Town Centre, Primary School and residences along the railway line. Furthermore, based on the submitted plan, not all the proposed car bays have sufficient turning and manoeuvring area to safely exit the site in forward gear, which would further increase the probability of difficulties arising as a result of the proposed use.

Although the applicant has advised that the parking area could be modified to meet Council requirements, it remains doubtful that it would provide a suitable and safe environment for patients (in potentially chronic pain) to access all the bays, without deletion of the proposed landscaping at the rear.

Even based on the suggestion that only one specialist would operate at the premises instead of two, the hours would still be to 5pm, which would conflict with peak school and worker traffic along Railway Street between 3pm to 5pm.

It should be further noted that although the applicant has advised there would be a 4m wide driveway to the rear parking area, the submitted plans refer to an only 3.6m wide driveway, which would be relatively narrow for the proposed use. The angle of the driveway and crossover off Railway Street and the proximity of the existing solid wall along the front boundary will further restrict safe access to the lot.

Overall, the absence of clearly-visible and readily-accessible parking bays and turning space for all patients ideally at the front of the property, with only staff parking at the rear (which is a typical arrangement for convenient and safe access and parking) means that the activity would not function efficiently in this regard.

Amenity Issues

Up to 4 adjoining residential properties to the south and east of the subject lot have their rear outdoor living areas directly abutting the proposed rear parking area or driveway and therefore it is highly likely that the use would have detrimental impact on the amenity of these homes due to the increased activity and vehicle noise. This would be contrary to the Scheme provisions which, as mentioned above, promote

quietude for the well-being of residents. Again, this illustrates why front parking is preferable, rather than interfacing the parking or service areas of non-residential uses with adjacent dwellings.

Building Regulations

The Town's Principal Building Surveyor has also reviewed the proposal and advises that:

- Access and egress would have to comply with AS1428.1 for those with disabilities).
- An external wall of a Class 5 building less than 1.5m from a boundary requires a fire resistance level of 90/90/90, which cannot be achieved with the 4 existing windows on the northern elevation (it also does not meet R-Code provisions).
- The proposal requires compliance with Part J: Energy Efficiency provisions.

Although the applicant has responded that these matters may be addressed by design alterations, it is observed that often such important building or health requirements render particular properties or proposals undesirable or unviable.

CONCLUSION

The proposed change of use and development is assessed as difficult to support from the strategic and statutory or planning viewpoints given that:

- The proposed use is contrary to the intent of the Scheme which promotes residential amenity, character and quietude for the well-being of residents in the Residential zone.
- Various amenity impacts are likely to arise.
- Vehicular parking, manoeuvring and safety are unsatisfactory.
- There are objections from all surrounding neighbours.
- The degree of alterations necessary indicates that the dwelling premises are not well-suited for the purpose.

The town and local centre zones areas are where commercial activities are directed to locate and this policy has proven successful for the protection of residential amenity and the management of activity centres in Cottesloe. For example, currently two vacancies have been observed in the medical centre on Stirling Highway, the Swanbourne Chambers building is being renovated for professional offices, the Eric Street local shopping centre is also being renovated for altered tenancies and new commercial premises proposals are being examined for the Town Centre.

While the applicant has suggested that a residential use could be combined with the consulting rooms, the residential component would not be occupied by the applicant but would be rented. Such usage would not constitute a Home Occupation under TPS 2 so would require an additional 2 car bays, bringing the total number required on-site to 6, which is more than proposed or feasible.

VOTING

Simple Majority.

COMMITTEE COMMENT

Committee noted the updated plans and supporting information provided, including officer advice to amend condition (e). In discussing the matter Committee acknowledged the neighbour objections and was strongly of the view that the locality should remain residential, amenity should be protected and that non-residential vehicle access would be problematic.

OFFICER RECOMMENDATION

1. That Council REFUSE the proposed Consulting Rooms / Professional Offices at Nos. 68 Railway Street, Cottesloe, based on the applicant's submissions and as shown on the plans submitted on 15 July 2010, for the following reasons:
 - a) the proposal is contrary to the orderly and proper planning and the preservation of the amenity of the locality;
 - b) the proposal is contrary to the intent of Council's current and proposed Local Planning Schemes for the Residential Zone;
 - c) the district provides a town centre, adjacent office area and two local centres as established locations appropriately zoned and developed to accommodate consulting rooms, professional offices and other businesses in defined, accessible and serviced hubs with public parking and associated facilities, without causing undue adverse amenity impacts on residential areas;
 - d) the degree of alteration required to adapt the premises and property from a dwelling to consulting rooms/professional offices demonstrates that it is not well-suited for the purpose and will lose its existing residential character and amenity;
 - e) the proposed vehicular access, parking and movement arrangements are unsatisfactory in terms of convenience, safety and amenity; and
 - f) the proposal would adversely impact directly on the amenity of the adjoining dwellings, the occupants all of whom have objected to such.
2. Advise the submitters of this decision.

AMENDMENT

Moved Cr Strzina, seconded Cr Dawkins

That condition (e) is amended to read: *the proposed traffic generation, vehicular access, parking and movement arrangements are unsatisfactory in terms of convenience, safety and amenity;*

Carried 7/0

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Mayor Morgan

1. That Council REFUSE the proposed Consulting Rooms / Professional Offices at Nos. 68 Railway Street, Cottesloe, based on the applicant's submissions

and as shown on the plans submitted on 15 July 2010, for the following reasons:

- a) the proposal is contrary to the orderly and proper planning and the preservation of the amenity of the locality;
 - b) the proposal is contrary to the intent of Council's current and proposed Local Planning Schemes for the Residential Zone;
 - c) the district provides a town centre, adjacent office area and two local centres as established locations appropriately zoned and developed to accommodate consulting rooms, professional offices and other businesses in defined, accessible and serviced hubs with public parking and associated facilities, without causing undue adverse amenity impacts on residential areas;
 - d) the degree of alteration required to adapt the premises and property from a dwelling to consulting rooms/professional offices demonstrates that it is not well-suited for the purpose and will lose its existing residential character and amenity;
 - e) the proposed vehicular access, parking and movement arrangements are unsatisfactory in terms of convenience, safety and amenity; and
 - f) the proposal would adversely impact directly on the amenity of the adjoining dwellings, the occupants all of whom have objected to such.
2. Advise the submitters of this decision.

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That the amendment from the Committee meeting which states "*That condition (e) is amended to read: the proposed traffic generation, vehicular access, parking and movement arrangements are unsatisfactory in terms of convenience, safety and amenity*" be incorporated into the recommendation.

Carried 11/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

1. **That Council REFUSE the proposed Consulting Rooms / Professional Offices at Nos. 68 Railway Street, Cottesloe, based on the applicant's submissions and as shown on the plans submitted on 15 July 2010, for the following reasons:**
 - a) **the proposal is contrary to the orderly and proper planning and the preservation of the amenity of the locality;**
 - b) **the proposal is contrary to the intent of Council's current and proposed Local Planning Schemes for the Residential Zone;**

- c) the district provides a town centre, adjacent office area and two local centres as established locations appropriately zoned and developed to accommodate consulting rooms, professional offices and other businesses in defined, accessible and serviced hubs with public parking and associated facilities, without causing undue adverse amenity impacts on residential areas;
- d) the degree of alteration required to adapt the premises and property from a dwelling to consulting rooms/professional offices demonstrates that it is not well-suited for the purpose and will lose its existing residential character and amenity;
- e) the proposed traffic generation, vehicular access, parking and movement arrangements are unsatisfactory in terms of convenience, safety and amenity; and
- f) the proposal would adversely impact directly on the amenity of the adjoining dwellings, the occupants all of whom have objected to such.

2. Advise the submitters of this decision.

Carried 11/0

THE AMENDED SUBSTANTIVE MOTION WAS PUT

11.1.2 NO.1 STATION STREET - CHANGE OF USE OF AN APPROVED MIXED-USE DEVELOPMENT FROM 'OFFICES AND RESIDENTIAL' TO 'OFFICES AND SHOP (CAFÉ)'

File No:	1985
Attachments:	1 StationStChange of Use.pdf 1StationStPlans.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	19 July 2010
Author Disclosure of Interest	Nil
Property Owner	Onyx Investments Pty Ltd
Applicant	Onyx Investments Pty Ltd
Date of Application	25 June 2010 (Amended 9 July 2010)
Zoning:	Town Centre
Density:	R100
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Lot Area:	417m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2):

- Parking
- Plot Ratio (Subject to Amendment 45)

Both of these aspects are discussed in this report and refer to amended plans received on 9 July 2010.

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

PROPOSAL

To consider a change-of-use of an approved (and partially constructed) three-storey mixed-use development from 'Offices and Residential' to 'Offices and Shop (café)'. The applicant has arrived at this preferred arrangement in order to accommodate their professional office needs as well as to achieve a street-front shop (potentially the desired café previously intended).

STRATEGIC IMPLICATIONS

A vibrant Town Centre is one of Council's aims for the district and TPS 2 seeks to foster this end, while proposed Local Planning Scheme No. 3 shares this outlook. An integrated Town Centre Plan is also being developed to improve all aspects of the

infrastructure of the Town Centre. The proposed uses are consistent with the objectives of both TPS 2 and LPS 3.

POLICY IMPLICATIONS

Vehicle Parking Requirements

FINANCIAL IMPLICATIONS

No financial resource impact on Council, subject to an appropriate amount of cash-in-lieu being received to allow for the future provision of parking bays in the locality.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes are proposed to the zoning of the lot. LPS 3 permits offices and shops in the Town Centre.

CONSULTATION

An office and shop use was previously advertised for this lot prior to the existing mixed-use development being approved by Council. As such, re-advertising of the same uses is not considered necessary. Two main concerns were previously raised during advertising, one being from the adjoining eastern owner who requested that the proposed development should provide all on-site parking rather than taking away from existing public bays, and one was from the owner of a shop across the laneway at the rear who expressed concern regarding adequate turning and manoeuvring for vehicles accessing the rear laneway. The approach to parking is reassessed in this report and the vehicular access has been approved as satisfactory.

BACKGROUND

These premises have a lengthy planning history which is summarised below:

- 25 February 2008 (Ref: 1342)

Approval granted for a mixed-use development incorporating parking and a shop/café on the ground floor, offices on the 1st floor and one 2-bed residential unit above.

- 7 November 2008

Town Planning Scheme No.2 - Amendment 45 – Allowed maximum plot ratio to be increased from 1:1.0 to 1:1.5 and permitted boundary wall heights to be increased from 6m to 6.5m providing that Council, when considering an application for development is guided by any Indicative Development Plan that it has supported in-principle.

- 30 June 2009 (1703)

Approval granted for a mixed-use development, incorporating parking and a shop/café on the ground floor, offices on the 1st floor and two 2-bed residential apartments above.

- 23 March 2010

Approval granted for a mixed-use development, incorporating parking and an office on the ground floor, offices on the 1st floor and one multiple dwelling above.

- 25 June 2010

Current application – Proposes change of use of the previously approved ground floor Office to ‘Shop’ (café) and a change of use of the 2nd floor from Multiple Dwelling to ‘Office’ (above approved offices on the 1st floor which are to remain).

APPLICATION ASSESSMENT

Town Planning Scheme/Policies

Aspect	Required	Proposed
Table 2- Vehicle Parking requirements	21.75 bays (rounded up to 22 bays)	12 (10 bay shortfall; or 8 if previous concession for 2 bays allowed).
Plot Ratio	1:1.5 (providing Council accepts the proposed development is similar to the approved Indicative Development Plan)	1:1.36 (complies).

Policy	Required	Proposed
Town Centre Zone - Vehicle Parking requirements	At least half of required parking spaces must be provided on or adjacent to the development site and arrangements made with Council for the provision of off-street parking in the vicinity of the site for the balance of such spaces still then required. Any cash-in-lieu payment which may be agreed in accordance with Clause 3.4.2 (c)(ii) of the Scheme.	55% of required bays will be provided on-site. Four bays are available immediately adjoining the lot in Railway Street Payment of cash-in-lieu for shortfall of bays may be acceptable.

APPLICANT'S JUSTIFICATION

Following liaison with the Town's planning staff to examine the efficacy of the present application, the applicant has explained the reasons for the amended proposal.

- Due to a lack of demand for the originally approved residential unit on the upper level we request a change of use to offices.
- The proposed offices on both the 1st and 2nd floors will be occupied by Egerton/Warburton and RBA Architects. These are the same entities that are currently occupying 575 Stirling Highway with a total number of users being 25 persons and having 9 dedicated on-site bays.
- Whilst we are confident that the shortfall of bays will not practically be an issue, we are willing to contribute a cash-in-lieu payment for the shortfall. We do however ask that you consider the planning values and urban improvement realised from this change of use when calculating the cash-in-lieu value.
- The proposed retail shop on the ground floor will activate this strategic corner tenancy and contribute positively to the streetscape and town centre.

PLANNING COMMENT

The proposed uses may be approved by Council on this lot under TPS 2, subject to consideration of the following issues:

Parking

Clause 3.4.2(c) of TPS2 as a starting point requires the proposed development to comply with the provisions of Table 2 – Vehicle Parking Requirements. The number of bays required is as follows:

Criterion	Bays
Proposed shop (café) ground floor (51.5m²):	3.34 bays (6.5 bays per 100m ² GFA)
Proposed offices 1st & 2nd floors + ground floor lobby/toilets (736.4m²):	18.41 bays (one bay per 40m ² GFA)
Total bays required:	21.75 bays
Bays proposed:	12 bays
Shortfall of bays:	9.75 bays (rounded up to 10 bays)

The reason for the shortfall is that the full complement of bays cannot be obtained from the site. In view of this situation, Council may consider a shortfall of parking for developments within the Town Centre based on the provisions in TPS2.

While on-site or nearby parking is the first preference, particularly for new developments, cash-in-lieu is provided for and often utilised for changes of use or smaller properties with limited space. Previously with this building where there was an approval of uses requiring 14 bays and 12 can be supplied on site, Council granted a concession of 2 bays as a negligible shortfall for the mixed-use development and compensated by parking on-street and opposite.

Clause 3.4.2c (ii):

In assessing the number of parking bays required for a development containing multiple uses, the Council may have regard to the likely use pattern of the various

components of the development, in particular the likely maximum use of the development at any time, and reduce the number of parking bays accordingly.

This is a practical provision where mixed-use developments are desirable yet may not be able to deliver all on-site parking, or may not warrant such owing to the walkable Town Centre, public transport and shared public parking; which mean that a shortfall is unlikely to make a proposal dysfunctional, although it may impact on general parking.

In this consideration, the boutique-office nature of this development as a private company HQ, rather than it being a commercial office with many customers or office space leased to a busy tenant(s) should be noted, albeit that the applicant still advises that the existing offices have 25 employees and there is no guarantee that the proposed occupants will not change in the future. A planning condition restricting numbers of occupants would be difficult to enforce.

The small ground floor tenancy, as a shop or café, is likely to attract customers already parked in the Town Centre (i.e. workers or visitors for multiple purposes), whereby less additional parking demand should arise.

Council may also have regard to Clause 5.5.4 of the TPS 2 which states:

Where land is proposed for development for a use which may be permitted in the Town Centre...Council may approve the development without the number of parking spaces being provided on or (in Council's opinion) sufficiently near to the land, subject to the applicant making arrangements satisfactory to Council for the provision of off-street parking in the vicinity. In this regard Council may accept cash-in-lieu subject to the following –

- *The cash in lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme plus the value as estimated by the Council of that area of land which would have been occupied by those parking spaces;*
- *Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces the Council must either have approved a public parking station nearby or must have proposals for providing a public parking station nearby; and*
- *Payment made under this clause shall be paid into a special fund to be used to provide public parking stations anywhere in the district.*

This is also a practical provision, which again recognises that full on-site parking cannot always be achieved, and that alternative arrangements may still satisfy the additional demand generated by a development. For example, off-site supplementary parking (i.e. a separate parking site owned or leased by the developer/occupier) is one such solution. Cash-in-lieu is another useful method, although it can be encumbered in terms of the dollar value and Council's plans for parking supply. The trend has been for Council to apply cash-in-lieu of parking where on-site provision is limited, shortfalls are considered significant or the additional demand is likely to be relatively high; and to set realistic payment amounts

(which may even be staged). As the applicant has offered to accept cash-in-lieu this would be a fair requirement in the circumstances, as one way of addressing the shortfall.

Were cash-in-lieu approved, a strict interpretation of the Scheme provisions suggests that Council should determine where the money would be spent for additional parking.

The Manager Engineering Services has advised of three potential locations where additional public parking could be physically provided:

- (i) Immediately south of the sealed section of Brixton Street on PTA land, behind the vet;*
- (ii) Immediately north of the new parking area opposite Vera Street, on the western verge of Railway Street; and*
- (iii) On the western side of the railway line, on PTA land, accessible via the overpass (which could be affected by future development that area).*

In addition, the Station Street studies being pursued by Council's Working Group are exploring possible decked car parking for the Town's surface car park and the sump site; while the Enquiry by Design preliminary structure plan for the railway lands also provides a framework for the formalised provision of more public parking in that location in the longer term. Council will need to be satisfied that cash-in-lieu for the proposed not-insignificant shortfall of parking is acceptable in these circumstances.

For the development under construction, alternatives such as reducing the gross floor area by deleting the proposed Shop (café) on the ground floor, or reverting that to Office use, would require less parking but would not achieve street activation, while reduction in floor area of the 1st or 2nd floor offices would not suit the applicant's specific needs.

Planning Policy TPSP001 for Town Centre development provides that:

...at least half of the total number of required spaces must be provided on, or adjacent to, the development site and arrangements made with the Council for the provision of off-street parking in the vicinity of the site for the balance of such spaces still then required.

In this respect, it is noted that parking *adjacent to* the development site is not defined in the policy so might be considered to include kerbside street bays such as the four bays that are next to the site along Railway Street. It can therefore be appreciated that operationally there will be some convenient parking adjacent to the development site.

The Scheme is otherwise clear that the aim is for on-site rather than on-street parking. However, the existence of on-street parking adjacent to and nearby the site in Railway and Station Streets would supply public parking generally available to the development (eg for business visitors attending the premises) in competition with other uses and developments in the Town Centre. There is also the 54-bay Council-

owned public car park directly opposite the site on Station Street. The time-limitation of this general parking is a factor to be taken into account as it assists a turnover of parking as well as restricts longer-term parking. Nonetheless, it is observed that parking in the vicinity is heavily utilised and often fully-occupied by workers and customers in the Town Centre.

The provision of parking in the Town Centre is therefore important due to it being at a premium and this demand is due largely to the diversity and popularity of the activity centre, both during the week and on weekends

It is apparent that there is some basis for Council to again waive 2 bays in view of the adjoining parking in Railway Street and the mixed-use proposed (consistent with a previous approval for this development) and accepting cash in lieu for the remaining shortfall of 8 bays. Council has in recent times been prepared to nominate an amount per parking bay on a case-by-case basis in the vicinity of \$15,000, albeit this being a heavily discounted amount and reliant on the Scheme for discretion. In summary regarding the parking outcome this is recommended.

Plot ratio

The maximum plot ratio allowed in this part of the Town Centre is 1:1.0. However, Town Planning Scheme Amendment 45 prescribed a plot ratio of 1:1.5 for 1 Station Street, providing that Council, when considering an application for development, is guided by any Indicative Development Plan for the site that it has supported in-principle.

The only Indicative Development Plan considered by Council showed the proposed development having a café on the ground floor, Offices on the 1st floor and two residential apartments on the 2nd floor. The current proposed uses differ from that originally considered but overall the building itself remain similar in scale and appearance and therefore it does not seem unreasonable to allow the increased plot ratio to still apply. Furthermore, proposed LPS 3 will allow a plot ratio of 1:1.5 in Station Street, once gazetted. The proposed development, as amended on 9 July 2010, has a plot ratio of 1:1.36 which is compliant with Amendment 45 and proposed LPS 3.

CONCLUSION

The development proposal for this property has undergone a series of design and use changes initiated by the applicant to suit evolving needs and circumstances. A high-quality building is finally taking shape as part of the Town Centre and provides 12 on-site parking bays. The latest mix of uses can be supported subject to an appropriate amount of cash-in-lieu for parking. This would facilitate completion of the development, a commercial street tenancy (ideally a café) and funds towards supplementary public parking.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee broadly discussed the overall parking situation in the Town Centre and the approach to on-site as well as cash in lieu provision, and considered that realistic amounts of cash in lieu were necessary to balance demand and supply of parking while still attracting development. In this respect Mr Jackson gave some guidance in relation to current TPS2 and the outlook under proposed LPS3. It was concluded that the subject development should deliver the full complement of parking by a combination of on-site bays (as approved/constructed) and cash in lieu at an increased amount per bay.

OFFICER RECOMMENDATION

MOVED: Cr Walsh SECONDED: Mayor Morgan

Moved Cr Birnbrauer, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the proposed change-of-use of the three-storey Mixed-Use Development (currently under construction) at No. 1 Station Street, Cottesloe, to permit Offices on the 2nd floor (in addition to the Offices previously approved on the 1st floor) and a 'Shop (café)' use on the ground floor, in accordance with the amended plans submitted on 9 July 2010, subject to the following conditions:

- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites;
- (ii) No external signage shall be permitted without the approval of a separate signage application and any associated sign licence;
- (iii) No additional uses or further change-of-use shall be permitted without the approval of a separate planning application and any associated building licence or health applications;
- (iv) Prior to occupation of the building, the applicant/owner shall pay to the Town a contribution of \$120,000, being cash-in-lieu for eight parking bays.
- (v) The owner/occupier shall encourage and facilitate staff to use alternative transport to limit car parking demand, including walking, cycling, bus, train, taxi and car-pool travel.

AMENDMENT

Moved Cr Strzina, seconded Cr Goldthorpe

That condition (iv) be amended to \$200,000 cash in lieu for ten bays.

Carried 6/1

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the proposed change-of-use of the three-storey Mixed-Use Development (currently under construction) at No. 1 Station Street, Cottesloe, to permit Offices on the 2nd

floor (in addition to the Offices previously approved on the 1st floor) and a 'Shop (café)' use on the ground floor, in accordance with the amended plans submitted on 9 July 2010, subject to the following conditions:

- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites;
- (ii) No external signage shall be permitted without the approval of a separate signage application and any associated sign licence;
- (iii) No additional uses or further change-of-use shall be permitted without the approval of a separate planning application and any associated building licence or health applications;
- (iv) Prior to occupation of the building, the applicant/owner shall pay to the Town a contribution of \$200,000, being cash-in-lieu for ten parking bays.
- (v) The owner/occupier shall encourage and facilitate staff to use alternative transport to limit car parking demand, including walking, cycling, bus, train, taxi and car-pool travel.

Carried 11/0

AMENDMENT

Moved Cr Rowell, seconded Kevin Morgan

That the amount in condition (iv) be changed from \$200,000 to \$250,000.

Lost 3/8

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

That Council GRANT its Approval to Commence Development for the proposed change-of-use of the three-storey Mixed-Use Development (currently under construction) at No. 1 Station Street, Cottesloe, to permit Offices on the 2nd floor (in addition to the Offices previously approved on the 1st floor) and a 'Shop (café)' use on the ground floor, in accordance with the amended plans submitted on 9 July 2010, subject to the following conditions:

- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites;
- (ii) No external signage shall be permitted without the approval of a separate signage application and any associated sign licence;
- (iii) No additional uses or further change-of-use shall be permitted without the approval of a separate planning application and any associated building licence or health applications;
- (iv) Prior to occupation of the building, the applicant/owner shall pay to the Town a contribution of \$200,000, being cash-in-lieu for ten parking bays.

- (v) The owner/occupier shall encourage and facilitate staff to use alternative transport to limit car parking demand, including walking, cycling, bus, train, taxi and car-pool travel.

THE SUBSTANTIVE MOTION WAS PUT

Carried 11/0

11.1.3 52 JOHN STREET - SINGLE STOREY ALTERATIONS AND ADDITIONS

File No: 1971
Attachments: [52 John Aerial Photos.pdf](#)
[52 John Appl Justif.pdf](#)
[52 John Plans.pdf](#)
[52 John Applicant Site Photos.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: William Schaefer
Planning Officer
Proposed Meeting Date: 19 July 2010
Author Disclosure of Interest: Nil
Property Owner: Mrs C Green
Applicant: Nuspace Developments
Date of Application: 2 June 2010
Zoning: Residential – R20
Use: P - A use that is permitted under this Scheme
Lot Area: 592m²
M.R.S. Reservation: N/A

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Single Storey Building Height;
- Privacy.

Each of these aspects is discussed in this report and refers to plans received on 02 June 2010.

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

PROPOSAL

The existing brick and iron dwelling dates from the 1920s. It is proposed to modernise the family/meals room, study, bedroom and decking at the rear whilst retaining the overall character of the home.

All of the works except for a new portion of the deck are proposed for within the footprint of the existing building and will not be visible from the street. Despite the modest scale of the proposal, the need to match sections of new roof to the existing roof has resulted in a building height variation being sought.

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

- Building height

FINANCIAL IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

SUSTAINABILITY IMPLICATIONS

Nil

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes are proposed to the zoning of this lot under LPS3.

HERITAGE LISTING

N/A

MUNICIPAL INVENTORY

N/A

NATIONAL TRUST

N/A

VARIATIONS

Statutory Non-Compliance	Standard	Proposed
TPS 2 Clause 5.1.1 (c) - Building Height	6.0m max ridge height for single storey buildings	6.98m
RDC Provisions	Discretionary	Required
6.8.1 A1 Privacy – Overlooking from deck to east	7.5m setback	5.8m setback

APPLICANT'S JUSTIFICATION

The applicant has submitted written justification for the variations. The main points of the justification are summarised as follows:

- The proposed alterations/additions occur mostly within the footprint of the existing building and have little impact on the streetscape or amenity of neighbours;

- Every effort has been made to match the character, form, materials and details of the existing home;
- It has been especially difficult to connect areas of new roof with existing roof. The least expensive and most aesthetically sensible proposal is to follow the current roofline, which will ensure that pitch and plate level match;
- It is important to utilise existing floors, walls and ceiling levels. Lowering the existing floor, sub-floor and west wall would be contrary to the spirit and budget of a low-impact renovation. Lowering the ceiling height would necessitate lowering the entire roof, which would have construction detail implications;
- The privacy of neighbours to the west will not be compromised as the deck will replace an existing deck. Moreover the existing dividing fence is sufficiently high above the Finished Floor Level of the deck to prevent overlooking; and
- The privacy of the neighbour to the east will be upheld by the substantial mature tree on the premises. The neighbour also intends to construct a garage in the rear of his property which will prevent overlooking of the yard.

Advertising

Under Clause 7.1.5 of TPS 2, single storey proposals/extensions are not automatically required to be advertised, although the Town tends to recommend that an applicant consults neighbours during the assessment process. In this instance as the neighbours at 50 and 54 John Street are overseas their comment/consent has not been obtained; however, as the height variation is relatively minor and compatible, and the deck satisfies the RDC Performance Criterion for privacy, the proposal is considered sufficiently well-designed and low-impact so as not to be a neighbour concern.

PLANNING COMMENT

Building Height

It is proposed to have a new roof above the refurbished rear of the dwelling that is 6.98m above NGL, whilst for single storey buildings Clause 5.1.1 (c) of TPS 2 sets a standard maximum height of 6.0m.

Clause 5.1.1 (c) contemplates allowing relaxations to the height standards in cases of extensions to existing buildings. The proposed additions qualify as extensions to a substantial existing dwelling and may therefore be considered as allowable.

At 4.8m in length, the overheight section of ridge will only occupy approximately 10% of the 41.22m-long property. The overheight element will have little impact on the amenity of the surrounding area as it is screened from the street by the existing transverse ridge. As the midwinter shadow from the additions would fall entirely on the subject lot and road reserve, the additions would have little adverse impact on neighbouring properties. The additions do not affect views of significance to the neighbours and have been sensitively designed to complement the existing building.

Privacy

A section of raised decking at the rear of the building is proposed to be set back 5.8m from the property at 54 John Street, whereas Acceptable Development Standard 6.8.1 A1 of the RDC requires a 7.5m setback to be observed.

It is therefore necessary to assess the overlooking according to the relevant Performance Criterion, which states:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass

Where these are used, they should be integrated with the building design and have minimal negative effect on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows

In this instance it is an area of garden at the very rear of the neighbouring property, as distinct from a major opening or an active habitable space, that is proposed to be overlooked. The applicant has suggested that the substantial mature tree that occurs between the proposed deck and the yard at 54 John Street will ameliorate the effects of overlooking. It is also submitted by the applicant that the privacy of this neighbour will be further ensured when the recently-approved garage is constructed in the backyard of 54 John Street.

The overlooking is considered consistent with that allowable under the RDC.

CONCLUSION

The proposed alterations and additions are expected to perform with no impact on amenity and may be supported under the Scheme. No other planning issues are associated with the remainder of the proposal.

Approval is recommended.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

THAT Council GRANT its Approval to Commence Development for the proposed alterations and additions to single storey dwelling Lot 340 (No 52) John Street, Cottesloe, in accordance with the plans submitted on 2 June 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from any portion of the site shall not be discharged onto the street reserve, ROW or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be 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) Air-conditioning plant and equipment shall be located closer to the dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the limits prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- (f) Any future fencing and gating to the site within the front setback area shall be of an open-aspect design in accordance with the Town's *Fencing Local Law* and the subject of a separate application to Council.

Advice Note:

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

Carried 11/0

11.1.4 217 MARMION STREET - SWIMMING POOL, ALTERATIONS AND SECOND STOREY ADDITIONS TO DWELLING

File No:	1961
Attachments:	217 Marmion Aerial Photo.pdf 217 Marmion Appl Justif and Site Photos.pdf 217 Marmion Neighbours Signatures.pdf 217 Marmion Plans.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	William Schaefer Planning Officer
Proposed Meeting Date:	19 July 2010
Author Disclosure of Interest:	Nil
Property Owner:	Mr D R White
Applicant:	Meaghan White Architect
Date of Application:	25 May 2010
Zoning:	Residential – R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	597m²
M.R.S. Reservation:	N/A

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Building Height;
- Side Setbacks;
- Vehicle Manoeuvring Space;
- Privacy.

Each of these aspects is discussed in this report and refers to revised plans received on 23 June 2010.

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

PROPOSAL

This application is for a swimming pool, minor alterations to the existing dwelling, ground floor additions and a second storey addition to the existing garage, all to the rear of the property.

It is intended to retain the existing dwelling. The new two storey element will be set back 34.0m from the front boundary and will not affect the streetscape.

There is currently a swimming pool on the property. It is intended to fill the pool in and construct a new pool in a different location.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

- Building height

FINANCIAL IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

SUSTAINABILITY IMPLICATIONS

Nil

PROPOSED LOCAL PLANNING SCHEME NO 3**MUNICIPAL INVENTORY**

N/A

NATIONAL TRUST

N/A

HERITAGE LISTING

N/A

CONSULTATION**Advertising**

- The application was advertised as per the Town of Cottesloe Town Planning Scheme No 2;
- The advertising consisted of letters from the Town to adjoining property owners, as well as applicant consultation with adjoining property owners;
- Two adjoining landowners have signed plans in support of the proposal. No written submission was received from the other owner.

VARIATIONS

Statutory Non-Compliance	Standard	Proposed
TPS 2 Clause 5.1.1 (c) - Building Height and RDC Acceptable Development	7.0m max (subject to Performance	8.18m

Standard 6.7.1 A1	Criterion)	
RDC Discretionary Provisions	Required	Proposed
6.3.1 A1 - Setback South Ground Wall	1.7m	1.0m
6.3.1 A1 - Setback South Upper Wall	1.2m	1.0m
6.3.1 A1 - Setback West Upper Wall	1.65m [incl ROW discount]	Nil [stair]/1.0m
6.2.3 A3.2 – Vehicle Manoeuvre Space	6.0m from far side of ROW	3.7m from far side of ROW
6.8.1 A1 – Privacy – Overlooking from study window to west	4.5m	3.7m

APPLICANT'S JUSTIFICATION

The applicant submitted a detailed report with the application and has further supplied a substantial written response to the preliminary assessment feedback of Council's Planning Staff (refer attachments).

The main points of the applicant's justification are as follows:

- The topography of the site is difficult to work with. The site slopes from 21.75m AHD in the northwest corner down some 5.0m to 16.72m AHD in the south-east corner, with the levels dropping across a series of terraces;
- The overheight element is the result of working with existing terrace levels. Working with the existing levels minimizes the impact on neighbours by eliminating the need to construct additional retaining walls;
- The neighbours have signed support for the proposal;
- The upper floor element has been setback 1.0m from the southern neighbour and does not create building bulk;
- The two storey element is approximately 50m², occupying less than 10% of the 597m² subject lot;
- 80% of the dwelling is single storey and has little impact in the way of shadow, bulk or privacy;
- The proposed reduced setback of the south ground wall does not increase the area of neighbouring lot in shadow;
- The three windows to the south ground elevation of the additions will be screened from neighbours by the existing brick dividing fence;
- The windows are necessary for cross-ventilation of the additions, which will lessen dependence on air-conditioning;
- The proposal is supported by the affected neighbours;
- The proposed reduced setback to the western elevation enables recycling of the existing garage structure which presently has a nil setback to the ROW.

Re-use of the garage enables off-street parking, which retains the quality of streetscape;

- Adjoining landowners have signed support for the proposal;
- The turning circles have been verified as appropriate by qualified traffic engineers;
- Overlooking from the study window occurs predominantly in the ROW, which is presently under-surveilled. The neighbour has supported the variation.

PLANNING COMMENT

Building Height

It is proposed to construct a flat-roofed second storey studio addition above the existing garage. The wall height of the studio addition is 8.18m above NGL, whereas the RDC basic standard is for a wall-height maximum of 7.0m above the NGL. The overheight walls must therefore be assessed under RDC Performance Criterion 6.7.1 P1, which allows for:

Building height consistent with the desired height of buildings for the locality, and to recognise the need to protect the amenities of the adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance.*

The proposed overheight walls are considered to satisfy the above criterion. Located at the far western end of the lot, the winter shadow cast by the studio would not fall on the neighbouring dwelling or its appurtenant open spaces.

The proportions of the proposed two storey addition are relatively modest at only 7.2m wide from north to south and 6.2m long from east to west. The overheight element occupies less than 10% of the site. Situated approximately 13.0m from the neighbouring dwelling, and no closer than 34.0m to the Marmion Street boundary, the second storey will not present building bulk to the neighbours or streetscape.

The upper floor element is set back 1.0m from the southern neighbour and 3.7m from the western neighbour. Both neighbours have signed support for the proposal.

As the immediate area occurs on the lee side of a rise, none of the surrounding properties is afforded a view of the ocean and thus no views of significance appear to be compromised by the proposed height variation.

With the two storey element thus unlikely to generate amenity issues for neighbouring areas, it remains to be established that the variation can be supported by Council under Clause 5.1.1 (c) of TPS 2.

Clause 5.1.1 (c) allows for variations to be approved in circumstances where the topography is difficult and also in the cases of extensions to existing buildings.

In this instance, the 5.03m drop in ground levels over the 42.55m west to east length of the property has made a compliant design difficult to achieve. The second storey addition is more than 1.0m above the height standard, even with its relatively small floor-to-ceiling height of 2.8m.

In conclusion, the overheight element meets the variation requirements of TPS 2 by being an extension to an existing building on natural ground forms that indicate a variation is warranted. Adjoining landowners have supported the proposal and in terms of the RDC Performance Criterion the amenity of the neighbouring area will not be impacted.

Side setbacks

Setbacks from south boundary

The proposed south ground wall and south upper wall have 1.0m setbacks from the southern boundary in lieu of the 1.7m and 1.2m setbacks required by the RDC. The upper western wall is proposed to be setback 1.0m from the ROW in lieu of the 1.65m required by the RDC. It is therefore necessary to assess the proposed walls under RDC Performance Criterion 6.3.1 P1, which contemplates:

Buildings set back from boundaries other than street boundaries so as to:

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

The ample windows facing north ensure that sufficient sunlight and ventilation will be provided to the building. The predominantly single-storey design would not generate building bulk, and not hinder the passage of sunlight or ventilation to the neighbouring properties. In any event, the property to the south is overshadowed by less than the 25% permitted as-of-right by the RDC.

The two storey element is proposed to be situated at the rear of the lot, distant from the outdoor living areas and major openings associated with the neighbouring dwellings. At 6.2m wide (north to south) and 7.2 in length (east to west), the proposed two storey element is also considered unlikely to generate building bulk concerns.

There are no privacy concerns with the proposal, which meets the relevant Acceptable Development Standards of the RDC in respect of 215 Marmion Street, and satisfies the Performance Criterion of the RDC with regard to 71 John Street.

Setback from Western Boundary (ROW)

The western upper wall is proposed to be set back from the ROW boundary. As the ROW is 2.7m wide, the wall will be set back 3.7m from the neighbour's boundary, where it would be unlikely to have an impact on the amenity of the property. As the wall is intended to be situated to the east of 71 John Street, the provision of northern light and south-westerly sea breezes will not be compromised.

Both adjoining landowners have signed plans stating support for the proposal.

Vehicle Manoeuvring Space

It is proposed to have vehicle manoeuvre space of 3.7m in front of the garage, whereas RDC Acceptable Development Standard 6.2.3 A3.2 (and Council's Engineering Policy) requires 6.0m of vehicle manoeuvre space to be available.

In this instance there is no practical alternative to using the existing garage. Locating a garage or carport at the front of the dwelling would disrupt the streetscape and necessitate the construction of a 17.0m long crossover. Setting a new structure further back from the ROW is difficult given the 1.0m drop in levels approximately 8.0m east of the garage.

Engineer-certified vehicle turning circles show that safe entry and egress from the garage is feasible (refer attachment). Similar proposals have recently been approved by Council at 31D Curtin Avenue and 223 Marmion Street, the latter of which has been completed and appears to be functioning well.

Council's Works Department has supported the turning circles and the variation may be approved on this basis.

Council's Works Department also considers the section of ROW behind 215 Marmion Street to be untrafficable due to its steepness (refer Council's 2005 ROW Report). The proposed reduced turning circles would thus not compromise northbound traffic.

Approving the proposal would see the ROW sealed and drained at the applicant's cost all the way from the subject lot to John Street. The ROW upgrade would benefit several other properties and modernise a ROW that is recognised by the Town as being in poor condition.

Privacy

It is proposed to have a west-facing study window that is setback 3.7m from the boundary of the property at 71 John Street, whereas the Acceptable Development Standards of the RDC require study windows to be setback 4.5m.

It is therefore necessary to assess the window according to the relevant Performance Criterion, which states:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass

Where these are used, they should be integrated with the building design and have minimal negative effect on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows

In this instance it is an area of garden, rather than a major opening or an active habitable space, that is proposed to be overlooked. The neighbours have signed support for the variation.

CONCLUSION

The proposal is for mostly-single storey additions which will have little impact on the streetscape or neighbours as they will occur at the rear of the property. The steep topography and acute terracing of the site have imposed design constraints and several variations from the planning standards are sought, with the height of the two small storey element and the vehicle turning space from the garage being most crucial. All variations have been assessed as supportable.

Approval is recommended.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee was satisfied regarding the rear height variation given the difficult topography, good design and that streetscape would not be affected.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

THAT Council GRANT its Approval to Commence Development for the proposed swimming pool, alterations and second storey additions to dwelling on Lot 111 (No. 217) Marmion Street, Cottesloe, as per the revised plans dated 23 June 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the *Environmental Protections (Noise) Regulations 1997, Regulation 13 – Construction Sites.***
- (b) The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**

- (c) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.
- (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) Prior to the issue of a Building Licence, the applicant shall arrange with the Manager Engineering Services for the Right-of-Way at the rear of the development to be paved and drained to John Street at the applicant's expense and in accordance with Council guidelines and specifications.
- (f) The applicant shall comply with the Town of Cottesloe's *Policies and Procedures for Street Trees, February 2005* where development requires the removal, replacement, protection or pruning of street trees.
- (e) Air conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- (f) Any future modifications to the front setback area fencing shall be of an open- aspect design in accordance with Council's *Fencing Local Law* and the subject of a separate application to the Town.
- (g) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- (h) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
- (i) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
- (j) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.

Advice Note:

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

Carried 11/0

11.1.5 2A REGINALD STREET - TWO STOREY DWELLING

File No:	1968
Attachments:	2a ReginaldAerial.pdf 2a Reginald Site Photos.pdf 2a ReginaldApplic Justif.pdf 2a Reginald.Neighbours Comment.pdf 2A Reginald Plans.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	William Schaefer Planning Officer
Proposed Meeting Date:	19 July 2010
Author Disclosure of Interest:	Nil
Property Owner:	L Corser
Applicant:	Webb & Brown-Neaves
Date of Application:	1 June 2010
Zoning:	Residential – R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	376m²
M.R.S. Reservation:	N/A

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback;
- Wall on boundary.

Each of these aspects is discussed in this report and refers to revised plans received on 23 June 2010.

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

PROPOSAL

It is proposed to demolish the existing dwelling and construct a new two storey brick and tile dwelling.

The subject lot is small at 376m², having been created during the subdivision of 38 Broome Street in the 1970s. The small lot size has imposed constraints on the design of the dwelling and a variation from Council's 6.0m preferred setback resolution is sought.

The dwelling is of a traditional pitched roof design which is expected to complement the pattern of development along the street.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Resolution TP128A – October 2002: Front Setbacks

FINANCIAL IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION**Advertising**

The proposal was advertised in accordance with TPS 2 and included consultation with the owner of 38 Broome Street. One submission was received. In addition, the plans and a letter were signed by the owner of 38 Broome Street in support.

Mr P and Mrs R Davidson, 2 Reginald Street, Cottesloe

- Objection to proposed 4.0m front setback on basis that dwelling at 2 Reginald was required to comply with 6.0m requirement when constructed;
- Request for obscure glazing to upper east bathroom window.

L Taranaki, 38 Broome Street, Cottesloe

- No objection to the proposed reduced setback or wall on boundary.

PROPOSED LOCAL PLANNING SCHEME NO 3

This property is proposed to be rezoned to Residential - R30 under LPS3.

HERITAGE LISTING

N/A

MUNICIPAL INVENTORY

N/A

NATIONAL TRUST

N/A

VARIATIONS

Resolution/ RDC Acceptable Development Standard	Required	Proposed
Council Resolution TP128A – October 2002	6.0m preferred front setback with no averaging	4.0m
Wall on West Boundary – RDC Acceptable Development Standard 6.3.2 A2	Max height 3.0m	Max height 4.1m

APPLICANT'S JUSTIFICATION

The applicant has submitted written justification for the proposed variations. The main points are summarised as follows:

- The setback of the existing dwelling from Reginald Street is 5.0m;
- The Reginald Street setback of the garage at 38 Broome Street is nil. This garage presents a large mass to Reginald Street and also occurs along the boundary of the subject lot. The effect of the proposed reduced setback to the dwelling will be somewhat ameliorated by the presence of the garage and will provide a suitable transition to the 6.0m setbacks further east along Reginald Street;
- The garage for the property at 36 Broome Street also has a nil setback from Reginald Street (note – the setback of this garage has been established by Council's Planning Staff as 0.5m, not nil as claimed by the applicant);
- There are other examples of reduced setbacks to dwellings and garages along Reginald Street;
- The small size of the subject lot (376m² in lieu of the 440m² standard minimum for R20 areas) constrains the potential for development of a standard suitable for Cottesloe;
- The proposed reduced front setback will not hinder the safe manoeuvring of vehicles;
- The proposed reduced front setback facilitates the location of private open space at the rear of the dwelling, away from the street;
- The proposed reduced front setbacks do not impact on service corridors or clearances for easements;
- The small size of the lot has necessitated the location of one wall on the boundary. This wall enables the effective use of space and ensures site coverage is less than 50%;
- The wall on boundary does not feature windows or balconies and this enhances privacy for the neighbours. This wall will also protect the

neighbour's privacy by preventing people from using space near the swimming pool at 38 Broome Street;

- The two storey dwelling at 2 Reginald Street also has a high garage wall on the boundary;
- The owners of 38 Broome Street have signed plans stating no objection to the proposal.

PLANNING COMMENT

Front Setback

It is proposed to have a front setback to the dwelling of between 4.0m (for a 7.8m-wide section of dwelling and porch) and 5.895m (for the remainder of the dwelling), whereas by resolution Council prefers front setbacks of 6.0m, with no averaging.

The 7.8m-wide section of dwelling that is proposed to be setback 4.0m is partly comprised of a 2.8m-wide, unenclosed porch that presents little mass to the 18.7m-long streetscape.

It should be noted that the subject lot was created by the subdivision of the original lot for 38 Broome Street. Under such circumstances, aesthetically undesirable gaps in the streetscape can result if full setbacks are insisted upon, and RDC Acceptable Development Standard 6.2.1 A1.1 (ii) allows for front setbacks to be reduced to 2.5m:

Buildings other than carports and garages set back from the primary street in accordance with Table 1: or

ii. in the case of areas coded R15 or higher, where:

a single house results from subdivision of an original corner lot and has its frontage to the original secondary street;

the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent.

The explanatory guidelines of the RDC pertaining to this standard further advise:

Different streetscapes usually occur on secondary or side streets, with the street alignments formed by the long side boundaries of corner lots. These are characterised by side fences or walls rather than open gardens, and a small setback to the dwelling.

In many cases these streetscapes are being altered by subdivision of corner lots, creating new frontages to the side street. Where this happens, similar consideration to those for setbacks to frontage streets should be open, but with a reduced setback, for practical and streetscape reasons.

The proposed reduced setback of 4.0m thus satisfies the requirements of the RDC.

In this instance the reduced setback of 4.0m is arguably preferable to the standard setback of 6.0m as the reduced setback represents a transition from the nil secondary street setback (ie Reginald Street) for the garage at 38 Broome Street to the residence at 2 Reginald Street. The applicant has observed that the Reginald

Street streetscape itself has examples of dwellings forward of the 6.0m setback line. Site inspection by Council's Planning Staff has confirmed these reduced setbacks at Numbers 18 and 20 Reginald Street.

A written objection to the proposed 4.0m setback was received from the owners of 2 Reginald Street (refer attached letter). The basis for the objection appears to be a matter of principle, rather than of a perceived negative effect on amenity. The submitter is likely unaware of the difference between the lot at No. 2 Reginald Street, which is a normal residential lot with frontage to one street, and the undersized lot at No. 2A Reginald Street, which was created following subdivision of 38 Broome Street and now has frontage to the original secondary street as per the RDC provisions.

Council has previously approved a number of reduced front setbacks in situations where corner lots have been subdivided and new frontages to original secondary streets have been created. 1 Princes Street, 13 Florence Street, 43 Hawkstone Street, 18 Grant Street, 22 Grant Street, Rear 48 & 50 North Street and 7 Knowles Street are relatively recent examples.

In conclusion, the proposed reduced setback of 4.0m is expected to facilitate a staggered transition from the secondary street setback of the garage at 38 Broome Street to the 6.0m setback of the residence at 2 Reginald Street. The proposed setback meets the Acceptable Development Standards of the RDC, which were specifically designed to facilitate setback-transitions and thus preserve streetscapes. Council has previously approved other reduced setbacks in similar circumstances and there are examples of reduced setbacks along Reginald Street.

Wall on Boundary

It is proposed to construct a wall of 9.05m in length and up to 4.2m in height along the western boundary, whereas in residential areas with density codings of R20, RDC Acceptable Development Standard 6.3.2 A2 allows for walls of up to 9.0m in length and up to 3.0m in height.

It is therefore necessary to consider the proposed wall on boundary under RDC Performance Criterion 6.3.2 P2, which contemplates:

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

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development;*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas is not restricted.*

At least 400mm of the wall is intended to protect the neighbours from overflow from the box gutter. From the Finished Floor Level of the garage/laundry to the ceiling, the wall is 3.0m in height, with the balance being the result of retaining underneath.

The applicant is thus proposing a floor-to-ceiling height that is consistent with the walls-on-boundary contemplated by the RDC.

In this instance the applicant has argued that the wall will make effective use of space on a small lot, ensuring that the open space minimum is satisfied.

The amenity of the neighbouring property is preserved by the absence of windows or balconies on the wall, and even enhanced by the manner in which it would prevent people from occupying the space adjacent to the pool at 38 Broome Street. Moreover, the affected neighbours have signed plans stating no objection.

The situation of the wall on the western boundary does not prevent the passage of northern light to major openings or habitable rooms on any property.

In conclusion, the proposed wall on boundary satisfies the relevant Performance Criterion and should be allowed.

CONCLUSION

In general the proposal is considerate of the streetscape and may be deemed a thoughtful solution to the constraints of a small lot.

The proposed 4.0m setback exceeds the requirements of the RDC and is consistent with previous approvals for similarly subdivided lots. The wall on boundary satisfies the relevant Performance Criterion and is supported by the affected neighbours.

No significant adverse effects on neighbours are expected.

Approval is recommended.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted the setback arrangement as supportable having regard to the RDC and Council approvals on similar subdivided lots, and commented that this context was explained well in the report.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

THAT COUNCIL:

1. **GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 101 (No. 2A) Reginald Street, Cottesloe, in accordance with the Revised Plans submitted on 23 June 2010, subject to the following conditions:**
 - (a) **All construction work shall 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 shall not be discharged onto the street reserve or adjoining**

- properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The finish and colour of the boundary wall facing the neighbour shall be to the satisfaction of the Manager Development Services.
 - (e) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
 - (f) A separate application for a new crossover meeting Council's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer.
 - (g) The proposed crossover shall be located at least 1.5m from the base of the existing street tree, as determined by Council's Works Supervisor.
 - (h) The applicant shall comply with the Town of Cottesloe's *Policies and Procedures for Street Trees, February 2005* where development requires the removal, replacement, protection or pruning of street trees.
 - (i) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated as may be necessary to ensure that sound levels emitted shall not exceed those outlined in the *Environmental Protection (Noise) Regulations 1997*.
 - (j) Any future fencing to the site within the front setback area shall be of an open-aspect design in accordance with Council's *Fencing Local Law* and the subject of a separate application to the Town.
 - (k) The window to the bathroom on the eastern elevation of the upper floor shall have full obscure glazing or a minimum sill height of 1650mm above the Finished Floor Level.

Advice Note:

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

2. ADVISE the submitters of its decision.

Carried 11/0

11.1.6 GOVERNMENT REQUEST FOR SURPLUS LAND INFORMATION

File No: SUB/36
Attachments: [PremierLetter.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 19 July 2010

INTRODUCTION

The Premier has written to all Local Governments, letter dated 17 June 2010 attached, seeking assistance to identify surplus public land or properties to stimulate housing land supply and development in the state.

The focus is on Government Crown land and that vested in Local Governments, as well as land owned outright by councils. The information is requested to be forwarded to the Minister for Planning and ideally within 30 days.

An acknowledgment has been sent advising that as the letter was not received until 1 July it will be replied to following consideration at this month's Council meeting.

This report addresses the situation to define Council's feedback.

BACKGROUND

The letter represents a high-level approach in relation to managing the affects of economic growth, as a supplement to established arrangements for administering the provision of land and housing. As such there is no formal compulsion to respond, and it is noted that the request is very broad without specific guidance. Neither is there any elaboration of what's intended to be done with the information, in terms of land acquisition, planning mechanisms, development outcomes and financial implications.

The Government through its diverse planning, property, housing and development agencies should already have a good grasp of public land availability to this end. In addition its vast transport, education, health, utility and other organisations are major holders of public land assets with potential for rationalisation and urban/housing development.

Local Governments participate in the overall land and housing supply process through a suite of planning activities. This includes strategic and structure planning, town planning schemes/amendments (covering zoning, land usage, residential densities and development control), policies, studies, projects, subdivision regulation and live developments. These vary depending on the location, size and characteristics of local districts, particularly between older and newer areas. They are also influenced by the interface with regional infrastructure, planning and development.

Inner municipalities such as Cottesloe are typically predominantly developed, with limited available land and a measure of heritage constraints. Yet some government landholdings may lie idle or be recycled over time, while opportunities for urban redevelopment can occur as suburbs age and commercial centres evolve. These may take the shape of small infill developments or large-scale complete redevelopment projects.

COTTESLOE PROFILE

Like other councils, in recent years the Town has been involved in land and housing supply-related planning activities via several initiatives, as follows.

Regional Planning

The Town's interest in regional planning matters such as the Stirling Highway Activity Corridor Study and the Activity Centres policy review contributes indirectly to future land and housing supply. This depends on the implementation of these proposals, entailing land-banking, rezoning/recoding, detailed planning and redevelopment. Being long-term propositions they do not extend to land availability at this early stage.

DoP Population & Housing Targets

The Department of Planning (DoP) is the lead agency responsible for population and land/housing supply research and coordination, although a range of agencies are interrelated in this regard. As the DoP is the chief source of that information for the Government and for advice to the Minister for Planning accordingly, it seems surprising that Local Governments have been contacted independently to nominate land.

For the past few years all Perth councils have been part of the DoP's *Network City*-originated ongoing program of preparing scenarios for containment and consolidation of the metropolitan region. This looks at both private and public sites, as well as new urban regeneration methods (eg transit-orientated development (TOD)).

This program has canvassed where and how more land/housing could be created in Cottesloe progressively. It is not premised on automatic availability of sites and recognises that the whole land assembly, infrastructure, planning, design and development chain would prevail. Community consultation, project feasibilities and market forces would all have a bearing.

It is understood that this work is moving towards a regional staging plan earmarking precincts for more intensive urban development and facilitating Government agencies, Local Governments and the private sector to pursue detailed planning and projects.

WESROC Population Forecasts

The Town is included in the WESROC demographic database which provides comprehensive information about population growth and complexion for the member councils. This is useful in relation to planning for land and housing supply, however, it is not based on identified parcels of land. Its value is as indicators of demand for

housing amounts and types, by way of rates of change, age and income brackets, etc.

Density Study

In 2008 a *Study of Land Use Patterns and Residential Densities in the Western Suburbs* was finalised for WESROC plus the City of Fremantle and Town of Cambridge. This looked at the capabilities of these councils to accommodate urban growth in relation to their morphology and socio-economic trends.

The study examined the urban form and function of these municipalities and the meeting of regional and local planning to enable urban redevelopment. In summary it found that these councils are embracing their fair-share of housing supply and choice, notably well-designed with attractive amenity. It emphasised an historical presence of Government landholdings associated with the railway line and institutional uses that offer scope for future residential redevelopment.

In Cottesloe the sites suggested include the depot, Wearne and Deaf Institute sites and railway lands, each of which is owned differently.

Currently Cottesloe enjoys approximately 38% non-single dwellings, ie more than a third of its housing stock, as duplexes, villas, townhouses, flats, apartments and aged or special-purpose housing.

LPS3

Given the above general directions, proposed Local Planning Scheme No. 3 (LPS3) is the vehicle for Council to map and make provisions for urban redevelopment sites in the district. This is a definitive tool, affording clarity and a degree of certainty by virtue of zones and development parameters, which require particular procedures to be followed (eg structure planning).

A series of Development Zones delineate Council's depot site, the railway lands, Wearne site and Deaf Institute site as candidates for residential development, subject to becoming available and the necessary structure planning then subdivision/development approvals.

In relation to LPS3, the Enquiry by Design exercise produced a preliminary structure plan for the railway lands, having regard to a solution for Curtin Avenue, east-west connectivity, Town Centre integration and a train-station TOD. Council is currently planning to relocate its depot and release the site for residential redevelopment.

IDENTIFIABLE LAND

The request is to find surplus land or properties rather than committed Government or Local Government sites. Because Cottesloe is almost fully-developed it does not have a stockpile of vacant or redundant sites automatically suitable for housing development. This situation is explained below.

Government Crown land

Strategically Council has an objective to manage development pressures which includes consideration of undeveloped Government-owned land for higher density development provided there is both public support and benefit for the Cottesloe community.

The railway lands are the most immediate source of supply for significant housing land and development in the district. Considerable pre-planning has been performed and could be continued, which Council aims to do.

Several educational and other institutions occupy Crown land properties in Cottesloe, including the primary school, school for the deaf, kindergarten/toy library, Wanslea and former Cable Station operations, so these are actively used rather than being fallow. These are all important community facilities, some of which such as the primary school and Wanslea are presently undergoing intensification of development and planning for further uses.

The old Scout Hall site is one which has not been effectively used for many years and appears appropriate for residential subdivision/development. This would need rezoning and a replacement venue to preserve the Scout's community service.

Vested Crown land

While the Town is the custodian of much coastal regional recreational Crown land, this is set aside or protected for dedicated purposes so is not really surplus. It is held as Crown reserves (including Class A) for environmental, social and heritage purposes.

Similarly, a handful of local Public Open Spaces exist as a result of subdivision so are required to be retained for that purpose, especially as the district has comparatively little accessible local open space for passive recreation.

Town-owned land/property

The Town does not own much property apart from the Civic Centre and depot, having disposed of its sumps in recent years. The depot is already earmarked for residential redevelopment which Council is acting on. The two Station Street sites in the town centre are used and planned for parking, with development concepts that may yield some apartments (not housing lots). A coupe of portions of formalised recreational areas are held freehold by the Town and as such are not predisposed to residential development.

CONCLUSION

Cottesloe as an inner, older suburb is almost fully developed with a relative diversity of housing stock which is in good condition, as opposed to being an outer metropolitan growth area of new residential subdivisions or a run-down locality ripe for urban renewal.

Council's is, however, through proposed LPS3 and related actions planning for a number of future residential redevelopment prospects, including several Government landholdings, to provide additional and more diverse housing in the district.

While Council is the custodian of extensive coastal recreational land, it is not an owner of any significant holdings available for easy residential development.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

THAT COUNCIL:

Notes the request from the Premier for information on potential housing land and advises the Minister for Planning as follows:

1. The Department of Planning is the main source of housing land supply information for the Government and Local Governments are actively engaged in that process.
2. Cottesloe as an established inner suburb is almost fully developed and offers a mix of housing types in good condition, rather than being an outer metropolitan growth area of residential subdivisions or an older locality suitable for urban renewal.
3. Council is, however, through proposed Local Planning Scheme No. 3 (LPS3) and associated actions planning for a number of future residential redevelopment prospects, including several Government landholdings, to provide additional and more diverse housing in the district.
4. The railway lands locality including the accommodation of Curtin Avenue west of the Town Centre is the primary opportunity which in recent years Council has been examining in conjunction with Government agencies and is keen to progress. Under LPS3 this is provided for as a Development Zone and a preliminary structure plan has been prepared as part of the related Enquiry by Design consultative exercise.
5. While Council is the custodian of extensive coastal recreational land, it is not an owner of any significant holdings readily available for residential development.

Carried 11/0

11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 JULY 2010**11.2.1 DELEGATED POWERS**

File No: Sub/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

It allows the CEO to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council.

The CEO delegates some of the powers in turn to senior staff.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Sections 5.42 and 5.43 of the *Local Government Act (1995)* provide as follows:-

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO's

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

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

As advised last year, the list of delegated powers was considerably reduced in May of 2002, and since that time no customer service difficulties have arisen as a result of working with a reduced list.

However, one additional delegation is recommended from the list that was approved by Council in 2008 and this is Section 403 of the Local Government (Miscellaneous Provisions) Act 1960 "*Give Notice of dangerous buildings*". As suggested, this matter implies urgency and it is considered more practical for this to be delegated with the responsibility for administration held by the CEO and Principal Building Surveyor.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

That Council delegate the following powers and duties to the Chief Executive Officer effective to 30 June, 2011

Section	Local Government Act 1995
3.18	Administration and enforcement of local laws
3.21	Performance of executive functions relating to land
3.24/3.25/3.26(3)	Powers to be exercised by authorised persons in relation to land
3.28/3.29	Powers of entry to land
3.31/3.33/3.34	Powers of entry to land
3.36	Opening/closing of fences
3.39	Authorising employees to impound goods
3.46	Withholding of goods
3.47	Disposal of impounded goods
3.47A	Disposal of sick or injured animals
3.48	Recovery of costs associated with impounded goods
3.50	Closure of thoroughfares to certain vehicles
3.50A	Closure of thoroughfares for repairs or maintenance
3.57	Inviting tenders for goods and services under contract
5.2	Ensuring that an appropriate structure exists for administration
5.36	Employment of persons other than the Chief Executive Officer
6.12	Waive, grant concessions or write off individual debts to a maximum of \$500
6.14	Investing funds not required
6.49	Make agreements with persons regarding payment of rates
6.64	Action taken when rates are unpaid for at least 3 years
6.76(4,5,6)	Dealing with objections to rates records
9.10	Appointment of authorised persons
Section	Local Government (Miscellaneous Provisions) Act 1960
374.(1) (b)	Plans of buildings to be approved
401	Give notice of required alterations to buildings
403	Give notice of dangerous buildings
Section	Dog Act 1976
9	Administer and enforce provisions of the Dog Act.
Law No.	Signs, Hoardings and Billposting Local Law
28	Revoke sign licences
33	Issue and revoke special permits for signs
36A	Remove and dispose of signs unlawfully displayed
Law No.	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
6.2	Approve or refuse an application for a permit to trade, conduct a stall or outdoor eating facility.
Regulation	Building Regulations 1989
20	Issue a certificate of classification

Regulation	Local Government (Financial Management) Regulations 1996
12(1)(a)	Power to make payments from the municipal and trust funds
Regulation	Food Act 2008
122	To appoint authorise officers and designated officers to carry out the provisions of the Act

Carried 11/0

**11.2.2 PROPOSED DEPOT RELOCATION – GOLF COURSE SITE CONCEPT –
PROGRESS REPORT**

File No: SUB/220
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson/Geoff Trigg
Manager Development Services

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest: Nil

SUMMARY

This report updates Council on the feasibility and benefits examination so far of the potential to relocate the municipal depot to the fringe of the golf course and playing fields near the intersection of Broome and Jarrad Streets.

Council has supported investigating this location as a preferred option, after years of deliberations over the need for an improved “operations centre” and to clean-up as well as make better use of the current depot land in the middle of a residential area.

The purpose of this progress report is to apprise Council of the findings to date by staff as a result of concept planning, technical aspects, liaison with relevant parties and preliminary consultation, in order to determine the next steps.

This is also desirable because several Council initiatives are affected by the depot proposals and outcomes, which influences the allocation of resources, consultants and budgets to those projects – eg, expenditure on a residential structure plan for the existing depot site.

At this stage it is important to appreciate that the concept proposal for the golf course area aims to satisfy a range of considerations in managing Council’s services and assets.

BACKGROUND

Council has recently committed to explore in more detail relocation of the existing depot to the golf course precinct and to dispose of the old site for urban redevelopment. The 2010/2011 budget preparation has been cognisant of this action.

This follows previous reports and resolutions giving direction to staff on the matter, to pursue technical research, financial arrangements, concept plans, liaison and consultation for reporting back to Council. Specifically regarding the golf course proposal Council’s October 2009 instruction included:

- *Ensure that residents, especially those adjacent to the existing depot site and the proposed new site, are kept informed of Council decisions on this matter.*
 - *Prepare a concept plan for the proposed new site, and authorise officers to negotiate with the Seaview Golf Club for a formal agreement on the proposal,*
-

in preparation for a Development Application to be sent to the Western Australian Planning Commission.

Landscape architects were engaged to prepare a concept plan demonstrating the locations, layouts and landscaping treatments of the components for a new operations centre, as a basis for discussions, estimates, advertising and detailed design towards a formal proposal.

In May 2010 Council had a briefing session on the status of the depot projects before moving forward. This gave consideration to implementation, support in-principle to the concept plan and guidance to proceed with preliminary consultation so that organisations and residents are informed and may contribute to the plans ultimately adopted.

Subsequently officers have attended to these consultations whereby the proposal has become publicised and is attracting comments to be taken into account.

STRATEGIC IMPLICATIONS

The notion of a new depot relates to a number of high-level strategic considerations for Council in the overall and long-term interests of the municipality, including:

- The ongoing provision of local depot services for the community, in a central site as a modern, clean activity.
- Overcoming the environmental, amenity, operational and occupational problems of the present depot site and facilities.
- The comparative operational efficiencies and economies associated with the identification of possible sites canvassed.
- Enabling residential redevelopment of the current site, consistent with town planning strategies and provisions.
- Realising that property value as a source of funds for investment and improvements around the district over time.
- The opportunity for synergies with any new site, such as accessibility, shared facilities and equipment, maintenance and security, upgraded infrastructure (eg sewerage connection).

These are reflected in Council's *Future Plan/Action Plan*, which defines formulation of a solution for the Town's depot requirements, maintaining Council infrastructure in a sustainable way, managing assets that have a realisable value, maximising income from non-rates sources and long-term financial planning as key governance parameters.

The present conceptual proposal, therefore, should not be seen in isolation but rather as seeking to address a package of such strategic objectives. It embodies the positives of a localised facility, sufficient space, utilisation of public land, cost-containment and direct control by the Town.

POLICY IMPLICATIONS

As with the above strategic outlook, a suite of policies relates to Council's deliberations about a future operations centre, including *Community Consultation, Investment of Surplus Funds, Investments, Occupational Safety & Health, Regional Cooperation, Sale of Council Property and Assets with Realisable Value*. This

framework provides a guide to procedures and decision-making in weighing-up diverse factors shaping proposals.

STATUTORY ENVIRONMENT

Achieving a new operations centre entails particular statutory procedures depending on the site and proposal. Hence firming-up the concept plan sufficient to convey the proposal for feedback and modification before formalising an application.

In this case planning approval is required by the Western Australian Planning Commission (WAPC) as well as support from the Heritage Council of Western Australia (HCWA). Both of these agencies have been consulted on a preliminary basis and indicated that there appears to be reasonable scope to consider an application.

Land assembly and tenure is another dimension to be addressed, which is common when proposing to accommodate community-orientated facilities on public landholdings – ie, state and local government sites are required to house various recreational, civic and institutional facilities serving each district. Hence the golf club, kindergarten, rugby club, football club and water tank developments and activities already grouped together in this location. This may require rationalising land holdings and classifications.

The golf course and the playing fields are Parks and Recreation Reservation under the Metropolitan Region Scheme (MRS), whereby development applications require determination by the WAPC. While an operations centre is not automatically envisaged for such land, the WAPC is able to approve of suitable proposals and as mentioned the operations centre would offer benefits in terms of synergies and sustainability in the management and maintenance of this regional open space.

As the golf course is listed on the State Register of Heritage Places, being the inaugural links golf course in WA, the proposal would also require referral to and the support of the HCWA.

From a local planning perspective relevant considerations include vehicular access and circulation, urban design in the open space context (visual amenity, materials and finishes, landscaping), interfaces with the kindergarten and golf club complex, and a clean operation.

The Town has liaised with the HCWA for preliminary advice, including a site visit. Officers have indicated that the operations centre proposal would be assessed in relation to how it may affect the significance of the heritage place, and that the kindergarten and club buildings parts of the golf course area are seen to be of little significance. The main heritage values to be protected are the landmark, scenic and natural vegetation qualities of the open space and the associated community sense of place.

The Town has liaised with the Department of Planning for preliminary advice. Officers have advised that particular WAPC planning strategies or policies may apply to the consideration of proposals for regional open space. Aspects include the nature of the reservation, land tenure, orderly and proper planning, preservation of

amenity, suitability within the established framework of the district, and traffic management.

This outlines the more detailed research, liaison, design and justification which would be attended to in the next phase of the project to submit a development application.

FINANCIAL IMPLICATIONS

The future of Council's depot site and operations is a pivotal financial equation for governance of the Town.

The old depot facility has become an operational and maintenance liability demanding expenditure whether it stays or is relocated. Its asset value is too great to ignore as a means to financial stability (including ongoing rates revenue) and funds to improve the district. Not realising that income would be a major opportunity-cost to Council, in terms of funding a replacement depot, all other operations, and the ability to improve/increase services and facilities.

Also, the golf club option for a new operations centre is assessed as cost-effective to create and maintain.

SUSTAINABILITY IMPLICATIONS

Replacing the old depot with a new operations centre relates directly to responsible sustainability practices. Decontamination of the existing depot is an environmental and health imperative. Operating a clean new facility (including in this case cleaning-up the golf club plant), providing sewerage connection and rationalising water/energy consumption are likewise advantageous. Additional sustainability gains are minimising fuel consumption and assisting urban consolidation. The new depot is intended to be a non-polluting, low-waste operation.

CONSULTATIONS

The preliminary consultations undertaken comprise:

- Letters to residents along Broome and Forrest Streets, explaining the proposal, enclosing plans and inviting comments.
- Similar letters to the kindergarten, football clubs, rugby club and ratepayers' association.
- Ongoing liaison with the golf club about the operational and administrative particulars involved.
- Newspaper coverage reaching the wider community.

The focus of this consultation has been to disseminate the proposal and circulate the concept plan in order to gauge resident, community and organisational responses, and to take into account comments for design refinements. This is appropriate before commencing the next phase of the project, ie formalising the proposal by way of a development application and agreement with the golf club.

As of 15 July the Town had received a tally of 17 written responses and approximately 25 phone or counter enquiries about the advertised proposal. This comprises a mixture of expressions of support and objection; the former from golf club members and a few nearby residents and the latter from residents both nearby

and further afield. This feedback is valuable in profiling the aspects to be addressed by the proposal. The points raised range from broader strategic considerations to specific process and amenity-type concerns, as summarised below.

Role of open space

- Concern regarding the historical role of the regional open space and loss of enjoyable public land as a social asset – keep it as protected and accessible for all.
- Concern that the proposed use is unrelated to the open space, which would create a precedent.
- The expectation of residents who have settled in the area is that the open space and views would be preserved.

Location / layout

- On the one hand the proposal is seen as a sensible central location.
- On the other hand it is seen as non-sustainable due to being fragmented.

Design details

- Request for elevations and materials information.
- Request for details of addition to Anderson Pavilion.

Amenity

- On the one hand concern regarding loss of amenity and attractive views – blighting of parkland aesthetics.
- On the other hand no objection on the basis of little visual impact detected.

Traffic

- Concern regarding traffic generation, conflicts and safety – including frequency and time of movements as well as heavy vehicles.

Kindergarten

- Perceived incompatibility of a depot operation with kindergarten usage.

Golf balls

- Concern regarding this safety risk being increased.

Financial

- Support for the proposal as it would free-up the old depot for income and foster viability of the golf club, for the greater good.
- Concern regarding a waste of resources and expenditure on this disfavoured option.

Land and leasing arrangements

- Queries regarding land tenure, possible excision and purchase, plus leasing arrangements with the golf club.

Alternatives

- Encouragement to consider alternative sites – with the full community.
- Suggestions include keeping the existing depot, John Black Dune Park and joining with other councils.

- Another is to put all of the new depot at the northern site on the golf course away from the kindergarten.

Consultation

- Dissatisfaction with the timing and extent – longer and wider advertising is advocated.

CONCLUSION

In conclusion, the solution for a new operations centre is multi-faceted, with pros and cons whatever site is studied. There is no simple answer for a Town depot and it is difficult to discover an ideal site from all perspectives. Realistically, any site will be a compromise to some extent, although affects on amenity may be handled by quality design and development and best-practices.

To do nothing is not an option

Retention of the existing depot site would necessitate decontamination and virtual reconstruction, which would be at considerable cost; while there is also the lost-opportunity cost of not realising the residential value of that land.

The golf course option was conceived as local, small, dispersed, low-key and aesthetic, whereby the development would integrate and blend-in with existing roads, buildings and landscaping. Topographically the new structures would be absorbed into the expanse of open space in the vicinity of established spread-out buildings instead of introducing a single, large complex with concentrated impacts. Functionally the location is the active side of the open space already characterised by access, structures and a variety of uses, as well as useful vegetative screening. It is also observed that the depot structures proposed could be fairly easily decommissioned and removed if ever deemed desirable in the future.

The concept plan has been initially proved-up in technical terms then taken to preliminary consultations to inform nearby residents and interested organisations in the first instance. This has tested attitudes and it is apparent that there are some strongly-held objections from property owners/residents in the immediate vicinity. At the same time there is an indication of support from the golf club members and generally, although universal advertising has not yet occurred.

Implementation of this preferred option is likely to be complex, controversial and approval is not guaranteed. Nonetheless it has merits, together with implications, which Council could continue to investigate to make a final decision on whether or not to pursue the proposal. Council's task is to decide if it inclined to this further work.

Council's task is also to decide if it wishes any previous options to be re-examined or any possible fresh options to be investigated, with or without the golf course option, for reporting-back to Council.

VOTING

Simple Majority

Cr Strzina joined the meeting at 7:10pm

Mayor Morgan declared a financial interest in Item 10.2.1 due to owning a property immediately opposite to the Golf course and being a financial member of the Golf Club, and may therefore receive an indirect financial benefit, and left the meeting at 7:10pm.

Cr Strzina declared a financial interest in item 10.2.1 due to also being a member of the Sea View Golf Club, and may therefore receive an indirect financial benefit, and left the meeting at 7:10pm.

As Deputy Presiding Member Cr Boland assumed the "chair".

OFFICER RECOMMENDATION

Moved Cr Cunningham, seconded Cr Carmichael

THAT COUNCIL:

1. Note this progress report.
2. Request staff continue to examine the current proposal, including investigating and addressing the concerns raised to date, before making any decisions about this option.
3. Request staff investigate alternative sites for further evaluation and reporting, including from those previously examined.
4. Reaffirm its position that the existing depot services should be relocated and the site realised for residential redevelopment.
5. Note that, depending upon the length of time before a relocation can take place, some remedial works at the existing depot may be required and request that the Manager Engineering Services advise accordingly.

COMMITTEE COMMENT:

All Councillors made comments on the proposed dept relocation. A summary of their comments are shown below.

Cr Rowell:

Cr Rowell contended that item (2) of the recommendation will inflame the community. Given there are some doubts in relation to the land status and because the proposal appeared to be more unpopular than elected members realised, he believes that the current proposal should be removed or modified. He acknowledged that officers have examined a number of options and though that there might be some room to move with regard to Mosman Park. However he also noted the need for some vehicles/machinery related to the beach to be kept locally and that maybe a co-sharing of some facilities with the golf club for this equipment could be considered next to the existing club shed. Cr Rowell commented that the main depot facilities should be co-shared at Mosman Park Depot.

Cr Cunningham:

Cr Cunningham agreed with Cr Rowell and thinks that the Town of Cottesloe has been labelled as 'secretive' because the limited consultation to date. He believes that the entire community should be consulted with all the information being provided so that informed feedback can be received. What is proposed is not a works depot in the traditional form and a co-location of similar equipment makes sense, including more efficient use of some community facilities such as Anderson Pavilion. Maybe further consultation with additional three (3) dimensional views of what is proposed should be considered.

Cr Carmichael:

Although initially supportive of the proposal, Cr Carmichael is concerned that the current arrangements may affect the children's safety at the Kindergarten. Cr Carmichael also feels that the Town of Cottesloe hasn't communicated sufficiently with the rate payers and that consultation throughout the school holidays was not a good way to deal with major issues. She was not supportive of the current proposal.

Cr Woodhill:

Cr Woodhill contended that there is a need for further community consultation. He understood the reason for the initial narrow consultation but was conscious of the feedback to date in terms of community concern. He is strongly opposed to the relocation to an A Class reserve and believes that the Towns of Claremont and Mosman Park should be approached in relation to future sharing opportunities. He considers that future amalgamation of Councils will occur and therefore our plans should bear that in mind. He acknowledged that the Town may incur additional costs at the current site as a consequence of not relocating.

Cr Dawkins:

Cr Dawkins stated that Council should extensively research alternative sites such as Mosman Park, Allen Park or near the Beehive Montessori before going to further community consultation. The consultation should include the whole community. Like Cr Woodhill, Cr Dawkins believes that we will be amalgamated in some form in the future and that any development of the current proposed golf course site be limited to an unused area behind the golf club next to the existing shed. She was concerned about traffic movements and was not supportive of using the areas behind the kindergarten and Anderson pavilion. Cr Dawkins feels that the \$60,000 that may be paid to the Sea View Golf Club is reasonable and warranted as the Golf Club takes very good care of the A Class reserve. .

Cr Boland:

Cr Boland agrees with some of the comments and also thinks that there needs to be further community consultation. He noted that much of the feedback to date had been against the proposal as well as the letter from the Local Member about any land needing to be excised and sold at market value, which he would not support. He noted that there was no community feedback when the Business Plan for the exiting depot was advertised last year.

Councillors discussed removing item (2) of the recommendation.

AMENDMENT

Moved Cr Rowell, seconded Cr Carmichael

That item (2) of the officer recommendation be removed from the recommendation.

Carried 4/1

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Rowell

THAT COUNCIL:

1. **Note this progress report.**
2. **Request staff investigate alternative sites for further evaluation and reporting, including from those previously examined.**
3. **Reaffirm its position that the existing depot services should be relocated and the site realised for residential redevelopment.**
4. **Note that, depending upon the length of time before a relocation can take place, some remedial works at the existing depot may be required and request that the Manager Engineering Services advise accordingly.**

Mayor Morgan declared an indirect financial interest in item 10.2.1 due to owning a property immediately opposite the golf course and being a financial member of the Golf Club and left the meeting at 7:21 PM.

Cr Strzina declared an indirect financial interest in item 10.2.1 due to being a member of the Sea View Golf Club and left the meeting at 7:21 PM.

Deputy Mayor Jack Walsh assume the "chair" and declared an impartiality interest in that although not a member of the golf club he does play at Sea View. He stated that he would set aside any perceived impartiality, consider the matter on its merits and vote accordingly.

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Boland

That the following sentence be added after word 'report' in item 1 "*and request staff to discontinue considering this proposal in light of community reaction and recognition of the necessity to retain the golf course area as community recreational and open space.*"

Carried 6/3

Against the motion: Cr Walsh, Cr Goldthorpe, Cr Cunningham

COUNCIL RESOLUTION

THAT COUNCIL:

1. Note this progress report and request staff to discontinue considering this proposal in light of community reaction and recognition of the necessity to retain the golf course area as community recreational and open space.
2. Request staff investigate alternative sites for further evaluation and reporting, including from those previously examined.
3. Reaffirm its position that the existing depot services should be relocated and the site realised for residential redevelopment.
4. Note that, depending upon the length of time before a relocation can take place, some remedial works at the existing depot may be required and request that the Manager Engineering Services advise accordingly.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/2

Against the motion: Cr Walsh, Cr Goldthorpe

Mayor Morgan and Cr Strzina returned to the meeting at 7:42 PM.

11.2.3 GRANT STREET PARKING/ACCESS ISSUES EAST OF BIRKBECK AVENUE, COTTESLOE

File No: SUB/457
Attachments: Letter from Graeme Johnson regarding Grant Street parking/access issue
Map – Parking area, Grant Street median strip west of Curtin Avenue
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

Two issues are underlined in the received letter. One deals with the growing use as a parking area of the median strip in Grant Street close to Curtin Avenue and the need to get control of this usage and consider formalising the site. The other matter is the mis-use of the one way lane system of Grant Street and the need for connections across the median island close to Curtin Avenue and also as an extension of Griver Street to the south lane of Grant Street.

The recommendation is that Council:

1. Consult with property owners, by mail, on both sides of Grant Street from Griver Street and Birkbeck Avenue to Curtin Avenue, to gain comments on a proposal to build a car park site on the Grant Street median, approximately 50 metres west of Curtin Avenue, including a connection laneway between both sides of Grant Street.
2. Consider construction of these works if general support is given by affected residents and a 50% cost contribution is agreed to by Public Transport Authority, for use by train travellers.
3. Inform the applicant of Councils decision in this matter.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Grant Street between Curtin Avenue and Marine Parade is established as a 'one way pair' system with appropriate signage. Drivers heading in the opposite direction to that signed are to be dealt with by the Police Department under the Road Traffic Act.

The informal use of the median strip near Curtin Avenue as a parking area is a Council issue and does not involve the Police.

FINANCIAL IMPLICATIONS

Any construction of connection lanes, across the Grant Street median would be at Councils' cost. The construction of a formal parking area on the median close to Curtin Avenue would also be a Council cost, unless PTA contributes to the cost. The requested two lane connections would cost approximately \$20,000. A parking area to carry the existing use would be \$30,000 - \$50,000.

SUSTAINABILITY IMPLICATIONS

Continued parking on the sand area around median strip trees near Curtin Avenue may eventually compact the soil and damage Norfolk Island Pine tree roots This may lead to tree deaths.

CONSULTATION

Nil

STAFF COMMENT

A narrow sealed connection between the two lanes of Grant Street approximately 50 metres from Curtin Avenue would provide a legal connection for people driving south on Griver Street wanting to travel west on Grant Street. It would also provide a connection from east direction traffic wanting to drive west, on Grant Street.

The un-approved car parking area on the median of Grant Street continues to grow in use, as people become aware that the area is not controlled by Council and free, all day parking for train users is available, under shade, at the Grant Street station. At the same time, Council pays \$32,000 per year to PTA for the leased parking area on the west side of Railway Street near Napoleon Street. (This matter is currently being addressed with PTA on a separate issue/concern)

Local residents on Grant Street fronting this median area would not have expected the growth in parking and the increase in vehicles manoeuvring for parking opposite their homes.

The affected residents could be consulted on the idea of a properly constructed car park area, and a connection lane at this site. If the idea was supported, PTA could be asked to contribute to the cost, as a way of balancing the high lease cost for the parking area beside the Cottesloe railway station, because of the obvious use of the Grant Street site by train users.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. Consult with property owners, by mail, on both sides of Grant Street from Griver Street and Birkbeck Avenue to Curtin Avenue, to gain comments on a proposal to build a car park site on the Grant Street median, approximately 50 metres west of Curtin Avenue, including a connection laneway between both sides of Grant Street.
2. Consider construction of these works if general support is given by affected residents and a 50% cost contribution is agreed to by Public Transport Authority, for use by train travellers.
3. Inform the applicant of Councils decision in this matter.

COMMITTEE COMMENT:

Committee discussed the issue of community consultation for this matter including the extend and timing of such consultation. There was concern raised in terms of Council developing parking facilities at its cost to deal with a PTA responsibility. There was also more general discussions about the alternative to allowing/providing parking in this area i.e. installation of signage and/or bollards to restrict parking. Committee also considered that the PTA should be formally approached in relation to possible contributory funding for such a project.

AMENDMENT:

Moved Cr Rowell, seconded Cr Woodhill

That item (2) of the officer recommendation be deleted and that the word 'applicant' in item (3) is changed to the word 'correspondent'.

Carried 4/3

COMMITTEE RECOMMENDATION:

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. **Consult with property owners, by mail, on both sides of Grant Street from Griver Street and Birkbeck Avenue to Curtin Avenue, to gain comments on a proposal to build a car park site on the Grant Street median, approximately 50 metres west of Curtin Avenue, including a connection laneway between both sides of Grant Street.**
2. **Inform the correspondent of Councils decision in this matter.**

AMENDMENT

Moved Cr Boland, seconded Cr Birnbrauer

To add a new item 2 which reads: "Consult with Public Transport Authority with the purpose of developing improved park & ride options at this site and

also the other stations in Cottesloe (Swanbourne, Cottesloe, Mosman Park and Victoria Street) including cost arrangements.

Lost 2/9

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

To add a new item to replace point 1 of the officer recommendation which reads: "Consult with Public Transport Authority with the purpose of developing improved park & ride options on PTA land at this site and also the other stations in Cottesloe (Swanbourne, Cottesloe, Mosman Park and Victoria Street) including cost arrangements.

Carried 11/0

COUNCIL RESOLUTION

THAT COUNCIL:

1. Consult with Public Transport Authority with the purpose of developing improved park & ride options on PTA land at this site and also the other stations in Cottesloe (Swanbourne, Cottesloe, Mosman Park and Victoria Street) including cost arrangements.
2. Inform the correspondent of Councils decision in this matter.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 11/0

11.2.4 TENDER - CAST IN-SITU CONCRETE PATH CONSTRUCTION - THREE (3) YEAR PERIOD

File No: SUB/611
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

Council has adopted a five year footpath replacement program which is based on the replacement of concrete slab footpaths with cast in-situ concrete paths. The annual expenditure of over \$100,000 per year requires a tender to be called. These tenders are normally over 3 years. The previous 3 year contract has now ended and, with the advertised tender having closed on 9th July, 2010, Council is required to adopt a new tenderer for a 3 year contract.

The recommendation is that Council resolve to:

Award the Cast In-Situ Concrete Footpath Contract, for a period of three years, to WA Reinstatements, at the rate tendered, with limestone coloured concrete to be used only on Marine Parade.

BACKGROUND

Three year contracts provide an understanding of what will occur with footpath replacement prices over the longer period, apart from CPI or other price increases due to labour, plant or material (concrete) supply abnormal cost changes. Such changes are normally built into a price rise equation for years 2 and 3.

Three years also reduces the resource impacts on Council staff, advertising costs etc.

The three year limit period allows the contractor to gain a better understanding of the Town of Cottesloe's requirements which should in turn, provide for efficiency improvements over the longer term.

The documents used for this tender were based on the previous 3 year contract.

STRATEGIC IMPLICATIONS

Two areas of Council's Strategic Plan apply to this item:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the general community.

Environment – Streetscape: Provision of clean, safe, sustainable managed

streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

POLICY IMPLICATIONS

Council's *Purchasing* policy applies.

STATUTORY ENVIRONMENT

The Local Government (Functions and General Regulations) 1996 (WA) have a threshold of \$100,000 at which tenders must be called. The annual expenditure for this work is normally in excess of \$100,000.

FINANCIAL IMPLICATIONS

One difference in this tender from the previous 3 year tender called in 2007 is the request for the extra cost /m² of installing limestone coloured rather than grey concrete. The allowance in the 2010/2011 for all footpath works will be more than sufficient if the recommended tender prices are adopted.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Tender has been advertised as required, and a variety of discussions have been held with intending tenderers.

STAFF COMMENT

The tender process including advertising, closed on Friday 9 July. Six tenders were received (see Attachments). The tender required costs for one metre length 1.5m wide, per square metre, per pedestrian ramp and the extra cost to supply and lay limestone coloured concrete.

Of the tenders received, the two lowest tenders, from WA Reinstatements and Cobblestone, were both lower than the tenders received for uncoloured concrete in August 2007. At that time, Cobblestone Concrete was awarded the 3 year contract.

With regards to the future overall use of limestone coloured concrete, the cost of colouring from the two short listed companies is \$5.27 and \$7.20 per square metre. This amounts to an extra \$13,300 or \$18,200 for the budgeted 2010/2011 footpath program.

Limestone coloured concrete has been used, as per Councils' policy, on only the Marine Parade paths in previous years. Problems experienced have been the variety of colours labelled as 'limestone' which have been provided by batching plants, the provision of a minimum of one cubic metre for any coloured concrete 'job/lot' and the issue of service authorities only using grey concrete to repair any damage to Council footpaths.

A further issue will become obvious as the limestone coloured concrete is 'rolled out' through all footpaths in Cottesloe. Cottesloe has approximately 40km of concrete and

brick paths, the vast majority being grey in-situ concrete. In addition, there is another 17km of remaining slab paths, with a replacement rate of approximately 1.7km/year. Only the sections of slabs already replaced on Marine Parade are limestone coloured concrete.

Each year the worst sections get replaced with in-situ concrete, with a new minimum width of 1.5 metres. The sections replaced can be as short as 20 metres, with the longest length in 2010/2011 being 205 metres. Therefore, by replacing all remaining slab footpaths in limestone coloured concrete, Councils paths will in many areas, become a 'hit and miss' mixture of grey and limestone coloured concrete, with the majority already having been completed with grey concrete. The alternative is to retain the Marine Parade only as limestone coloured concrete and save at least \$13,300 per year, which could fund a faster footpath slab replacement program.

With regards to the 'short list' of tenders received (WA Reinstatements and Cobblestone), WA Reinstatements have no local government contracts and only undertake a large range of reinstatement works for service authorities and companies working for these authorities. Some of those reinstatements are up to 50m² in area. Referees for this company have given good support. Cobblestone Concrete have a variety of local government contracts and have undertaken Cottesloe path works over the past 3 years to a good standard.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

THAT Council award the Cast In Situ Concrete Footpath Contract, for a period of three years, to WA Reinstatements, at the rates tendered, with limestone coloured concrete to be used only on Marine Parade.

Carried 11/0

**11.2.5 FEDERAL GOVERNMENT REGIONAL AND LOCAL COMMUNITY
INFRASTRUCTURE PROGRAM - ROUND 3**

File No: SUB/763
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

The Federal Government has recently announced a third round of the Regional and Local Community Infrastructure Program, which will provide an extra one-off grant of \$39,000 to the Town of Cottesloe for community infrastructure projects. As with previous grants, the funding comes with conditions and this report provides a number of alternative projects for consideration by Council..

BACKGROUND

The grant of \$39,000 is the Town of Cottesloe 'share' of an additional \$100 million RLCIP Round 3 Grant allocated to all Australian local government authorities by the Federal Government. The purpose of the grant is to stimulate the local economy as part of the Australian approach to the global economic crisis.

Council received \$122,000 at the start of this program, the majority of which was expended on the Cottesloe Beach Pylon. Round 2 allocated an additional \$39,000 to playground improvements.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Regional and Community Infrastructure Program (RLCIP) is administered by the Federal Department of Infrastructure, Transport, Regional Development and Local Government. Mandatory reporting and audit requirements have yet to be received. Funds received and spent will have to comply with federal conditions of expenditure on the \$39,000 allocation.

FINANCIAL IMPLICATIONS

The \$39,000 grant income and expenditure was not included in the 2010/2011 budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The \$39,000 extra grant allocation for the Town of Cottesloe is one-off with no inclusion of its income or expenditure in the current budget. Council's details on what areas the funds are proposed to be sent must be submitted to the Federal Government for pre-approval before expenditure. The closure date for grant submissions to cover a \$39,000 grant is 30 July 2010.

Exact requirements and conditions for projects have been received and are similar to those controlling the initial grant. Under previous grants, funding was not provided for ongoing costs e.g. operational costs and maintenance, any form of transport infrastructure e.g. roads and related expenditure for Roads to Recovery or Black Spot programs.

On that basis the following projects are suggested for considerations for expenditure of \$39,000:

1. Limestone retaining wall repairs, Cottesloe Foreshore. Over many years the limestone walls around the Indiana Tea House and on the southern terraces have degenerated and have suffered a variety of vandalism and damage. There is a substantial need for a variety of sections to be either repaired or replaced. This work could be undertaken on short notice.
2. Council has had discussions over some time relating to the need to upgrade or refurbish the public toilets at the Indiana Tea House. The new \$39,000 grant would not be sufficient to cover the total costs but extra funds could be provided from the reserve account for building improvements.
3. The TAPPS building requires completion of the roofing and support drainage – gutters, flashing, downpipes. The worst portion of the roof was replaced several years ago. The remainder still requires upgrading. The \$39,000 would complete the majority of the work. This has been an ongoing request from the TAPPS manager.
4. Council intended to install a disability access ramp at the Cottesloe main beach, from the level of Marine Parade to the beach level, if the \$1 million Federal grant application was successful. That grant application was not approved. If \$39,000 was put to this work, other funds would be required to complete the work.
5. Traffic Management Plan: A 5 year program was adopted by Council for traffic management and speed control installations in Cottesloe based on the recently adopted Traffic Management Plan. Council may wish to extend priority works with the new federal grant, beyond the \$100,000 included in the 2010/2011 budget.
6. Footpaths: Council has an ongoing footpath slab replacement with in-situ concrete programme throughout Cottesloe. This new grant could be used to speed up this program.

All of these projects will require Council funding in the future. The \$39,000 Federal grant would allow one or more of the above listed projects to be substantially progressed or completed.

VOTING

Simple Majority

OFFICER RECOMMENDATION

MOVED: Mayor Morgan SECONDED: Cr Birnbrauer

Moved Mayor Morgan, seconded Cr Rowell

THAT COUNCIL:

1. Use the \$39,000 Federal Government Regional and Local Community Infrastructure Program Round 3 additional grant for the purpose of.....
2. Authorise the Chief Executive Officer to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal 'if necessary' , for the receipt of this grant.

COMMITTEE COMMENT:

Committee discussed the need to upgrade the toilets at Indiana Tea House and contended that this is something that should be considered in the future via a negotiation with the current Lessee. Committee decided that the \$39,000 should be spent on the TAPPS building roof (Project 3)

AMENDMENT:

Moved Mayor Morgan, seconded Cr Rowell

In item (1) of the officer recommendation, after the word of, the words 'further works on the roof and support drainage system of the TAPPS building' be added.

Carried 4/3

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Rowell

THAT COUNCIL:

1. **Use the \$39,000 Federal Government Regional and Local Community Infrastructure Program Round 3 additional grant for the purpose of further works on the roof and support drainage system of the TAPPS building.**
2. **Authorise the Chief Executive Officer to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal 'if necessary' , for the receipt of this grant.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 11/0

11.2.6 STATUTORY FINANCIAL REPORTS FOR THE MONTH ENDING 30 JUNE 2010

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate Services

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June 2010, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

These reports are not conclusive as there are further accruals and end of year journals to be processed. They do provide an indicative position that reflects a positive result for the year for the Town of Cottesloe. Both revenue and expenditure are favourable to budget reflecting the focus of the management team to control our financial affairs.

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$948,162 as at 30 June 2010. Operating Revenue is above budget by \$471,287 (5%). Operating Expenditure is \$416,446 (5%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 June 2010 is shown on page 7.

The Capital Works Program is listed on pages 25 - 30 and shows total expenditure of \$6,469,062 compared to YTD budget of \$7,480,270. The primary reason for the significant difference is a timing delay with the library.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

THAT Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2010, as per the attached Financial Statements, submitted to the 20 July 2010 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.2.7 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 JUNE 2010

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 June 2010, as per attachment, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the Financial Statements shows that \$2,235,344.90 was invested as at 30 June, 2010.

Reserve Funds make up \$1,211,192.99 of the total invested and are restricted funds. Approximately 66% of the funds are invested with the National Australia Bank, 11% with Westpac, 4% with BankWest and 19% with Commonwealth.

The Schedule of Loans on page 22 shows a balance of \$6,827,123.41 as at 30 June, 2010. There is \$459,792.00 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 June 2010, as per the attached Financial Statements, as submitted to the 20 July 2010 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.2.8 ACCOUNTS PAID IN THE MONTH OF JUNE 2010

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the period ending 30 June 2010 to Council, as per the attached financial statements.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Resource requirements are in accordance with existing budgetary allocation.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

Flora and Fauna Conservation and Biodiversity

Nil

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$21,113.80 to Synergy for power supply in May and June 2010
 - \$15,176.66 to WA Local Govt Super Fund for staff deductions
 - \$11,455.90 to Synergy for streetlight tariff for May & June 2010
 - \$40,732.34 to WA Local Govt Super Fund for staff deductions
 - \$23,571.87 to BCITF for May & June 2010 contributions
 - \$11,134.00 to City of Subiaco for WESROC Climate Change initiatives
 - \$90,962.18 to FESA for ESL 4th quarter instalment
-

- \$34,468.20 to WMRC for tipping fees for April/May 2010
- \$490,586.74 to the Shire of Peppermint Grove for contributions towards new library construction
- \$14,065.83 to WATC for loan repayment on Loan No 90
- \$34,366.93 to Transpacific Cleanaway for domestic & commercial waste disposal in May 2010
- \$10,560.00 to Breac P/L for environmental health services
- \$19,508.50 to Civica for software licences, upgrades and training
- \$67,484.89 and \$114,257.47 for staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

THAT Council receive the List of Accounts for the period ending 30 June 2010, as per the attached Financial Statements, as submitted to the 20 July 2010 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.2.9 PROPERTY & SUNDRY DEBTORS REPORT FOR THE MONTH ENDING 30 JUNE 2010

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate Services

Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 June 2010 to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

Flora and Fauna Conservation and Biodiversity

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report commences on page 23 of the Financial Statements and shows a balance of \$129,082.50 of which \$100,779.92 relates to the current month. The balance of aged debtors over 30 days stood at \$28,302.58

Property Debtors are shown in the Rates and Charges analysis on page 24 of the Financial Statements and show a balance of \$266,591.37. Of this amount \$220,709.77 and \$18,244.29 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$45,731 in 2010 compared to \$31,552 last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

THAT Council receive the Property and Sundry Debtors Report for the period ending 30 June 2010, as per the attached Financial Statements, as submitted to the 20 July 2010 meeting of the Works and Corporate Services Committee.

Carried 11/0

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

Nil

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

From the Works and Corporate Services Committee Meeting 20 July 2010
Mayor Morgan moved a motion as follows:

13.1 PROGRESS REPORT - INDIANA TEA HOUSE CHANGE ROOMS AND TOILETS

Further to the earlier discussion in relation to the Indiana Tea House (ITH) and the condition of the public change rooms and toilets. Mayor Morgan proposed that Committee consider, as a matter of urgent business, that elected members receive a confidential update on the progress of upgrading and maintaining the change rooms and toilets at ITH.

Moved Mayor Morgan, seconded Cr Woodhill

THAT the above matter be considered as new business of an urgent Nature introduced by the elected members by decision of meeting.

Carried 7/0

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT elected members be provided with a confidential update on progress with upgrading and maintaining the change rooms and toilets Indiana Tea House (ITH)

Carried 11/0

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:30 PM

CONFIRMED: MAYOR DATE: / /