

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 27 APRIL, 2004**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00 pm.

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

Mayor Robert Rowell (Chairperson)
Cr Daniel Cunningham
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Kevin Morgan
Cr William Robertson
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Stephen Sullivan	Manager Development Services
Mr Alan Lamb	Manager Corporate Services
Mrs Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Cr Anthony Sheppard

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the last meeting of Council, the following question from Mrs Valerie Frearson-Lane was taken on notice.

What are the consultant costs to date and the expected costs for the next 3 months and beyond?

The following answer is provided.

The total cost to date for Urbanism and Malcolm Mackay to prepare for and conduct:

- A total of 5 Councillor workshops on the Beachfront and the Strategic Plan; and
- two community information sessions,

is \$15,013 (excluding GST).

Any further costs will be dependant upon what other matters the Council seeks to address or whether there is any further action/work that is required to be undertaken following a review of the submissions received on the Beachfront Objectives or the Strategic Planning proposals.

4 PUBLIC QUESTION TIME

Mr J Davis, 91 Broome Street

Mr Davis directed his questions to the Chief Executive Officer.

1. Has the Sea View Golf Club supplied a copy of their WaterDirect submission to the Department of Environment outlining their request for an additional bore?
2. Has the Council advised the Department of Environment of the major salinity event, some 18 months ago, at the Golf Club's only "on course" bore?
3. Has the Golf Club advised the Council that they will not require Council assistance to borrow the funds nominated by their President?

The Chief Executive Officer replied:

1. The Town of Cottesloe does not have a copy of the WaterDirect submission to the Department of Environment.
2. Not that he is aware of.
3. The Town of Cottesloe is not aware of any proposed loan borrowing program by the Sea View Golf Club.

Mr M Hain, 1/27 Grant Street – Item 12.2.1, Curtin Avenue/Grant Street Intersection

1. Is Council aware that Main Roads WA requires Council's consent to geometric road changes at Grant Street/Curtin Avenue in order to install full traffic lights and that the same geometric changes are being sought by Main Roads WA for the pedestrian only lights?
2. Is Council aware that once the geometry changes Main Roads WA can proceed to a full set of lights without needing Council approval?

The Manager Engineering Services replied:

1. He is aware of the geometric changes that are required and that they are the same for a full set of traffic lights.
-

2. The road reserve is vested in Council and he believes that Main Roads WA do not have the power to overrule the Council in this matter.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Miller

The Minutes of the Ordinary Meeting of Council held on Monday, 22 March, 2004 be confirmed.

Carried 10/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8 PUBLIC STATEMENT TIME

Ms E Ferrier, 134 Marine Parade – Item 11.1.1, No. 1 Eileen Street

Ms Ferrier raised concern about the sun being blocked in her courtyard and her unit being devalued by the proposed property at No. 1 Eileen Street.

Ms K Neil, 12/134 Marine Parade – Item 11.1.1, No. 1 Eileen Street

Ms Neil spoke representing five units at 134 Marine Parade. The proposed development at No. 1 Eileen Street has a considerable impact on their amenity. Residents at 134 Marine Parade will be disadvantaged by the development. Ms Neil appealed to Council for their support.

Mr P Hodge, 38 Richardson Street, West Perth – Item 11.1.2, No. 6 Hamersley Street

Mr Hodge advised that revised plans were submitted to Council on 23 April.

The committee recommendations have been addressed, in particular:

- Building height lowered by 0.5m.
- Site boundary setbacks have been increased to 1.5m.
- Landscape areas at front of property.
- There is minimum overlooking onto adjacent properties.
- Overshadowing is only 32.7% of total site area, under the 35% maximum.
- Property is zoned R30, therefore the 40% open space requirement is exceeded.
- The plot ratio being proposed is less than has been approved by Council previously.
- The roof has been altered as requested.

Mr M Owen, 4 Hamesley Street – Item 11.1.2, No. 6 Hamersley Street

Mr Owen stated that he has seen the plans and is very unhappy with them. The structure is 10.5m high and is very close to the boundary. R-codes state that developments should be designed not to restrict adjacent solar access. Mr Owen requested that the application be deferred and that the committee recommendations be amended to provide benefit to the adjacent residents.

Mr D Honey, 8 Ackland Way – Item 11.1.6, No. 6 Ackland Way

Mr Honey stated that he believes that the Council will defer this item to allow for further discussion.

Mr M Hain, 1/27 Grant Street – Item 12.2.1, Curtin Avenue/Grant Street Intersection

Mr Hain provided background information on the discussions held between Council and Main Roads WA in relation to pedestrian lights and full traffic lights. Through an FOI request it has become apparent that Main Roads WA have misled the Council on more than one ground. If Council grants the geometric changes then Main Roads WA have the power to put in a full set of traffic lights without having to request approval from Council. The intersection does not have serious accidents, all that is required is pedestrian crossing lights. In addition, the Main Roads WA survey did not fully enumerate those people seeking an overpass or underpass at the intersection. Mr Hain would like to see the pedestrian lights put on hold pending a budget estimate being prepared for the installation of an overpass or underpass.

Ms S Woodhill, 23A Grant Street – Item 12.2.1, Curtin Avenue/Grant Street Intersection

Ms Woodhill said that residents of Grant Street and adjoining streets have expressed concern over the installation of traffic lights at this intersection. At a meeting held on 14 September residents looked at an overall plan to make Cottesloe a pedestrian friendly suburb. The funds that have been budgeted for traffic lights should be put towards an overpass or underpass.

Cr Miller left the meeting at 7.30pm.

Ms Woodhill also stated that there are safety concerns in relation to pedestrian traffic lights, including pedestrian impatience of waiting for lights to change and trusting the traffic to stop at the lights. Traffic may seek other routes through Cottesloe if a full set of lights is installed. Ms Woodhill noted that in the plans outlining the modifications not all the recommendations have been addressed, including no costing for an overpass or underpass. Ms Woodhill requested that the Council be careful in considering this matter.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 19 APRIL 2004****11.1 PLANNING****11.1.1 NO 1 (LOT 4) EILEEN STREET - MULTIPLE DWELLINGS – THREE STOREY PLUS BASEMENT**

File No:	1 Eileen Street
Author:	Ms L Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant (3) Correspondence from neighbours (6)
Report Date:	2 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	J Schuch
Applicant:	Overman & Zuideveld Pty Ltd
Date of Application:	28 January 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R50
Lot Area:	759m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for multiple dwellings on No 1 Eileen Street.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A

- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1	Wall height – 26.5 AHD	27.4 AHD

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause		
No 3 - – “Boundary Setbacks”	East basement – 1.5m	Nil	Clause 3.3.1 – P1 Clause 3..3.2 – P2		
	West basement – 1.5	0.5 – 2.7m			
	East lower – 2.0m	Nil – 2.5m			
	East First Floor – 3.5m	2.0 – 2.8			
	South First Floor – 3.8m	3.5 – 4.0			
	East Second Floor (Kitchen1) – 9.5m	4.7			
	East Second Floor (Stair, Lobby, Lift) – 3.0m	1.4 – 2.4			
	East Second Floor (Kitchen 2) – 9.2	4.7			
	West Second Floor (Dining Stair) – 4.1	3.7			
	West Second Floor (Stair, Dining) – 4.2	3.7			
	South Second Floor – 5.0	3.0			
	No 1 – Site Area Requirements	Plot Ratio – 0.6		1.0	Clause 3.1.1 – P1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering
- Health

External

Design Advisory Panel

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letters to Adjoining Property Owners.

Submissions

There were 17 sent out. There were 4 submissions received, which were objections. One of the objectors submitted a letter stating that the objection will be withdrawn subject to the applicant satisfying the objector's concerns in accordance with the plans signed by the objector. The summary of the submissions is set out below:

Unit 15, 134 Marine Parade.

- Our concern is the overlooking from the 1st and 2nd floor windows into our outdoor living area;
- There was no cone of vision diagram provided by the applicant.

Unit 14, 134 Marine Parade:

- The proposal would have a negative impact on the privacy and quiet enjoyment of my property;
- There will be overlooking into both my bedroom and currently relatively private and secluded garden;
- The proposed three storey building will overshadow my rear courtyard and back garden in the morning
- The third floor windows will overlook my garden and inside of my property;
- I would not object to a two storey development if my privacy and amenity of my property was not affected;
- Council should abide by its "policy" (TPS 2).

Unit 12, 134 Marine Parade

- The proposal would have a negative impact on the quiet enjoyment of my property;
- I purchased the property on the basis that this policy (TPS 2 Clause 5.1.1 (b)) was in place and the amenity of my property would be protected;
- A three storey development would have a significant impact on my privacy;
- My rear courtyard and garden would be overshadowed in the morning;
- The Council should enforce the provisions of its Town planning Scheme.

Peter Webb and Associates on behalf of the residents of 134 Marine Parade: K. Neil - Unit 12; G & L Shields - Unit 10, F. Roberts - Unit11, E. Ferrier - Unit 13, T. Raphaely - Unit 14, R & J Kempton - Unit 15.

- Multiple dwelling is an “AA” use in the Foreshore centre zone, which is a use that is not permitted unless a special approval is granted by Council;
- The owners of the units at 134 Marine Parade were always under assumption that any development on 1 Eileen Street would comply with the Scheme;
- The proposed plot ratio of 1.0 is excessive;
- The Scheme allows for a three storey development only in exceptional circumstances when the amenity of the adjoining properties is not affected. In this case the additional storey will affect the amenity of the adjoining properties by virtue of building bulk, the loss of sun light into the rear court yard areas of the apartments at 134 Marine Parade;
- We request that Council reject the application on the basis that it fails to meet the intent and the spirit of the Scheme and its associated policies.

3 Eileen Street (received on 08/03/04)

- We object to the height of the proposed units;
- We object to the lifting of the wall on the west boundary of our property.

3 Eileen Street (received on 23/03/04)

- *“Providing they conform to the plan signed by myself of which you will receive a copy, I will withdraw my objections...”*

The plans dated 23/03/04 were signed by the owner of 3 Eileen Street.

STAFF COMMENT

The subject property is zoned Foreshore Centre R50. The R-codes require 200m² per dwelling for multiple dwellings in areas of R50 density. The size of the property (759m²) allows for construction of three multiple dwellings.

The proposal is for three dwellings, one apartment occupying the whole of the ground floor and penthouse 1 and 2 being two storeys. The basement level would contain vehicle parking and storage areas.

Number of Storeys

Clause 5.1.1 (b) (i) of the TPS 2 states:

“Foreshore Centre Zone – two storeys height limit except in exceptional circumstances where the amenity of the area would not be adversely affected, the Council may permit buildings up to three storeys in height.”

The proposed development is three storeys plus basement. The applicant is seeking that the Council treat the proposal as a special case and permit three storeys high building.

There are several three storey buildings located in close proximity to the subject site within the Foreshore centre zone. The adjacent property to the west 134 Marine

Parade is three storeys as well as the multiple dwellings on the northern side of Eileen Street directly opposite the subject site.

The Planning Department staff is of the opinion that the proposed three storey development on the subject site is in keeping with the scale and height of the existing buildings in the locality. It is considered by the Planning Department staff that the proposal can be treated as an exceptional case taking into account that the subject site is surrounded by the three-storey buildings.

Council received a number of objections from the adjoining residents. All the objections except for one, which was subsequently withdrawn, were from the residents of the adjacent three-storey multiple dwellings fronting Marine Parade.

The following main points were raised in the objections:

- Loss of privacy due to overlooking from the west facing windows on the first and second floor;
- Overshadowing of windows and courtyards of 134 Marine Parade during morning hours;
- The proposal does not comply with the Council's Town Planning Scheme.

The only area that would be subject to overlooking from the 1st floor balcony is the most south-eastern area of the Unit 15 courtyard. This area is not a sensitive area.

The bedroom windows on the first floor on the western side are highlight windows, with the sill level of 1.65m above the floor level, which is accordance with the privacy provisions of the R-Codes. The windows to ensuites are provided with obscure glazing.

All the habitable room windows and the balconies on the second floor are provided with the sufficient horizontal screening. It is in the opinion of the administration that the privacy issues have been sufficiently addressed by the applicant.

The proposal also complies with the requirements of the R-Codes regarding access to sunlight for adjoining properties. The subject lot is North – South orientated and the shadow on the winter solstice would fall onto the land at the rear of the subject property, which is a reserve for parks and recreation.

The R-Codes do not have requirements regulating the percentage of overshadowing of the adjoining properties during the times other than the winter solstice (midday 21 June).

One of the general provisions under the Clause 5.1.2 states that Council may impose conditions on the development relating to:

“the location and orientation of buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy...”

The proposed multiple dwelling development would overshadow the adjoining property to the south during the morning hours. The applicant submitted a letter in response to the objections, which states:

"In regard to regard to quality of light, the proposed building will indeed have some effect with respect to casting shadows in the early morning. However the building does not cast any shadow over any portion of the courtyard from approximately 11am onward."

The Planning Department staff do not believe that it would be reasonable to require the applicant to achieve higher standards of sunshine and privacy. The privacy issues were fully addressed by the applicant. The proposal complies with the "Design for Climate" requirements of the R-Codes. The outdoor living areas of the adjoining units to the west would not be affected by overshadowing for the majority of the day. The proposal is of the similar scale and height as the existing buildings in the locality.

Building Height

Clause 5.1.1 (c) states the following:

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

Single Storey	Roof Height:	6.0 metres
Two Storey	Wall Height:	6.0 metres
	Roof Height:	8.5 metres
Subsequent Storeys	Wall Height:	6.0 metres plus; 3.0 metres per storey
	Roof Height:	8.5 metres plus; 3.0 metres per storey"

The wall height of the proposed three storey development is 27.4 AHD. The NGL at the centre of the site was determined by the Planning Department being 17.5 AHD. The required wall height limit under the TPS 2 clause quoted is 17.5 AHD + 6.0 m + 3.0m = 26.5 AHD. The proposed three storey building is over height for wall height by 0.9 m.

Clause 5.1.1 (c) states that the above formula will be used "except in particular cases where the natural ground forms indicate that a variation is warranted provided that the amenity of the adjoining properties is not unreasonably diminished"

The Planning Department staff do not believe that the topography of the site warrants a departure from the TPS 2 formula for calculation of the building height. The levels on the site are relatively constant and vary between 17.0 AHD and 17.9 AHD.

It is recommended that the applicant be required to lower the wall height of the building by 0.9m to the height of 26.5 AHD.

Plot Ratio

Clause 3.4.4 (d) states:

"Residential use may be permitted in accordance with the Residential Planning Codes and the general and amenity provisions of this Scheme..."

The Residential Design Codes specify a plot ratio of 0.6 for multiple dwellings in R50 density. The applicant is seeking a variation to the plot ratio requirement. The proposed multiple dwelling development has a plot ratio of 1.0. The existing grouped dwellings on the site have a plot ratio of 0.56.

The R-Codes Advice Note on Frequently Asked Questions June 2003 stated that the plot ratio requirements in the R-Codes are discretionary and in exercising such discretion, reference should be made to Performance Criterion 3.1.1 P1 on p.44 of the Codes, which is:

“Development of Dwellings of the type and density indicated by the R-Codes designated in the Scheme.”

The proposed development complies with the dwelling type and the site area requirements of the R-Codes for the R50 density. The total site area of the lot is 759m². The proposal is for three multiple dwellings. The site area divided by the number of dwellings results in 253m² per dwellings, which is in accordance with the R-Codes.

Multiple Dwelling is an “AA” or discretionary use in the Foreshore centre zone. Clause 3.4.4 (a) of the TPS 2 states:

“In its considering of applications to commence development the Council shall have regard to:

- the preservation of the adjacent foreshore as a primary marine recreation and tourist attraction;*
- the unity, scale and external appearance of all buildings within the Zone;*
- the integration of parking areas and vehicular access thereto, with total land usage so as to secure the most convenient, safe and efficient use of land;*
- the preservation of privacy, views and residential quiet in adjoining residential zones;*
- the amenity provisions and policies contained in Part V - General Provisions of this Scheme.”*

The proposal was referred to the Design Advisory Panel for comment on the design of the building, its aesthetics and its effect on the streetscape. The Panel commended the design of the proposed multiple dwellings. It was also noted that the adjoining property to the west and the property across the road on Eileen Street are three storey developments. Council also previously approved a three storey development on the northern corner of Eileen Street and Marine Parade, the lot is currently vacant.

The proposal incorporates sufficient resident and visitor parking for the proposed multiple dwellings, which would ensure that the streetscape and safety would not be affected by increase in the number of vehicles being parked on the street.

The proposal does not affect the views of the adjoining properties. The applicant addressed the concern of the owners of 3 Eileen Street regarding loss of views by providing clear glass panel front fencing.

The application is for three multiple dwellings. There are currently three grouped dwellings on the subject site. As the number of residents would not increase, the administration does not believe that the general quiet of the area would be affected.

Therefore the administration considers that the proposal is in accordance with the General Provisions of the TPS 2.

Side Boundary Setbacks

The applicant is seeking a variation to the following side boundary setbacks:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
East basement	Whole	1.5	44.0	No	1.5	Nil
West Basement	Whole	0.0	44.0	No	1.5	0.5 – 2.7
East Lower	Whole	4.5	40	No	2.0	Nil – 2.5
East First Floor	Whole	7.5	41	No	3.5	2.0 – 2.8
South First Floor	Whole	6.9	11.3	Yes	3.8	4.0 – 3.5
East Second Floor	Kitchen 1	10.5	42.0	Yes	9.5	4.7
East Second Floor	Stair, Lobby, Lift	10.5	11.0	No	3.0	1.4 – 2.4
East Second Floor	Kitchen 2	10.2	42.0	Yes	9.2	4.7
West Second Floor	Dining, Stair	8.5	42.5	No	4.1	3.7
West Second Floor	Stair, Dining	8.5	42.5	No	4.2	3.7
South Second Floor	whole	9.7	9.3	Yes	5.0	3.0

The above side boundary setbacks will be assessed under the Performance Criteria of the Design Element 3 – “Boundary Setbacks”, which are:

“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.”*

As it was discussed earlier in the report the applicant sufficiently addressed privacy issues for the adjoining properties by providing horizontal screening and obscure glazing. The proposal complies with the requirements of the Design Element 9 – “Design for Climate”.

Front Setback

The proposed front setbacks are as follows:

The main wall of the ground floor is 9.0m.

The first floor balcony is 5.3m – 8.8m

Second Floor Balcony is 6.0m – 4.5m

Under the R-Codes the required front setback in R50 density areas is 4.0m.

Council’s October 2002 resolution states that:

“When assessing applications for Development Approval, Council will:

(a) generally insist on:

- (i) A 6.0m setback for residential development in the District, which does not include averaging”*

Council has consistently sought conformity with a 6.0m setback with no averaging. The applicant stated the following in the letter dated 29 January 2004:

“The openness and curvilinear nature of the balconies does not impinge greatly on the streetscape since the supporting columns are in fact setback at six metres from the street alignment. The stepped setback assists in the transition from the building close to the street to those with normal setback of six metres. The building setback is therefore appropriate for the existing streetscape conditions.”

The building to the west at 134 Marine Parade is setback 3.0m from Eileen Street. The adjacent building to the east has a setback of 7.0 metres.

The Council did not receive any objections regarding the proposed front setbacks on 1 Eileen Street. The owner of 3 Eileen Street and the applicant agreed on a mutually acceptable solution for the front fencing being clear glass.

The Planning Department staff does not consider that the proposed reduced setback to the balconies would have a negative impact on the streetscape.

CONCLUSION

It is recommended that the application be approved by Council subject to the standard conditions and a specific condition requiring the applicant to comply with the statutory height requirements under the TPS 2.

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of Councillors requested that the architect address the issues of building bulk, plot ratio and height in response to neighbours concerns. Although the Town Planning Scheme allows for three storeys in exceptional circumstances, it was considered that those exceptional circumstances did not exist in this situation.

It was considered that the Architect should meet with the adjoining property owners to discuss their concerns. It was considered that if there was no resolution, then the project would be refused at the May meeting of Council. Therefore, the Committee moved that the matter be deferred and the architect be requested to address the above issues.

DECLARATION OF INTEREST

Cr Furlong declared a proximity interest in Item 1.1 due to residing next door to the proposed development and left the room at 7.34pm.

Cr Miller returned to the meeting at 7.34pm.

OFFICER RECOMMENDATION

- (1) That Council GRANTS its Approval to Commence Development for three multiple dwellings at No. 1 (Lot 4) Eileen Street, in accordance with the plans submitted on 22 March 2004 subject to the following conditions:
 - (a) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.

- (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (c) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (d) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) The existing redundant crossover in Eileen Street being removed, the verge, curb, and all surfaces made good at the applicants expense;
- (g) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing the wall height of the proposed development being reduced to 26.5 AHD to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text.

(2) Advise submitters of Council's decision.

COMMITTEE RECOMMENDATION

That:

- (1) Consideration of the proposal for the three storey development of three multiple dwellings and basement at No. 1 (Lot 4) Eileen Street be deferred to the May meeting of Council;
- (2) The Architect be requested to address the following issues:
 - (a) Building height;
 - (b) Building bulk; and
 - (c) Plot ratio.
- (3) That Council advise the submitters of its decision.

11.1.1 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Walsh

That Council:

- (1) Consideration of the proposal for the three storey development of three multiple dwellings and basement at No.1 (Lot 4) Eileen Street be deferred to the May meeting of Council;**
- (2) Request the Architect to address the following issues:**
 - (a) Building height;**

- (b) Building bulk; and**
- (c) Plot ratio.**
- (3) Advise the submitters of its decision.**

Carried 8/1

Cr Furlong returned to the meeting at 7.35pm.

11.1.2 NO 6 (LOT 3) HAMERSLEY STREET - FOUR MULTIPLE DWELLINGS PLUS BASEMENT

File No:	6 Hamersley Street
Author:	Ms L Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant Correspondence from neighbours
Report Date:	15 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Ms Jocelyn Treasure
Applicant:	Hodge & Collard Pty Ltd Architects
Date of Application:	27 February 2004
Zoning:	Residential
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R30
Lot Area:	845m² plus 18A Eric Street
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two storey plus basement development. Notwithstanding that two of the proposed residences are located vertically above the other two units, the applicant is seeking that the development be assessed as a grouped dwelling development.

Given the assessment that has been undertaken, the recommendation is to defer the application subject to conditions.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Building Heights - 005	Wall Height – 6.0m Roof height – 8.5m	9.0m 11.5m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks			Clause 3.3.1 – P1 Clause 3.3.2 – P2
North Basement	1.5	Nil – 1.2	
South Basement	1.5	Nil – 1.2	
East Basement	1.5	Nil – 10.5	
North Ground (bed 2, Ensuite, Bed 1)	1.5	1.2	
South Ground (Bed 2, Ensuite, bed 1)	1.5	1.2	
North Upper (balcony, Dining)	1.6	1.2	
North Upper (Kitchen, Bed 3)	7.0	2.8	
North Upper (Bed 2, Ensuite, Bed1)	1.5	1.2	
South Upper (balcony, Dining)	1.5	1.2	
South Upper (Kitchen, Bed 3)	6.6	2.8	
South Upper (Bed 2, Ensuite, Bed 1)	1.5	1.2	

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering
- Health

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

SubmissionsUnit 1, 9 Torrens Street

- Building is too close to my property;
- We are planning to use the area adjacent to the rear of original boundary of 6 Hamersley as our outdoor living area;
- The proposed development will affect the privacy of our outdoor living area;
- The large windows to the living room and the bedroom will overlook our Courtyard/Living area;
- The large balcony will overlook our Courtyard;
- We request that the building have maximum setbacks from the rear boundary;
- We request that the overlooking issues be addressed.

4 Hamersley Street

- The proposed development will affect our light, amenity, privacy and security of our property;
- The height and bulk of the proposed building is excessive especially at the front of the block;
- The proposed development will affect our views;
- The overshadowing in winter will affect our courtyard;
- We are planning on doing a side-by-side development and the proposal at 6 Hamersley Street will cause a great proportion of the unit will be overshadowed;
- The proposed basement is 5.0m below ground and has a nil setback to one of our boundaries, which will affect when we develop in the future;
- The proposed development will jump-up higher than other buildings on the street.

STAFF COMMENTThe Nature of the Proposal

The applicant is seeking approval for four multiple dwellings. The two of the units are located vertically above the other two units. The following definition is of grouped dwelling is provided in the R-Codes:

“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and include a dwelling on a survey strata with common property”.

The proposal was discussed at the meeting of the Design Advisory Panel. The advise of the panel indicated that the proposal should be assessed as Multiple Dwellings rather than Grouped Dwellings. The panel was of the opinion that the topography of the site can allow for development of grouped dwellings without them being located vertically above each other.

Multiple Dwellings is specified as an “AA” – discretionary use in the Residential Zone in the TPS 2 zoning table. This means that the use is not permitted unless special approval of Council is granted.

The Residential Design Codes do not specify any development standards for multiple dwellings in R30 density.

The application was assessed in accordance with the R30 density requirements for site area requirements and the setbacks. It is recommended that the applicant address such requirements as open space, communal open space and plot ratio for multiple dwellings in accordance with the R35 density.

It is recommended that Council defer the application subject to the above issues being addressed.

Side Boundary Setbacks

The proposed development does not comply with the Acceptable Development Standards of the R-Codes for the following side boundary setbacks

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
North Basement	Whole	0.4	31.0	No	1.5	Nil – 1.2
South Basement	Whole	0.0	31.0	No	1.5	Nil – 1.2
East Basement	Whole	0.0	22.0	No	1.5	Nil – 10.5
North Ground	Bed 2, Ensuite, Bed 1	2.4	11.0	No	1.5	1.2
South Ground	Bed 2, Ensuite, Bed 1	2.5	11.0	No	1.5	1.2
North Upper	Balcony, Dining	8.2	9.5	No	1.6	1.2
North Upper	Kitchen, Bed 3	6.8	28.3	Yes	7.0	2.8
North Upper	Bed 2, Ens, Bed 1	5.3	11.0	No	1.5	1.2
South Upper	Balcony, Dining	7.8	9.5	No	1.5	1.2
South Upper	Kitchen, Bed 3	6.3	28.3	Yes	6.6	2.8
South Upper	Bed 2, Ens, Bed 1	4.7	11.0	No	1.5	1.2

The proposed variations to the side boundary setbacks will be assessed under the performance Criteria of the Design Element 3 – “Boundary Setbacks”, which states:

“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 adjoining property to the south will be overshadowed by 37%, which is not in compliance with the acceptable development standards of the R-Codes. The adjoining neighbour objected to the increased overshadowing due to the proposed development.

The adjoining property owners (4 Hamersley Street) also mentioned that they are planning to develop their property in the future with two grouped dwellings, in which case the effect of overshadowing would be far greater on the new development.

In accordance with the R-Codes 300m² is a required average site area in R30 density. The adjoining property to the south (4 Hamersley) cannot be developed with two residences unless the performance criteria of the Design Element 1 of the R-Codes are addressed and variation of 5% is approved by the DPI.

The comments from the Council’s Building Department also state:

- Building has a rise in storeys of 3;
- Class 2 & 7 Building;
- Type A construction;
- Building to comply with the BCA Volume 1;
- Currently building does not comply with BCA deemed to satisfy provisions;
- Openings within 1.5m of the fire source feature are not permitted.

The applicant would be required to comply with the BCA requirements at the building licence stage, which would potentially change the design of the proposal and would necessitate an application for a new Planning Approval.

It is recommended that the applicant be required to increase all the side boundary setbacks that are currently less the 1.5m to 1.5m minimum. This would potentially satisfy the BCA requirement and also reduce the impact on the adjoining properties.

Building Height

Clause 5.1.1 (c) of the Town Planning Scheme No 2 (TPS 2) states the following:

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

Single Storey	Roof Height:	6.0 metres
Two Storey	Wall Height:	6.0 metres
	Roof Height:	8.5 metres
Subsequent Storeys	Wall Height:	6.0 metres plus; 3.0 metres per storey
	Roof Height:	8.5 metres plus; 3.0 metres per storey”

The Natural Ground Level (NGL) at the centre of the site was determined to be 26.7 AHD. The centre of the site falls approximately within the area of the rear courtyard of the existing residence. The levels on the northern and southern boundaries of the property appear to have retained the natural contours. The level of the rear courtyard follows the natural contours of the northern and southern boundaries. Council's archive records also indicate that the Council previously granted approval for the existing residence with the levels of the rear courtyard being 26.7 AHD.

If the level of 26.7 AHD is used as the level of the centre of the site, the proposal complies with the statutory height requirements under the TPS 2.

The proposed building is two storeys plus basement. The proposed basement would not classify as a storey as it is below the NGL at the centre of the site, which in accordance with the Clause 5.1.1 (a) of the TPS 2.

Planning Policy 005 – Building Heights

The subject lot slopes considerably from the rear to the front. The level of the front of the property is approximately 5.5m lower than the level at the rear. The proposal does not comply with the Council's Planning Policy 005 – Building Heights, as the wall and roof ridge heights of the building would exceed 6.0m and 8.5m if measured from level of the centre of the front property boundary.

The Planning Department acknowledges the difficult topography of the site. The height of the building would have to be reduced by approximately 3.0m at the front of the block in order to comply with the Building heights Policy.

The application was referred to the Design Advisory panel comment. One of the comments of the Panel was to require the applicant to reduce the height of the whole building by 0.5m. This would reduce the impact of the three levels being fully visible from the street.

The applicant did not show any attempt to address the issues under the Council's Planning Policy 005 – "Building Heights". The height of the building at the front of the lot would result in 9.0m wall height and 11.5m roof height, which would affect the streetscape and the amenity of the adjoining properties.

It is recommended that the applicant the applicant submit amended plans addressing the building heights under the Planning Policy 005.

Privacy setbacks

The proposal does not comply with a number of visual privacy setbacks under the R-Codes. The proposal causes overlooking into the adjoining properties from the upper floor windows and balconies.

The applicant provided Cone of Vision Diagrams Section A and B, which demonstrate that the upper floor windows to the bedroom 3 to the south and bedroom 3 to the north do not cause overlooking of any sensitive areas on the adjoining properties.

The Cone of Vision Diagram from bedroom 1 and the Living room balcony will cause overlooking into the adjoining property to the east. The Council received an objection from the adjoining neighbours, which states that the area, subject to overlooking will be used as a primary outdoor living area.

It is recommended that the applicant be required to submit amended plans showing that the overlooking of the area on Unit 1, 9 Torrens Street being addressed.

The proposal also causes overlooking into the adjoining property to the south east (18 Eric Street). Council did not receive any objection from the owners of the affected property owners.

The cone of vision diagram was not prepared in accordance with the R-Codes. It is recommended that the applicant be requested to do the following;

- Resubmit the correct cone of vision diagram signed by the adjoining property owner stating no objection; or
- Provide sufficient screening on the southern side of the upper floor balcony to the Bedroom 1 to prevent overlooking into 18 Eric Street.

Overshadowing of the Adjoining Properties

As it was discussed in the previous section of the report, the proposal causes overshadowing of the adjoining property to the south (4 Hamersley Street). The acceptable development standards of the R-Codes allow for 35% overshadowing of the adjoining properties in R30 density.

The proposed overshadowing is 37%. It was recommended in the previous sections of the report that the height of the building be reduced and the side boundary setbacks be increased to a minimum of 1.5m. This should reduce the impact of overshadowing of the adjoining property.

CONCLUSION

It is recommended that the application be deferred pending amended plans being submitted addressing all the issues outlined in the report.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee modified the officers recommendation by adding:

- (a) point (2)(g) requiring the development to be lowered by 0.5m; and
- (b) point (2)(h) which sought to change the design by requiring hipped rooves instead of the gable ended roofs.

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Hodge and Collard Architects for four multiple dwellings on 6 Hamersley Street, Cottesloe; and
- (2) Request that the applicant submit revised plans incorporating the following changes to the site planning of the proposed development:
 - (a) The wall and ridge height of the proposed development to comply with the Planning Policy 005 – Building Heights’
 - (b) The side boundary setbacks to the north and south boundary on the ground and upper level that are shown as being 1.2m on the plans dated 3rd March 2004 being increased to 1.5m minimum
 - (c) The landscaped area at the front of the property not being filled by more than 0.5m above the Existing Natural Ground
 - (d) Addressing the overlooking issues of the adjoining properties;
 - (e) Addressing the acceptable development standards or the performance criteria of the Design Element 9 – “design for Climate”
 - (f) Address the plot ratio, open space and communal open space requirements for multiple dwellings under the R35 density Code in the R-Codes.

11.1.2 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Hodge and Collard Architects for four multiple dwellings on 6 Hamersley Street, Cottesloe; and**
- (2) Request that the applicant submit revised plans incorporating the following changes to the site planning of the proposed development:**
 - (a) The wall and ridge height of the proposed development to comply with the Planning Policy 005 – Building Heights’**
 - (b) The side boundary setbacks to the north and south boundary on the ground and upper level that are shown as being 1.2m on the plans dated 3rd March 2004 being increased to 1.5m minimum**
 - (c) The landscaped area at the front of the property not being filled by more than 0.5m above the Existing Natural Ground**
 - (d) Addressing the overlooking issues of the adjoining properties;**
 - (e) Addressing the acceptable development standards or the performance criteria of the Design Element 9 – “design for Climate”**
 - (f) Address the plot ratio, open space and communal open space requirements for multiple dwellings under the R35 density Code in the R-Codes;**

- (g) Lowering the height of the building by 0.5m; and**
- (h) The roof being altered to a hip roof.**

Carried 10/0

11.1.3 NO 17 (LOT 47) & NO 17A (LOT 48) JOHN STREET - TWO TWO-STOREY RESIDENCES PLUS BASEMENTS

File No:	17 & 17A John Street
Author:	Ms L Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant (1) Photos
Report Date:	2 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Ms D Broux
Applicant:	Meyer Shircore & Associates
Date of Application:	3 March, 2004
Zoning:	Residential
Use:	P - A use that is permitted
Density:	R20
Lot Area:	638m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for the two two-storey single residences with basements on the two existing adjoining lots 17 and 17 A John Street.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- N/A

HERITAGE LISTING

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

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
17 A John Street			
No2 – Streetscape	Front setback - 6.0m	17 John – 4.8 – 6.0m; 17 A John – 4.0m	Clause 3.2.1 – P1
No 3 – Boundary Setbacks	West basement – 1.0m East Ground (garage, bath, Bedroom) – 1.5 East ground (Dining, Kitchen, Entry, Lounge) – 1.5m West Ground – 2.0 South Upper - 3.0 West Upper – 3.5 East Upper (balcony, Bath, WIR, Retreat, Balcony) – 2.2 East Upper (Passage) – 3.0 East Upper (Bed, Bath, Study, Bed) – 1.7	Nil 1.0 – 1.5 Nil – 1.5m Nil 2.0 – 3.3 Nil 1.5 – 4.5 6.0 1.5	Clause 3.3.1 – P1 and Clause 3.3.2 – P2
17 John Street			
No 2 - Streetscape	Front Setback – 6.0	4.8 – 6.0	Clause 3.2.1 – P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
17 A John Street			
No 3 – Boundary Setbacks	East Basement - 1.0	Nil	Clause 3.3.1 – P1 and Clause 3.3.2 – P2
	West Lower (garage, Bath, Bed, Passage) – 1.5	1.0 – 1.5	
	West Lower (Dining, Kitchen, Lounge, Entry) – 2.5	1.5 – 5.0	
	East Lower – 2.0	Nil	
	West Upper (bath, balcony, bed, Bath, bed) – 4.1	1.5	
	West Upper (Passage, retreat, Bed, WIR, Bath, bath, balcony) – 3.3	1.5 – 5.0	
	South Upper – 3.3	2.0 – 3.3	
	East Upper – 3.3	Nil	

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letters to Adjoining Property Owners. There were 8 letters sent out. There was one submission received. The adjoining property owners 15 and 19 John Street also made various comments on a copy of the applicant's "Site,

shadow, & overlooking plan". The summary of the adjoining property owners' comments is provided below:

19 John Street

We have no objection to the proposed development subject to the following:

- Front setback being 6.0m;
- Setback of the ground eastern wall to the bedroom and bath room being no less than 1.5m;
- Setback of the ground eastern wall to the dining area and kitchen being no less than 1.5m;
- Screening to the retreat balcony being provided;
- Setback of the section of the upper eastern wall to the retreat and bedroom being no less than 1.8m;
- Setback of the upper eastern wall to the study, bedroom and bathroom being no less than 1.6m;

15 John Street

We have no objection subject to the following:

- The front setback being 6.0m;
- The applicant providing screening to address the overlooking to the west from the Retreat and Bedroom window on the upper floor.

STAFF COMMENT

Building Heights

Clause 5.1.1 (c) of the Town Planning Scheme No 2 (TPS 2) states the following:

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

<i>Single Storey</i>	<i>Roof Height:</i>	<i>6.0 metres</i>
<i>Two Storey</i>	<i>Wall Height:</i>	<i>6.0 metres</i>
	<i>Roof Height:</i>	<i>8.5 metres</i>
<i>Subsequent Storeys</i>	<i>Wall Height:</i>	<i>6.0 metres plus 3.0 metres per storey</i>
	<i>Roof Height:</i>	<i>8.5 metres plus 3.0 metres per storey"</i>

The Natural Ground Level (NGL) at the centre of the site was determined as follows:

17 John Street – 17.7 AHD

17 A John Street – 18.46 AHD

Both sites are currently vacant. During the site inspection carried out by the Planning Officer on 8th April 2004, it was noted that the levels of the site were altered. The level in the middle of both lots drops by approximately 0.5metre. The original site survey plan has a notation: *"Dug to level 16.43 centrally on lot (clean fill found & light building rubble)"*.

The levels of the adjoining properties to the east and west also appear to be artificially changed. Due to the difficulty establishing the level of the centre site the levels of the four corners were used in this case to calculate the ANGL for the both lots.

The proposed development on both lots 17 and 17A John Street complies with the statutory height requirements under the Council's Town Planning Scheme (TPS 2).

Side Boundary Setbacks

The proposed development does not comply with the Acceptable Development Standards of the R-Codes for a number of side boundary setbacks. The proposed variations to the side boundary setbacks will be assessed under the relevant performance criteria:

The Performance Criteria of the Design Element 3 – “Boundary Setbacks” states:

“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 subject lots 17 and 17A John Street are north-south orientated. The shadow on the winter solstice (midday 21st June) would fall onto the subject property itself and the ROW at the rear. The proposal complies with the Acceptable Development Standards of the Design Element 9 – “Design for Climate”.

The proposed variations to side boundary setbacks do not affect the overshadowing of the adjoining properties on the winter solstice.

The adjoining neighbours did not object to the proposed development subject to the following changes being made:

- Side boundary setback to Retreat and WIR (upper eastern wall) being increased to 1.8m;
- Side boundary setback to Study, Bath and Bedroom (upper eastern wall) being increased to 1.6m;
- Applicant providing screening on the eastern boundary;
- Applicant providing screening on the western boundary.

The adjoining property owners were not concerned with the building bulk of the proposed residences. The administration is of the opinion that the building bulk was addressed by the applicant by providing courtyards separating the rear and front sections of the buildings on both of the subject lots.

The adjoining neighbours to the east (19 John Street) expressed concerns regarding overlooking from the proposed first floor Retreat balcony. The neighbours requested that louvered screening be installed by the applicant on the top of the existing stone boundary fence.

The neighbours to the west (15 John Street) also requested that the overlooking into their property from the Retreat and Bedroom windows on the first floor be addressed by the applicant. The owners of 15 John Street originally suggested that the applicant install shutters on the western facing windows of their residence. The applicant is prepared to enter into legal agreement with the owners of 15 John specifying that shutters will be installed at applicants' expense on 15 John Street.

Reduction of overlooking can be also achieved by extending the length of the eastern upper wall into the courtyard area, or providing obscure glazing to the upper eastern balcony, or increasing the height of the side boundary fence.

The owners of 15 John Street advised that they would further negotiate possible solutions with the applicant and would advise the Council of the preferred screening option prior to the Development Services Committee meeting.

The applicant submitted a letter in response to the neighbours' comments stating that the applicant is prepared to reduce the eastern side boundary setbacks, increase the front setback to 6.0m and provide necessary screening to address the overlooking issues.

It is recommended that the applicant be requested to submit amended plans showing:

- Eastern side boundary setbacks to the upper floor being increased as per the neighbours' requests (1.8.m to retreat and WIR and 1.6 m to Study, Bath and Bedroom);
- Screening being provided to the satisfaction of the Manager Development services to address the overlooking into the adjoining property to the east and west

Front Setback

Under the R-Codes the required front setback in R 20 density areas is 6.0 m. Council's October 2002 resolution also stated that:

"When assessing applications for Development Approval, Council will:

(a) generally insist on:

- (i) A 6.0m setback for residential development in the District, which does not include averaging"*

Council has consistently sought conformity with a 6.0m setback with no averaging. Council received a letter from the applicant on 13th April 2004 stating that the applicant is prepared to increase the front setback of both residences on 17 and 17 A John Street to 6.0m to comply with Council's requirements.

It is recommended that a condition be placed as part of the approval requiring the applicant to submit amended plans showing the front setback being increased to 6.0m.

Open Space

The proposed development does not comply with the requirement under the R-Codes for provision of 50% open space for both residences on 17 and 17A John Street. It is proposed to have 46% open space on 17 John Street and 43.7% open space on 17A John Street.

The proposed variation to the required percentage of open space will be assessed under the performance criteria of the Design Element 4 – “Open Space Provision”, which states:

“Sufficient open space for buildings;

- To complement the building;*
- To allow attractive streetscapes;*
- To suite the future needs of residents, having regard to the type and density of the dwelling”.*

The applicant submitted a letter stating that the front setback will be increased to 6.0m. There will no garages facing the street and the applicant would also be required to provide open aspect front fencing, in accordance with Council’s Front Fencing Local Law. The proposed reduced percentage of open space would not affect the outlook of the buildings from the street. Screen planting could be used to achieve privacy for the front courtyards so they can be utilised for outdoor living purposes.

There are large private courtyards included in the design of the proposed residences, which would serve as a primary outdoor living areas. There are also large upper floor balconies at the rear of the proposed residences accessible from bedrooms.

The subject lots are located in close proximity to the beach, the golf course, tennis courts and the Civic Centre grounds. The reduced percentage of private open space in this case is compensated by the abundance of public open space and public recreation opportunities within the easy walking distance from the subject properties.

Visual privacy

As it was discussed in the previous section of this report the proposed development causes overlooking of the habitable room windows of the adjoining properties to the east (19 John Street) and west (15 John Street).

The proposed development does not comply with the Acceptable Development standards of the R-Codes under the Design Element 8 – “Privacy”. The proposed variations to privacy setbacks will be assessed in accordance with the following Performance Criteria:

“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- The positioning of windows to habitable rooms on the development site and the adjoining property;*
- The provision of effective screening; and*
- The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.”*

The adjoining property owners expressed their concerns regarding the overlooking and requested that the applicant provide suitable screening. The applicant is prepared to address neighbours concerns. The neighbours and the applicant are currently in the process of negotiating a best suitable solution.

It is recommended that a condition be placed as part of the approval to require the applicant to submit amended plans or additional information showing the following being addressed to the satisfaction of the Manager Development Services:

- overlooking from the upper floor balcony into the property to the east;
- overlooking from the upper floor Bedroom and Retreat windows into the adjoining property to the west.

CONCLUSION

It is recommended that Council grant its approval to the proposed two two-storey plus basement residences on 17 and 17 A John Street subject to conditions

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

NO. 17A JOHN STREET:

- (1) That Council **GRANT its Approval to Commence Development for the two-storey plus basement single house at No 17A (Lot 48) John Street, Cottesloe in accordance with the plans submitted on 3rd March 2004, subject to the following conditions:**
 - (a) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (c) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (d) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (e) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.

- (f) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) overlooking from the upper floor balcony to the Retreat into the adjoining property to the east being addressed to the satisfaction of the Manager Development Services;
 - (ii) the portion of the upper eastern wall to the bedroom, bathroom and the Study being set back no less than 1.6 m from the side boundary;
 - (iii) the portion of the upper eastern wall to the Balcony, Retreat and WIR being setback no less than 1.8m from the side boundary;
 - (iv) front setback being increased to 6.0m minimum.

NO. 17 JOHN STREET:

- (2) That Council GRANT its Approval to Commence Development for the two-storey plus basement single house at No 17 (Lot 47) John Street, Cottesloe in accordance with the plans submitted on 3rd March 2004, subject to the following conditions:
 - (a) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (c) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (d) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (e) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (f) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) overlooking from the upper floor windows to the Retreat and the Bedroom into the adjoining property to the west being addressed to the satisfaction of the Manager Development Services;
 - (ii) front setback being increased to 6.0m minimum.
- (3) Advise submitters of Council's decision.

Carried 8/2

11.1.4 NO 26 (LOT 90) WILLIAM STREET - PERGOLA TO PROVIDE SHADE FOR VEHICLES IN THE FRONT SETBACK

File No:	26 William Street
Author:	Mr Daniel Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plan Correspondence from owner
Report Date:	15 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Peter & Janet Moullin
Applicant:	As above
Date of Application:	3 March 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to construct a pergola in the front setback to provide shade for vehicles on an existing hard stand parking area. A similar proposal was refused by Council in 2001 and was appealed by the applicant to the tribunal where the appeal was dismissed and Council's original decision upheld.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

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

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
2 – Streetscape	No structures other than carports or garages allowed in front setbacks	Pergola within front setback	

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

28 William Street

The owner has stated that he does not wish to comment on the proposal and will leave it up to Council to decide.

BACKGROUND

The applicant applied for a new two storey single residence on the 14 November 2001. As apart of that application a pergola covering the driveway was proposed to provide shade to additional vehicles and also to ameliorate the impact of the garage door on the streetscape.

Council subsequently approved the application subject to revised plans being submitted requiring the pergola to be removed.

The applicant subsequently appealed this condition amongst others and the Tribunal dismissed the applicants appeal in respect to this condition.

On the 3 March 2004 the applicant has again applied for a pergola to cover the driveway to provide shade for vehicles, which is the subject of this item.

STAFF COMMENT**Residential Design Codes**

The Residential Design codes do not provide a clear set of acceptable development standards in relation to the control of pergolas in the front setback area. However in the preamble for Element 2 – Streetscape – the codes are very specific in that they state:

“Other than carports, no substantial structures are allowed within the street setback areas. Structures that may be allowed are:

- *Fences or walls, which are the subject of separate consideration;*
- *Landscape or sculptural structures, such as fountains, designed to enhance the relationship between the street and house; and*
- *Appropriately scaled archways or gateways, in character with the streetscape.*

“In addition, architectural features, including balconies, porches, chimneys and open verandahs, may be acceptable as limited intrusions into the setback area, the criterion being that the main setback line is not unduly interrupted.”

In this instance the dwelling already has two covered parking spaces for vehicles behind the setback line, in accordance with the Codes. Any additional structures for the parking of vehicles is not warranted in the front setback area as the dwelling already has the required number of parking bays.

The Planning Department staff believe that if additional bays are required then these need to be uncovered or located behind the setback line.

The codes clearly state that other than carports, fences, gateways or landscaped features no other substantial structures should be located within the front setback area.

The Planning Department staff believe that the proposed pergola would constitute a substantial structure and would have a negative impact on the streetscape as it is not in keeping with the existing dwelling in terms of materials and style.

Furthermore the ruling from the Tribunal on the 2 August 2002 stated that:

“The four piers on which the new pergola stands do not in the view of the tribunal, complement the house and are an undesirable feature having regard to the quality of the development in the locality and the placement in that setting. It is true that there are carparks down William Street but they would not, in our view, have the same visual impact as the pergola in this location.”

In addition the objective for Element No. 2 states that:

“To contribute towards attractive streetscapes and security for occupants and passerby, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings.”

The Planning Department staff believe that the proposed pergola does not contribute to an attractive streetscape as the structure is not in harmony with the existing building or the locality. It will also not provide an attractive setting for the building as it is detached from the main dwelling and not constructed in the same materials.

CONCLUSION

That the application for a pergola in the front setback area be refused.

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of the Committee were of the opinion that the proposed pergola would not adversely impact on the streetscape and recommended approval of the plans.

OFFICER RECOMMENDATION

That Council:

- (1) REFUSE its Approval to Commence Development for the pergola at No 26 (Lot 90) William Street, Cottesloe in accordance with the plans submitted on 3 March 2004, as Council is of the opinion that:
 - (a) The pergola in the front setback does not comply with the objective of Design Element No. 2 of the Residential Design Codes as:
 - (i) The pergola does not contribute towards an attractive streetscape;
 - (ii) The pergola does not provide an attractive setting for the building;
 - (b) The pergola was previously refused by Council;
 - (c) An appeal by the applicant against the refusal to allow a pergola in the front setback to the Tribunal was previously dismissed;
- (2) Advise the submitters of Council's decision.

11.1.4 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the pergola at No 26 (Lot 90) William Street, Cottesloe in accordance with the plans submitted on 3 March 2004, subject to the following conditions:

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

Carried 8/2

11.1.5 NO 14 (LOT 43) ALEXANDRA AVENUE - 2 STOREY ADDITIONS TO EXISTING RESIDENCE & TWO STOREY GARAGE / HABITABLE ROOM

File No:	14 Alexandra Avenue
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from owner
Report Date:	8 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Mr & Mrs Rampano
Applicant:	Mr & Mrs Rampano
Date of Application:	3 March 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	3m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to make extensive modifications to the existing house including lower and upper floor extensions as well as upper floors extensions to the existing garage.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1	Wall Height 6.0m	7.22m
Clause 5.1.1	Roof Ridge Height 8.5m	9.32m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
005	Building Heights 8.5m	9.32m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
8 - Visual Privacy	Visual Privacy Setback of 4.5m from Bed 4	1.75m	Clause 3.8.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- All Adjoining owners signed the plans

BACKGROUND

The property is located on the corner of Alexandra Avenue and Parry Street with a right of way at the rear. The existing dwelling already has a roof pitch of around 38°.

STAFF COMMENT**Roof and Wall Heights**

The proposed extensions are within the height of the existing roofline except for the proposed tower, which is 500mm above the existing roofline.

The applicant is proposing to utilise the existing roof space to incorporate a second level, whilst extending this roof to the rear and also adding in new dormer windows.

In relation to the tower the administration believes that as the additional incursion is only minor in nature and is mainly an architectural feature it should be supported.

The extension of the existing roof exceeds Council's wall and ridge height limits.

Clauses 5.1.1 (c) of the Scheme states that:

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

The Planning Department staff believe that in this instance a variation is warranted for the following reasons:

- The additions do not adversely impact on adjoining owners;
- The additions are in keeping with the design of the existing building;
- The additions are the same height as the existing roof line;
- All adjoining neighbours have supported the proposal by signing the plans.

Therefore the Planning Department recommends that a variation to the height limits be granted.

Visual Privacy

Assessment of the proposal highlights that the upper floor window to bedroom 4 is only setback 1.75m from the western boundary and not the required 4.5m.

The cone of vision highlights that the overlooking is not of a concern as it falls on the roof of No. 12 Alexandra Avenue. In addition the owners of 12 Alexandra Avenue have supported the proposal by signing the plans.

Detached Habitable Room

The applicant is proposing to construct a second storey addition to the existing detached garage at the rear of the property.

The main issue to determine is what type of building it is, and what regulations apply to such a building.

Outbuildings are defined as:

"An enclosed non-habitable structure that is required to meet the building codes of Australia and is detached from any dwelling."

The Planning Department staff believe that the proposed structure cannot be classed as an outbuilding as it has a habitable room.

Council's scheme provides a definition for an additional dwelling, which states:

"Additional dwellings are defined as two units of self contained accommodation on the one lot."

The Planning Department staff does not believe that the upper floor addition to the garage can be considered a self-contained unit in its own right and therefore the only other definition in the codes or the scheme that this proposed building could be classified as a "Habitable Room".

A habitable room is subject to the same regulations as any single residential building in terms of heights and setbacks.

Assessment of the building reveals that the detached habitable room complies with all requirements

CONCLUSION

That the proposed development be approved subject to the following conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.5 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the 2 Storey Additions to the Existing Residence & Two Storey Garage / Habitable Room at No 14 (Lot 43) Alexandra Avenue, Cottesloe in accordance with the plans submitted on the 25 March 2004, subject to the following conditions:

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

Carried 10/0

11.1.6 NO 6 (LOT 292) ACKLAND WAY - 2 STOREY ADDITIONS, ALTERATIONS & NEW GARAGE

File No:	6 Ackland Way
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Photos
Report Date:	8 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Tore & Stefania Narum
Applicant:	Kirsten Hay
Date of Application:	28 January 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	660m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to add a second storey addition together with alterations on the lower floor and a new garage.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 – Building Heights	6.0m wall height	6.28m

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
8 – Privacy	7.5m setback from balcony to boundary	2.5m	Clause 3.8.1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

BACKGROUND

The property is located on the corner of Ackland Way and Federal Street. There is an existing single storey house on the property and the applicant is wishing to add a second storey, together with a new garage coming off Federal Street.

STAFF COMMENT

The following items require discretionary approval by Council.

Wall Heights

The wall height for the proposed development exceeds the 6-metre height limit imposed by Clause 5.1.1 of the Scheme by 280mm. The additional wall height is the result of the lower level having ceiling heights of around 3.0m.

The scheme allows for variations to the height limits in the case of extensions to existing buildings.

In this instance the adjoining neighbours have not provided any comment on the development. Notwithstanding the lack of comment the administration believes that the proposal will not adversely affect the amenity of neighbours as any overshadowing will impact the subject lot and not the surrounding lots. In addition setbacks to the upper floors comply with the Residential Design Codes.

Therefore the administration recommends that the increase in wall heights be supported.

Privacy

Under the Design Codes visual privacy setbacks are required to habitable areas with the potential for overlooking into adjoining properties. Where the acceptable setback standards are not met, compliance with the performance standards set out in clause 3.8.1 must be demonstrated. The clause states that new developments must:

“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *The positioning of windows to habitable rooms on the development site and the adjoining property;*
- *The provision of effective screening; and*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.”*

The cone of vision applied to the balcony indicates that a visual privacy setback of only 2.5m has been provided and there is the potential to overlook the adjoining lot to the west. This overlooking is of concern as it overlooks the rear property.

Therefore the administration recommends that the western side of the balcony be screened to a height of 1.65m above FFL.

CONCLUSION

That the proposed development be approved subject to the following conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee were made aware of the late submissions and advised that the rear setback was approximately 13.5m. Although the development complied with rear setback, the Manager, Development Services advised that he would arrange to meet with the owner and Mrs Fitton (neighbour) and discuss the application between now and the Council meeting on Tuesday night. Further, in response to a query from the Mayor, the Manager, Development Services would discuss with the City Engineer, the suitability of the location of the crossover to the intersection and advise Council accordingly.

OFFICER AND COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for the 2 Storey Additions, Alterations and New Garage at No 6 (Lot 292) Ackland Way, Cottesloe in accordance with the plans submitted on 28 January 2004, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (7) That the existing redundant crossover in Federal Street be removed, the verge, kerb and all surfaces made good at the applicants expense.
- (8) Revised plans be submitted to the satisfaction of the Manager, Development Services showing the western side of the balcony being screened to a height of 1.65m above FFL.

ADDITIONAL STAFF COMMENT

Correspondence has been received from the owners of No. 6 and 8 Ackland Way. The owner of No. 6 Ackland Way (the applicant) has requested Council to defer consideration of the application to the May meeting of Council so that the neighbours at No. 8 Ackland Way can meet and discuss the proposals.

11.1.6 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council defer consideration of the application until the May 2004 meeting of Council.

Carried 10/0

11.1.7 NO 8 (LOT 3) GEORGE STREET - UNAUTHORISED WORK AT 8 GEORGE STREET

File No:	8 George Street
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from neighbours Correspondence to owners from Council Correspondence from owner Copy of notice issued to owner Photos Correspondence from owner (4)
Report Date:	15 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	J Gottschalk
Applicant:	As above
Date of Application:	8 March, 2004
Zoning:	Residential
Density:	R20

SUMMARY

A site inspection of No. 8 George Street on the 4 March 2004 by Council's Principal Building Surveyor and Council's Planning Officer revealed substantial unauthorised work.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Local Government Act 1995
- Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

On the 24 December 2004 Council received an application for a new carport and a new ensuite.

The administration was considering approving the application under delegated authority, however a complaint was received from an adjoining neighbour about other works on the site. Subsequently a site inspection was carried out on the 4 March 2004.

STAFF COMMENT

The site inspection revealed the following unauthorised works:

- The proposed ensuite walls were already in place;
- A new balcony had been constructed at the rear of the property;
- New screen walls to a height of approx 3 metres had been built on the southern and eastern boundaries;
- New upper floor windows had been inserted;
- The lower and upper levels had been partitioned into new rooms, including the removal of walls;

All of the above work has been carried out without any planning or building approvals. A number of these unauthorised works also have had a detrimental impact on the adjoining neighbours.

A letter was sent to the owner of the property informing them of the unauthorised works on the 9 March 2004.

On the 19 March 2004 Council received another complaint from the adjoining owner that work was continuing. Subsequently the building surveyor inspected the site again to find that unauthorised work was still continuing.

The owner responded to Council's letter on the 22 March 2004 with the following comments:

- That the owner did not intentionally carry out the unauthorised works;
- That the owner applied for an approval for a carport and an ensuite;
- That he expected Council to inspect the house at some stage;
- When lodging the building licence for the carport, reference was made to the proposed internal alterations to a Council officer.

The Building Surveyor again conducted another inspection on the 25 March 2004 to again find unauthorised work in the form of decking at the rear of the property being undertaken.

On the 26 March the Building Surveyor personally issued a notice under section 401 of the Local Government (Miscellaneous Provisions) Act – 1960 under delegated authority to the carpenter. Whilst the notice was issued the Building Surveyor noticed that work on the deck was still being carried out.

Again on the 29 March 2004 Council's Building Surveyor and Planning Officer carried out a further site inspection of the property where again unauthorised work was being carried out. In this instance painting of the new walls was continuing. The Carpenter on site was advised that no additional work could be carried out on any unauthorised structures or modifications that have already been done, as they would eventually be required to be removed.

On the 2 April 2004 a meeting was held between the owner of the property and the Manager Development Services, where the Manager requested a list of works that the owner still wants to carry out. The owner was advised that the list would be evaluated and the owner would be informed which works would require approval or not.

A letter was subsequently received from the owner of the property listing all of the works that were still to be carried out, refer attached.

Council staff evaluated the list of works submitted by the owner and advised the owner that all of the works listed were acceptable apart from the following items:

- That the already constructed decking requires both planning and building approval;
- That the alteration to the front fence requires planning approval; and
- That any additional works that are associated with the unauthorised works could not be carried out, i.e. painting of unauthorised rooms that have been created without approval.

Options Available to Council

Council does not have retrospective powers to grant its Planning Consent or a Building License for structures that has been built. Therefore, the options open to Council are as follows:

Town Planning Scheme

A breach of the Town Planning Scheme has occurred. The options open to Council under the Town Planning Scheme are as follows:

- (i) Take no further action and Council exercises its right not to prosecute;
- (ii) Issue a notice under section 10(4) of the Town Planning and Development Act requiring the owner to modify the plans and comply with the approved plans. An appeal is available to the owner against the issue of the Notice to the Town Planning Appeal Tribunal. If the owner fails to comply with the notice, Council could modify the building and recover costs; or

In relation to point (i), a complaint to the Minister for Planning under Section (18)(2) of the Town Planning and development Act could result in a direction from the Minister requiring Council to enforce its Town Planning Scheme and requiring that the unauthorised work be removed.

Local Government Act

- (i) Withdraw the Notice issued under Section 401.
- (ii) Proceed with the existing notice issued under Section 401.

CONCLUSION

Given the unauthorised work that has occurred in contravention of the Town Planning Scheme and the Local Government (Miscellaneous Provisions) Act - 1960, Council is required to make a determination in relation to the unauthorised work. In this regard Council may choose one of the following options:

- (1) Take action - against the owner & builder to remove the unauthorised work.
- (2) Take no action

VOTING

Simple Majority

COMMITTEE COMMENT

The committee noted, as advised by the owners representative, that the illegal balcony had been removed.

The Manager, Development Services advised he would carry out further investigations regarding the other unauthorised planning matters and would report back to the April meeting of Council. Comments would also be sought from the Building Surveyor.

The Committee also requested a plan to be submitted showing the existing building works.

OFFICER RECOMMENDATION

That Council:

- (1) Advise the owner of No. 8 George Street that:
 - (a) They have commenced development without planning approval;
 - (b) They are required to remove all unauthorised work within three months of written notification; and
 - (c) Should they not comply with this direction in part (1)(b), the matter will be referred to Council with a view to instituting legal action against them.
- (2) Continue prosecuting the owner under the existing notice issued under Section 401 of the Local Government (Miscellaneous Provisions) Act - 1960.

COMMITTEE RECOMMENDATION

That the Manager, Development Services be requested to carry out a further investigation regarding the unauthorised planning works and report to the April meeting of Council.

MODIFIED OFFICER RECOMMENDATION

That Council:

- (1) Advise the owner of No. 8 George Street that:
 - (a) they had commenced development without planning approval;
 - (b) based on the changes carried out and the minor nature of the other works, Council will not institute legal action under the Town Planning Scheme text; and
 - (c) they are required to:
 - (i) seek in writing from the adjoining property owners that they have no objection to the existing screen structures; and
 - (ii) submit structural details of the existing unauthorised screens by an independent structural engineer.
- (2) Continue prosecuting the owner under the existing notice issued under Section 401 of the Local Government (miscellaneous Provisions) Act – 1960.

11.1.7 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Advise the owner of No. 8 George Street that:
 - (a) they had commenced development without planning approval;
 - (b) based on the changes carried out and the minor nature of the other works, Council will not institute legal action under the Town Planning Scheme text; and
 - (c) they are required to:
 - (i) seek in writing from the adjoining property owners that they have no objection to the existing screen structures; and
 - (ii) submit structural details of the existing unauthorised screens by an independent structural engineer.
- (2) Continue prosecuting the owner under the existing notice issued under Section 401 of the Local Government (miscellaneous Provisions) Act – 1960.

Carried 8/2

11.1.8 NO 33 (LOT 84) GRIVER STREET - SINGLE STOREY ADDITIONS

File No:	33 Griver Street
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from architect Correspondence from owner
Report Date:	6 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	N & M Keely
Applicant:	Kim Stirling Architects
Date of Application:	4 March 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	574m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to construct a single storey extension to the existing house, which will connect with the unauthorised two-storey garage / studio in the rear of the property.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

A two storey garage / studio structure was erected on this property previously, however there were substantial departures from the approved plans and as a result Council at it's meeting on the 23 February 2004 resolved that:

"That Council advise the owner of 33 Griver Street that:

- (1) They have departed from the approved planning consent plans and building plans without approval;*
- (2) They are required to modify the existing structure to accord with the approved planning plans within three months of written notification; and*
- (3) Should they not comply with this direction in part (2), the Manager Development Services will seek legal advice with a view to instituting legal action against them."*

The applicant has lodged this application with the hope that this application may alleviate the necessity to alter the two storey garage / studio in accordance with Council's resolution.

STAFF COMMENT

The proposed single storey addition complies with the Residential Design Codes of Western Australia and also complies with the relevant clauses of the Town Planning Scheme. The administration recommends that this application be approved subject to conditions.

In relation to the unauthorised two storey garage / studio, the applicant is requesting that the use of the lower portion of the building be changed from "garage / studio" to "workspace / studio".

The change of use proposed is acceptable as the applicant has provided two additional car parking spaces, one of which is covered, in alternative locations.

The workspace / studio could also be utilised as a habitable room as it would not be considered an outbuilding.

The upper floor storage loft is required to remain as a storage loft as it does not have the required headroom clearance for a habitable room under the Building Codes of Australia.

In relation to the structural departures from the original plans, retrospective planning approval cannot be give and the following departures remain unauthorised.

- Additional loft windows and lower level windows;
- The size and dimensions of all windows have changed;
- The roof ridge height is approximately 800mm over the approved height of 4.2m;
- The wall height is approximately 600mm over the approved height of 2.4m.

In light of the new additions linking the existing house to the garage / studio Council is still faced with the following options in relation to the departures from the approved plans:

1. Take no legal action;
2. Take legal action, as advised previously;
3. Request the building to be altered so as to comply with the original approval.

The owner has stated that he believed that they had acted in good faith on the advice of their architect, without the intent to evade the planning regulations. They were led to believe that the matter could have been resolved through negotiation between the architect and the planning department.

However, when the inspection was carried out by Council's Building and Planning Departments, the owner, the builder and the architect were all present and were told that no retrospective planning approval could be granted and that this matter would have to go to Council to determine which of the 3 options available to Council would be taken.

The Planning Department staff believe that Council's resolution on two previous occasions requiring the applicant to either alter the building in accordance with the approved plans or face legal action should remain in place.

CONCLUSION

That approval for the single storey additions be granted, and that Council's previous resolution stand in relation to the departures from the approved plans for the two storey garage / studio.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee requested that an existing plan of what has been currently built on the site be submitted.

The Committee were prepared to hold off any action under the town planning scheme pending completion of the proposed works and the matter will be reviewed once all works are completed.

OFFICER RECOMMENDATION

- (1) That Council GRANT its Approval to Commence Development for the Single Storey Additions at No 33 (Lot 84) Griver Street, Cottesloe in accordance with the plans submitted on 4 March 2004, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (2) That Council advise the owner of 33 Griver Street that:
 - (a) They have departed from the approved planning consent plans and building plans without approval for the 2 storey garage / studio;
 - (b) They are required to modify the existing structure to accord with the approved planning plans within three months of written notification; and
 - (c) Should they not comply with this direction in part (2), the Manager Development Services will seek legal advice with a view to instituting legal action against them.

11.1.8 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

- (1) That Council GRANT its Approval to Commence Development for the Single Storey Additions at No 33 (Lot 84) Griver Street, Cottesloe in accordance with the plans submitted on 4 March 2004, subject to the following conditions:**
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (2) That Council advise the owner of 33 Griver Street that:**
- (a) They have departed from the approved planning consent plans and building plans without approval for the 2 storey garage/studio;**
 - (b) It will put on hold any action to be taken against the owners for the unauthorised works, pending completion of the works that are the subject of the current planning approval being carried out; and**
 - (c) This matter will be reviewed should those proposed works not be commenced or completed.**

Carried 10/0

11.1.9 NO 25 (LOT 8) JARRAD STREET - DEMOLITION OF A CATEGORY 3 MUNICIPAL INVENTORY BUILDING

File No: 25 Jarrad Street
Author: Mr D Heymans
Author Disclosure of Interest: Nil
Attachments: Location plan
Municipal Inventory Information
Report Date: 5 April, 2004
Senior Officer: Mr S Tindale

Property Owner: Ian & Selena Evans

Applicant: As above
Date of Application: 15 March 2004

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 445m²
M.R.S. Reservation: N/A

SUMMARY

Council has received a request to demolish the building at No. 25 Jarrad Street, which is listed as a category 3 building on the Town of Cottesloe Municipal Inventory.

The recommendation is to Defer the Application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

Application for demolitions of properties listed on various heritage listings such as Municipal Inventory, Policy No. 12, Schedule 1 and Draft Heritage Areas should be deferred until the heritage workshop in April 2004 is held.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The property is located on the southern side of Jarrad Street and is bounded by a ROW to the south (rear) of the property. The building was constructed in the 1890's by a prominent builder of the day.

STAFF COMMENT

The property at No. 25 Jarrad Street is classified as a Category 3 building under the Town of Cottesloe Municipal Inventory. Category 3 is summarised as:

"Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme and cover with development guidelines and incentives such as first areas to receive underground power, rate rebate for registered verges and first consideration of verge maintenance and upgrading by Council."

The Municipal Inventory describes the building as:

"Strawberry Cottage", Pair of small Victorian cottages which although similar are not identical. Hipped roofs of iron. 25 has a bullnose verandah, 27 a skillion both have chamfered timber verandah posts with fretted brackets. Both have the right hand side projecting forward with a pair of small double-hung windows covered by an awning supported on three plain brackets. Single light to the left of the door and a single window to the verandah. 25 has unsympathetic white brick wall of 1960-70s vintage. No 27 has a wall of recycled bricks with pickets between the piers. Both houses have had their bricks painted. The small chimneys are brick and corbelled."

The Historical Significance is:

"These were rental properties owned at the turn of the century by Pitman who built some four or more in the area. C.H. Pitman contractor of St Georges Terrace, originally an apprenticed stone cutter in UK, arrived at Coolgardie in the 1890s. By the turn of the century he was a developer of some substance.

From 1901 or earlier one house was rented by the local grocer from the village Muggridge of Muggridge and Manners."

Council is planning to hold a workshop for Councillors in April 2004 to discuss the strategic heritage plan for Cottesloe, including the process for dealing with demolition applications of buildings listed on a heritage list. The Planning Department staff believe that any decisions on demolitions or removing properties from heritage lists should be deferred until Council has adopted a process for determining such applications.

Therefore the Planning Department staff recommend that the application be deferred until after the Heritage Workshop has been held

CONCLUSION

That the request for demolition of 25 Jarrad Street be deferred.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee were of the opinion that a planning application for the demolition of a building listed in the Municipal Inventory have previously been granted for other properties and this application is no different.

OFFICER RECOMMENDATION

That Council defers consideration of the request for demolition of No. 25 Jarrad Street, Cottesloe from the Municipal Inventory until the results of proposed heritage workshop become known.

11.1.9 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Demolition of Category 3 Heritage Building at No 25 (Lot 8) Jarrad Street, Cottesloe subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) A photographic record of the existing residence being submitted to Council prior to a Demolition Licence being issued.**

Carried 10/0

11.1.10 NO 32 (LOT 20) JOHN STREET - REMOVAL OF BUILDING FROM THE MUNICIPAL HERITAGE INVENTORY

File No: 32 John Street
Author: Mr D Heymans
Author Disclosure of Interest: Nil
Attachments: Location plan
Correspondence from owner
Municipal Inventory information
Report Date: 7 April, 2004
Senior Officer: Mr S Tindale

Property Owner: K Prosser
Applicant: K Prosser
Date of Application: 29 March 2004
Zoning: Residential

SUMMARY

Council has received a request to remove the building at No. 32 John Street from the Town of Cottesloe Municipal Inventory. The recommendation is to defer the application.

STATUTORY ENVIRONMENT

- Heritage of Western Australia Act 1990

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report John Street Heritage Area - Essential
- Municipal Inventory Category 5
- National Trust N/A

STRATEGIC IMPLICATIONS

Application for removal of properties from various heritage listings such as Municipal Inventory, Policy No. 12, Schedule 1 and Draft Heritage Areas should be deferred until the proposed heritage workshop is held.

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The property is located on the northern side of John Street. The building was originally constructed around the 1900's. The building is considered to be one of a number of buildings in the area, which could potentially be classified as a heritage area.

STAFF COMMENT

The property at No. 32 John Street is classified as a Category 5 building under the Town of Cottesloe Municipal Inventory. Category 5 is summarised as:

*"Significant in Contributing to Local Character
Significant but not essential to an understanding of the history of the district.
Photographically record the place prior to any major redevelopment or demolition.
Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme
and cover with development guidelines and incentives."*

The Municipal Inventory describes the building as:

"Tulloch Ard", This Edwardian bungalow, pre 1901, is noted for its hipped brokenback roof of iron/zincalume and tall corbelled chimneys covered in pebbledash. Although the nominator considers it intact with no modifications there are contra indications. There is no decorative woodwork merely the tapered chamfer to the square section posts set in limestone piers. The floor of the stonescirted verandah is cement. There is 1930s glass in the double-hung windows. The random coursed ashlar limestone wall and stairs in the garden are of a recent vintage as are the garden plantings."

The Historical Significance is:

"In 1905 the property was owned by Agnes and George McKenzie. He was a printer."

The Municipal Inventory is a document that provides a database of significant heritage places within the locality. Development of the properties is not necessarily restricted solely by the fact that they are registered in the Municipal Inventory.

Therefore it is considered by the administration that the removal of properties from the Municipal Inventory is not appropriate. The Municipal Inventory is merely a historical record of significant heritage places in the district and it does not predetermine the development potential of properties included in listing. Removal of the properties from the list would undermine the potential of the public to learn about the historical development of the built environment in the municipality

In this instance the Municipal Inventory has resulted in the history of the property and the original owner being recorded for future generations. However if the property was not listed on the Municipal Inventory then all of this history would be lost and not recorded.

CONCLUSION

That the request for removal from the Municipal Inventory be deferred.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.10 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council defers consideration of the request for removal of No. 32 John Street, Cottesloe from the Municipal Inventory until the results of the proposed heritage workshop become known.

Carried 10/0

11.1.11 NO 140 (LOT 78) BROOME STREET - CLOSURE OF ROAD

File No:	140 Broome Street
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant
Report Date:	7 April, 2004
Senior Officer:	Mr S Tindale
Property Owner:	Mr & Mrs Forrest
Applicant:	Planning Group
Date of Application:	22 March 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	827m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant has requested that Council close a portion of Clarendon Street (2m²) to enable a total lot area of 830m² to be achieved. This would in turn enable the possibility for the lot to be subdivided into one green title lot of 500m² and one senior's lot of 330m²

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The site is located on the corner of Broome Street and Clarendon Street. It currently has an area of 828m², which is 2m² short of the required land area for one aged persons lot and one green title lot.

STAFF COMMENT

The closure of a road does not require planning approval as the land is not zoned. However Planning Department staff believe that any road closures for the sake of allowing the future subdivision of private residential lots should not be supported as it would set a negative precedent for the district.

The Engineering Department has advised that closing road reserves is a long and costly process and in this instance would set a negative precedent and therefore they do not support the application.

CONCLUSION

That Council refuse the application for the closure of part of Clarendon Street.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.11 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council refuse the request for the proposed partial closure of Clarendon Street.

Carried 10/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 20 APRIL 2004

The meeting dealt with agenda item 12.2.1 first.

The meeting was then adjourned at 8.06pm so that the business of a special electors meeting, convened for 8.00pm, could be attended to.

**Moved Mayor Rowell, seconded Cr Furlong
That the Council meeting be adjourned until 9.00pm.**

Carried 10/0

The Council meeting reconvened at 9.26pm.

12.1 ADMINISTRATION**12.1.1 COMBINED COUNCILS LITERATURE PRIZE**

File No:	C11. 1
Author:	Mr A Lamb
Author Disclosure of Interest:	Nil
Report Date:	8 April, 2004
Senior Officer:	Mr S Tindale

SUMMARY

The purpose of this report is to put before Council a recommendation of the Cottesloe-Peppermint Grove-Mosman Park Library Committee that the three Councils support a Literature Prize and budget an amount of \$3,500 in their 2004/05 budgets.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If the recommendation is accepted, expenditure of \$3,500 will be committed in the 2004/05 Budget.

BACKGROUND

At the last Library Committee meeting, a representative of the Town of Mosman Park presented to the Committee the Town of Mosman Park Arts and Cultural Advisory Committee's proposal that the three Councils stage a Combined Council's Literature Prize on an annual basis commencing 2004/05.

The Library Committee's resolution was as follows:

1. *The Combined Council's Library Committee support the inclusion of a Literature Prize based on the concept as presented by the Mosman Park Arts & Cultural Advisory Committee.*
2. *The Town's of Cottesloe and Mosman Park and Shire of Peppermint Grove be requested to consider the proposal at their April meeting and an amount of \$3,500 be placed for consideration in their 2004/05 budget for the conduct of the 2005 Literature Prize.*

The plan is for the Library to be the central focus for the exhibition and award presentations. It was suggested that the project would compliment current projects of "Tales of Times Past" and "Oral History". It is proposed that a small project team be formed between the Councils to coordinate the event.

The Cultural Advisory Committee suggested that the inaugural Literature Prize would be a part of the combined Councils commitment to providing Arts and Cultural activities within the area. It proposed that pieces must reflect the "Now and Then" of "the life, the land, the people" of Cottesloe, Mosman Park and Peppermint Grove. That the award be designed to provide an opportunity for amateurs and professionals of any age to display their works whilst providing a history of the area. Also that winning entries be a part of the Library's permanent collection and be displayed for public viewing at the participating Councils.

Categories and prizes are as follows:

- | | | | |
|---|---|--------|-------|
| ▪ Open Category | A | Poetry | \$500 |
| | B | Prose | \$500 |
| Three pieces will be awarded a commendation (\$100 ea). | | | |
| ▪ Year 8 – 12 Category | A | Poetry | \$120 |
| | B | Prose | \$120 |
| Three pieces will be awarded a commendation (\$60 ea). | | | |
| ▪ Year 1 - 7 Category | A | Poetry | \$60 |
| | B | Prose | \$60 |
| Three pieces will be awarded a commendation (\$30 ea). | | | |

It is proposed that the judging be undertaken by a member of the Fellowship of Australian Writers. The Cultural Advisory Committee has listed possible conditions of entry and that an experienced person be engaged to coordinate the project.

The estimated costs for the project are as follows:

▪ Prizes	\$ 1,930
▪ Judging	\$ 500
▪ Project Coordinator (18 days @ \$250/day)	\$ 4,500
▪ Printing and promotion	\$ 1,500
▪ Exhibition opening and prize presentations	\$ 1,500
▪ Stationery, display materials etc	\$ 600
	<u>\$10,530</u>

The proposal is for each Council to include provision of \$3,500 in their 2004/05 budgets separate to the annual contribution toward the Library's costs.

CONSULTATION

This matter was discussed at the Cottesloe-Peppermint Grove-Mosman Park Library Committee meeting held 12 March 2004.

STAFF COMMENT

It is recommended that Council include this request in its 2004/05 Budget.

VOTING

Simple majority.

COMMITTEE COMMENT

Cr Morgan suggested that the Shire of Peppermint Grove be approached in relation to combining the proposed joint Council art and literature prizes.

Concern was raised about the cost of the coordinator.

12.1.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council include in its 2004/05 Budget a provision for a contribution of \$3,500 toward the proposed Combined Council's Literature Prize.

Carried 10/0

12.1.2 NORTH COTTESLOE PRE PRIMARY SCHOOL

File No: C 3. 6
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Report Date: 8 April, 2004
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to put before Council the North Cottesloe Primary School's request for a donation towards works at the North Cottesloe Pre Primary School.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There is no provision in the current Budget for the donation requested and so an absolute majority will be required if a donation is to be made.

BACKGROUND

The North Cottesloe Primary School Principal, Mr Brad Goddard, wrote and phoned to seek funding assistance with works in the grounds of the North Cottesloe Pre Primary School. One aspect of the works is the erection of a shade sail to provide better sun protection for students in the grounds. Another is to generally upgrade the playgrounds.

Funding assistance sought is \$2,666 being half of the cost of the shade sail and one third of the cost of the play ground works (the balance of costs are to come from the School and the P&C).

The Pre Primary is located on a Reserve that is under the management of Council. Council owns the building. The property is leased to the Education Department until 31 December 2005 and the annual rental is \$2,500 plus CPI and plus GST (currently \$2,914.65 including GST).

CONSULTATION

The matter was discussed with the School Principal, Mr Brad Goddard.

STAFF COMMENT

Council has made a practice of assisting local kindergartens by providing land and buildings for this purpose. The current North Cottesloe Pre School building was, according to our records, "rebuilt" in 1978 and a Licence agreement was entered into with the Northbourne Kindergarten Inc for it to pay the licensor (Council) \$2,000 per year for a period of ten years (presumably to assist with the costs of reconstruction). At some stage the Education Department, through the North Cottesloe Primary School, took over the running of the kindergarten and Council entered into a five year lease with the Department in January 2001. This lease provided some income to Council and moved the responsibility for much of the building and grounds maintenance to the Department resulting in costs to Council reducing from around \$7,400 per annum to around \$2,500.

Council made provision in the current budget for a donation of \$10,000 to the North Cottesloe Primary School for playground equipment at the Primary School and a cheque was presented to the School last calendar year.

The School has maintained the building and grounds well and now seeks assistance with upgrading works and it is recommended that Council donate the requested amount.

VOTING

Absolute majority.

COMMITTEE COMMENT

Nil.

12.1.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council

- (1) Amend the 2003/04 budget to increase the provision for Donations in the area of Education from \$10,000 to \$12,666; and**
- (2) Donate \$2,666 to the North Cottesloe Primary School toward upgrading works in the grounds of the North Cottesloe Pre Primary School.**

Carried 10/0

12.1.3 PRINCIPAL ACTIVITIES PLAN

File No: X12. 3
Attachment(s): [Principal Activities Plan](#)
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Report Date: 8 April, 2004
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to put before Council the draft Principal Activities Plan for the period July 2004 to June 2008.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Plan is not a commitment to expend funds.

BACKGROUND

Each year Administration prepares a draft Plan that is advertised for 42 days for public comment then put to Council, together with any comments received, for adoption.

CONSULTATION

None, other than with Officers of the Council.

STAFF COMMENT

The draft Plan is attached for Council consideration prior to it being put out for public comment.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.1.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council receive the attached draft Principal Activities Plan for the period 1 July, 2004 to 30 June, 2008 and advertise the plan for public comment in accordance with the requirements of the Local Government Act.

Carried 10/0

12.1.4 STATUTORY COMPLIANCE RETURN

File No:	X 4.13
Attachment(s):	<u>Local Government Compliance Audit Return</u>
Author:	Mr S Tindale
Author Disclosure of Interest:	Nil
Report Date:	5 March, 2004
Senior Officer:	Mr S Tindale

SUMMARY

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2003 and
- (2) authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

STATUTORY ENVIRONMENT

Section 7.13. of the Local Government Act (1995) provides, in part, that

Regulations may make provision —

- (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
 - (i) *of a financial nature or not; or*
 - (ii) *under this Act or another written law.*

Regulation 13 of the Local Government (Audit) Regulations 1996 sets out the specific areas that are subject to audit.

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

14. Compliance audit return to be prepared

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

The return for 2003 has been compiled and a copy is enclosed with this agenda for each Councillor to review and make comment to the Council.

CONSULTATION

Nil.

STAFF COMMENT

As can be seen from the attached return, there were three areas where the Town of Cottesloe failed to comply with the requirements of the Local Government Act.

They related to:

- Lateness or lack of receipt of primary returns for two newly elected Council members.
- Insufficient local public notice for the annual general electors meeting.
- Late dispatch of the annual financial report to the Department of Local Government and Regional Development.

In all instances the acts of non-compliance arose out of clerical failings rather than deliberate acts of omission.

The return indicates that the organisation is compliant in every other area and therefore fulfilling its role in accordance with the Act.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.4 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council adopt the Compliance Audit Return for 2003 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

Carried 10/0

12.1.5 STRATEGIC PLANNING

File No: X12. 4
Attachment(s): [Action Plans](#)
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 April, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

It is recommended that the associated Draft Action Plans supporting the 2003 - 2005 Strategic Plan be adopted for immediate implementation.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are financial implications associated with many of the proposed actions. Details will be provided to Council for consideration following further investigation by the relevant managers, as outlined in the Action Plans. Council will be requested to review these actions, particularly those involving major capital expenditure and appropriate budget allocations will be proposed accordingly. Any proposed changes involving major expenditure will be reflected in the Council's Principal Activities Plan.

Budget allocations for any immediate actions will be proposed by the relevant managers in the 2004-2005 Budget.

Due to the investigative nature of the initial stages of many of the Action Plans, this cost will be absorbed into current resourcing provision.

BACKGROUND

As resolved at the June, 2003 meeting of Full Council, Council engaged the services of Bandt Gatter to further develop the Strategic Plan. A number of Strategic Planning Workshops and meetings were held with Elected Members and senior staff in the latter half of 2003. The process included an analysis of environmental factors, both internal and external, a review of current and future goals and of key strategies that would enable Council to achieve those goals.

The workshops evaluated critical issues and identified those that needed to be addressed immediately. The Community Needs Survey conducted in 2002 was used as a basis for determining some of the issues and prioritising those issues for inclusion in the Action Plans.

The Strategic Planning Committee has reviewed the outcomes of the workshops and proposed Actions and implementation details have now been finalised by senior management for consideration by Council. The Draft Action Plans are attached.

CONSULTATION

Strategic Planning Workshops and Community Survey as outlined above.

STAFF COMMENT

The Strategic Plan enables Council to identify critical issues and issues of importance to the community. The Plan covers all of Council's functions from corporate governance to community well-being, all services and infrastructure and asset management. The Action or Implementation Plans outline how and when the strategies can be accomplished. Strategic Planning also enables Council and staff to plan and budget efficiently and to track progress of activities.

It is recommended that Council adopt the Draft Action Plans and through the annual budget, provide support for the implementation of these Plans.

VOTING

Simple Majority.

COMMITTEE COMMENT

- Page 15, strategy 2.2 - Cr Furlong suggested that liaison be undertaken with other homes to provide community care.
The Mayor advised that WESROC are undertaking a summary on community care.
The Chief Executive Officer said that these actions were for resolving the TAPSS program.
- Page 16 & 17 relating to Town Planning Scheme No. 3 and heritage – Cr Furlong stated that these issues are integral to where Cottesloe is heading in the near future.
The Mayor advised that the Strategic Planning Committee is scheduled to meet on 31 May, 2004.
Ms Levett advised the committee that an agenda item will be put to Council in the May round of meetings.

12.1.5 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council adopt the attached Action Plans as part of the Town of Cottesloe's Strategic Plan 2003 – 2005.

Carried 10/0

12.2 ENGINEERING

12.2.1 CURTIN AVENUE/GRANT STREET INTERSECTION

File No: E17.11. 2
Attachment(s): [Main Roads WA Correspondence and Drawing](#)
Author: Mr G Trigg
Author Disclosure of Interest: Nil
Report Date: 6 April, 2004
Senior Officer: Mr S Tindale

SUMMARY

Main Roads WA has advised, following the completion of a community consultation programme, that it is prepared to compromise and agree to a Pelican pedestrian crossing, if requested to by Council.

Main Roads WA has listed a number of shortcomings in this solution when compared to a full set of traffic signals at the intersection.

A recommendation is made to support the installation of the Pelican crossing.

STATUTORY ENVIRONMENT

Local Government Act
Main Roads Act
Cottesloe Traffic Management Plan.

Main Roads WA is the only legal authority to install traffic or pedestrian light crossings, plus control lines and signs.

POLICY IMPLICATIONS

The proposed works do not clash with the Cottesloe Traffic Management Plan.

STRATEGIC IMPLICATIONS

The proposed works comply with Council's Strategic Plan, particularly in the areas of innovation/improvement, long term vision, consultation/communication and asset management.

FINANCIAL IMPLICATIONS

Main Roads WA has stated that it would fund the traffic signals component of the project in the 2004/05 year. The roadworks component would be covered in Council's Blackspot submission. That submission included a roadworks component of \$190,000 of which \$126,667 (2/3 rds) would be covered by the grant.

BACKGROUND

The Main Roads WA organised community consultation period for traffic lights at this intersection ran from 26 July, 2003 to 6 October, 2003. 107 submissions were received. 57% of all submissions did not support the full traffic signals, with 88% of

submissions from Grant Street not being in favour. 22% of all submissions supported a Pelican crossing, increasing to 27% for Grant Street submissions.

Key points raised in favour of full traffic signals were:

- Greatly improved safety for pedestrians and cyclists.
- The plan caters for all road users.
- Improved access to the train station.
- Access from the train station to the beach would be improved.
- The right turn arrows into Grant Street is welcomed as turning right is unsafe and difficult at present, especially during peak periods.
- The traffic signals will slow traffic using Curtin Avenue.

Key points raised against full traffic signals were:

- Traffic volumes on Grant Street would increase to unsafe levels and add to an already busy street.
- The increased traffic volumes would make entry/exit to driveways difficult.
- Property values would decrease.
- There would be an increase in the number of crashes at the Marmion/Grant Street and Broome/Marmion Street intersections.
- Another set of traffic signals on Curtin Avenue would greatly disrupt the flow of traffic.
- Installing traffic signals will only address issues relating to motorists.
- The additional delays will force traffic down Broome Street and Grant Street.
- Some submissions suggested that a Pelican crossing be installed to improve pedestrian safety.

A number of other issues were raised which included:

- Suggestions for the installation of an overpass or underpass.
- Install a roundabout instead.
- The Principle Shared Path needs to be extended beyond Grant Street.
- The existing cycle lanes on Curtin Avenue are too narrow.
- Traffic calming is required in Grant Street if the traffic signals are installed.
- The sealed shoulder treatment along Grant Street for cyclists was generally supported.

Main Roads WA still consider a set of full traffic signal lights to be the most appropriate but agree that the local community does not fully support that idea. Therefore Main Roads WA is willing to compromise and agree to a Pelican crossing, if requested to by Council. However, the following 'shortfalls' relate to a Pelican crossing in this location:

- Pelican crossings have a greater number of motorists running red lights when compared to full traffic signals.
- The Pelican signals will not fully cater for cyclists.
- The crossing across Curtin Avenue to the north of Curtin Street will not be available as pedestrians would be encouraged to cross at the Pelican crossing.

- The Pelican signals would need to be coordinated with the other signals on Curtin Avenue, which would lead to delays of up to 2.5 minutes for pedestrians. Past experience indicates that many pedestrians in this situation cross against the red light.

The Principal Shared Path alignment will be modified back to a concept discussed in May 2003, for connection to the train station. If Council agrees to this concept, then the formal layout and funding issues will be discussed with Council and the Public Transport Authority at another time.

CONSULTATION

A major community consultation effort has been completed by Main Roads WA. This report is a result of that consultation.

STAFF COMMENT

All issues for and against the full traffic signals and a Pelican signal crossing have been already noted. The impact of a full traffic signal installation, on local residents, particularly Grant Street is of major significance given the 'through traffic' component of Curtin Avenue, which is not generated within Cottesloe.

Every traffic control solution places levels of priorities on the different types of traffic and the problems both created and faced by that traffic. Main Roads WA would not accept this compromise if it did not believe the compromise would provide acceptable solutions to the site conditions.

VOTING

Absolute Majority.

COMMITTEE COMMENT

Cr Cunningham commented that overpasses and underpasses are extremely expensive, however it is important to get something done quickly. He also acknowledges the current number of traffic lights on Curtin Avenue.

Cr Utting asked whether the report on the roundabout proposal was still current.

The Manager, Engineering Services advised that the main issue with the construction of an overpass is that it requires an 8 metre height clearance and specific disability access standards. The Minister is expected to provide a approval for a roundabout at Grant Street/Marmion Street and Grant Street/Broome Street intersections. Blackspot funding is being sought for Grant Street/Curtin Avenue intersection.

Cr Mogan noted that the initial Curtin Avenue upgrade plans showed an overpass.

The Manager, Engineering Services has spoken with Main Roads WA and has been advised that their current attitude is that road funding is out of favour, therefore funding of their own projects and funding to Councils will drop dramatically.

OFFICER RECOMMENDATION

That Council resolve to request Main Roads WA to proceed with the process of installing a Pelican pedestrian crossing, in the 2004/05 financial year, at the Curtin Avenue/Grant Street intersection, as shown on Main Roads WA drawing No. 0448-2230.

COMMITTEE RECOMMENDATION

That Council

- (1) Resolve to request Main Roads WA to proceed with the process of installing a Pelican pedestrian crossing, in the 2004/05 financial year, at the Curtin Avenue/Grant Street intersection, as shown on Main Roads WA drawing No. 0448-2230;
- (2) Reiterate to Main Roads WA that its first preference, with any upgrading of Curtin Avenue, is a grade-separated crossing installed at this intersection, and Council reiterates its opposition to a full set of traffic lights at this intersection; and
- (3) Consider a draft budget item as appropriate for a grade separating crossing, including cost distribution between relevant authorities.

AMENDMENT

Moved Mayor Rowell, seconded Cr Utting

That the item be deferred for further consideration.

Lost 6/4

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That there should be no changes to the geometry of the road, excepting the addition of pelican lights and a widening of the median strip on the south side of the Grant Street/Curtin Avenue intersection.

Lost 8/2

The vote was recorded:

For

Cr Walsh
Cr Strzina

Against

Mayor Rowell
Cr Cunningham
Cr Furlong
Cr Jeanes
Cr Miller
Cr Morgan
Cr Robertson
Cr Utting

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That point (1) of the Committee Recommendation be amended to read:

- (1) Resolve to request Main Roads WA to proceed with the process of installing Pelican pedestrian crossing, in the 2004/05 financial year, at the Curtin Avenue/Grant Street intersection, as shown on Main Roads WA drawing No. 0448-2230 subject to only carrying out changes to the geometry of the road as required for pedestrian lights;

Lost 5/6 on the casting vote of the Mayor.

12.2.1 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council

- (1) Resolve to request Main Roads WA to proceed with the process of installing a Pelican pedestrian crossing, in the 2004/05 financial year, at the Curtin Avenue/Grant Street intersection, as shown on Main Roads WA drawing No. 0448-2230;**
- (2) Reiterate to Main Roads WA that its first preference, with any upgrading of Curtin Avenue, is a grade-separated crossing installed at this intersection, and Council reiterates its opposition to a full set of traffic lights at this intersection; and**
- (3) Consider a draft budget item as appropriate for a grade separating crossing, including cost distribution between relevant authorities.**

Carried 7/3

12.2.2 LOCAL GOVERNMENT ROAD FUNDING

File No: X 8.14
Author: Mr G Trigg
Author Disclosure of Interest: Nil
Report Date: 7 April, 2004
Senior Officer: Mr S Tindale

SUMMARY

Mayor Mick Lee, in his role of Chairman for the Metropolitan Regional Road Group, has advised of his concerns regarding the reducing allocation of funds by the State Government for metropolitan roadworks. Due to a miscalculation in funding for roadworks in 2003/04, its effect on 2004/05 and a revised baseline allocation (down) for road grants in 2004/05, the final allocation could be less than half that available in 2000/01.

A request is made for all Local Government Authorities to voice their concerns to the State Government local members, the Opposition and the local candidate for the next election, regarding decreasing interest in road funding.

STATUTORY ENVIRONMENT

There is no specific legislation relevant to this report other than State and Federal budget legislation reducing or changing the nature of road grants ie Roads to Recovery, AUSLINK and State MRRG funding.

POLICY IMPLICATIONS

There are no policy implications relating to this report. A new policy relating to the need for long term planning for infrastructure replacement is proposed.

STRATEGIC IMPLICATIONS

Ensuring continuation and expansion of both federal and state road grant funding programs is consistent with the aims of the Strategic Plan, specifically long term vision, financial management and asset management.

FINANCIAL IMPLICATIONS

The financial implications of this report relate to the Town's ability to continue to fund sustainable road asset management. Reductions in state and federal grant funding will place additional pressures on the Town to fund an increasing proportion of road asset replacement.

BACKGROUND

A number of existing road grant programs from the Federal and State Government departments are under threat of either reduction, or deletion. The purpose of this report is to present to Council the current range of grant programs available, the extent to which these are accessed to assist the Town of Cottesloe to fund its road pavement asset management program, and the likely impacts of changes to funding, as well as supplying information relating to the received letter from Mayor Mick Lee.

Detail*Local Government Road Funding*

Funding for road and street construction, reconstruction and maintenance in Western Australia come from the following sources:

- a) Local Government rates system;
- b) Federal Government Grants to Local Government, distributed through the WA Grants Commission;
- c) Federal Government 'Roads to Recovery' grants;
- d) Federal Government Blackspot grants;
- e) State Government 'Direct Roads' grants;
- f) State Government Metropolitan Regional Road Group grants;
- g) State Government Blackspot grants.

In order, these can be further explained:

- a) Local Government rates system

These are funds allocated by each Local Government Authority to fund works that are required on road reserves (including roads, kerbing, drainage, footpaths, traffic control etc) which are not already funded or subsidised by Government grants.

For large metropolitan Councils, road funding by rates or general income can be the majority of all road funding. For the majority of councils, particularly rural based, most funds come from grants, due to the lack of capacity from the rates base to provide for extensive road networks which may also serve National parks, regional access, sparsely inhabited areas and non-rated land.

- b) Federal Government Grants to Local Government, distributed through the WA Grants Commission.

This is the major Federal source of funding to all Local Government Authorities. The WA Grants Commission distributes a large, but arguably never large enough, Federal allocation for Local Government in WA each year, based on a very complex system of factors such as capacity to self fund, level of burden carried (special circumstances), size of population and type of land use (metropolitan, pastoral, rural city, agricultural etc).

Currently, the amount funded for roads within the Grants Commission allocation for each Council, is part of the general allocation, ie it is not a tied road grant, but the portion allocated towards roads is listed for comparison.

- c) Federal Government 'Roads to Recovery' grants

This is a four year program over five years, with year 1 and 5 being 50% of the annual allocation. The system of grants was created to return part of a large Government income from fuel excise to the motorist, during a time of high fuel prices. Local Government in WA has received this grant allocation based on the same proportion used by the Grants Commission for the allocation of

Federal Grants to Local Government. The Federal Government has recently announced a continuation of this program until 2009, commencing in 2005/06.

d) Federal Government Blackspot grants

These are individual grants for individual Blackspots which qualify for 100% funding based on a score system for recorded accidents over five years. No Council contribution is required but such grants are more difficult to achieve than State Government Blackspot funding.

e) State Government 'Direct Roads' grants

Distribution of these grants again are based on the Grants Commission proportions of distribution, require no particular expenditure on any road or street and are not competitive in terms of a points system. The grant varies little from year to year and can also be spent on road construction or maintenance, footpaths or drainage.

f) State Government Metropolitan Regional Road Group grants

These grants distribute State Government road funding through Local Government controlled road groups, with a technically generated point scoring system covering road conditions, safety and associated factors, with a maximum allocation per Council if the point scores for roads within the Council are justified by a high point score.

Such programs are based on five year timing, with years 1 and 2 being detailed and submissions being called 12 months in advance. The cut off point for such programs is determined by State Government Road Funding budget allocations. All roads equal to or in excess of 'Local Distributor' status qualify for such funding.

g) State Government Blackspot grants

These grants are easier to achieve, with the crash data requirements over 5 years being less than that required for National Blackspots. However, only two thirds of the project cost is funded, compared to 100% for national Blackspots.

The Future for Road Funding Sources

These various funding sources are subject to a range of impacts, from 'sunset clauses' on the time period of a grant type, pressure from other State and Federal demands for funding, reassessment from the funding agency at regular intervals or new initiatives regarding Government cost shifting or election promises.

The following is the current situation with the listed funding sources:

- a) Local Government Rates System – annually determined by Council. Subject to competing priorities. The current allocation for 2003/04 is approximately \$380,000 composed of \$100,000 for road drainage, \$100,00 for local roadworks, \$130,000 being one third of the City's contribution towards major roadworks, \$nil towards Blackspot and \$50,000 towards traffic control works
-

(local area improvements). This can change each year depending on level of success with MRRG and Blackspot grants.

- b) Federal Government Grants to Local Government – this grant source has not historically changed in recent years by large amounts. The source remains the Federal Government to the WA Grant Commission, with allocation to individual Local Government Authorities changing by small degrees per annum.

The Federal Government has not signalled any intention of change within this system, however this allocation in terms of percentage of Federal Government tax income, has continued to reduce for over 20 years. The current budget allowance for Grants Commission funds is \$208,000 including a proportion gained due to the road network.

- c) Federal Government 'Roads to Recovery' grants – this grant is for a period over 5 years with years 1 and 5 being 50% and years 2, 3 and 4 being a total grant to the Town of Cottesloe of \$49,000 per annum. Council's total allocation has now been received for the 4 year program.

If this grant source were not renewed, the 'sunset clause' established by the Federal Government would end all funding in June 2005. Normally, such a funding level would provide for the reconstruction or resurfacing of up to 2 residential streets. There has been a campaign underway to lobby all Federal representatives to support the Roads to Recovery program as being of very high value and worthy of continued funding, to try to meet part of a need for the reduction of the local roads funding backlog. This appears to have been effective, with the Federal Government announcing an extension of the Roads to Recovery program for another 5 years, to 2009. No income will now be received from the old program. The new Roads to Recovery program will commence in 2005/06.

- d) Federal Government Blackspot grants – this program is not in jeopardy and appears to be approved for continual funding in the future. In time, the crash statistics should reduce and eliminate the need for these grants or the projects will be too difficult to justify 100% funding. No funding has, so far, been received by the Town of Cottesloe from this source.
- e) State Government 'Direct' Road Grants – this grant is budgeted in 2003/04 at \$13,000. This figure changes annually according to existing levels of road infrastructure as a proportion to other Local Government Authorities in WA, ie large increases in road lengths for this City would normally mean an increase in this grant.

The State Road Funds to local Government Agreement with the State Government is under review. This review is on hold until the full extent and detail of the Federal Government's 'Auslink' initiatives for National Transport Programs are revealed.

In the past two budget years, the State Government has reduced its allocation to this grant area.

- f) State Government Metropolitan Regional Road Group grants – these grants are on a \$2 MRWA : \$1 City funding basis. Current funding levels make available up to \$500,000 per Local Government Authority per annum, however Cottesloe has received less than \$300,000 per annum (one to three projects) in any one year from this grant source.

In the past two years, the State Government has reduced funds for this grant type from \$8 million to \$5 million, despite its pre-election promises not to reduce funding until 2005. No guarantees exist on future funding levels. Further reductions are likely.

The State Government will review this funding once Federal Government 'Auslink' plans are known.

- g) State Government Blackspot grants – similar to the Federal Blackspot program, the State Blackspot system is supported by all political parties. The amount allocated to Cottesloe projects this year is nil, however projects likely to be approved in 2004/05 total \$487,800 with a grant component of \$325,200.

'AUSLINK' – Towards the National Land Transport Plan

This initiative is the Federal Government response to the need for a national transport plan. It will affect all Federal funding of transport issues, including road, rail, air and seaports.

At this stage, it is not expected that funding through the WA Grants Commission will be affected. The Federal Government's emphasis with this proposal is with the freight task over regions, with less interest demonstrated with passenger or personal transport issues, particularly when not associated with national production, exports and wealth generation.

Cost shifting to State and Local Governments and a major change of emphasis away from road funding are two areas of concern for Local Government. The Town of Cottesloe will be affected when trying to plan for long term road infrastructure replacement and maintenance.

CONSULTATION

This report has had no local resident consultation. Discussions with Main Roads WA, WALGA, other Local Government Authorities and specialist road consultants have provided information on this subject.

STAFF COMMENT

This is a serious matter for all Local Government Authorities in WA. Despite pre-election promises by the current State Government, road funding through the State Government created Regional Road Group system as reduced in each of the past two State budgets, with further reductions on the horizon. In 2003/04 funding for roadworks to Councils in the State reduced by \$12m. This meant Metropolitan Council allocations reduced from \$13.434m to \$10.28m. Because of a State Government miscalculation \$10.28m should have been \$8.5m. This miscalculation

will affect 2004/05 figures. Pre-calculations propose a further \$1.0m reduction in 2004/05.

Allocations for Metropolitan Regional Road Group Councils (for both new works and rehabilitation works) will have been reduced by 50% over 3 budget years if the 2004/05 allocations total the proposed \$6.59m (down from \$13.43m in 2000/01).

VOTING

Simple Majority.

12.2.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council resolve to write to the Premier, Minister, local members of Parliament and the Leader of the Opposition expressing concern regarding the ongoing disinterest in the retention of a sustainable road funding program of grants to Local Government Authorities, particularly given the recent announcements of major extra funding from the Federal Government to this State.

Carried 10/0

12.2.3 RENEWAL OF TOWN OF COTTESLOE GROUNDWATER WELL LICENCES - DEPARTMENT OF ENVIRONMENT

File No: E10.10
Attachment(s): [Use of Operating Strategies in the Water Licensing Process](#)
Author: Mr G Trigg
Author Disclosure of Interest: Nil
Report Date: 6 April, 2004
Senior Officer: Mr S Tindale

SUMMARY

The Department of Environment (DoE) has replied to the Town's application to renew all groundwater well licences. The reply states that a Water Supply Investigation Report had also been received from the Sea View Golf Club. Both submissions had been assessed, along with other hydrogeological data relating to the Cottesloe Peninsula. The DoE is prepared to renew the Town of Cottesloe's water licences subject to the preparation of an Operating Strategy.

STATUTORY ENVIRONMENT

Section 3 of the Local Government Act provides, in part, as follows:

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

3.2. Relationship to State Government

The scope of the general function of a local government in relation to its district is not limited by reason only that the Government of the State performs or may perform functions of a like nature.

3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
 - (c) are managed efficiently and effectively.

Within Part 3 of the Waters and Rivers Commission Act 1995 the following powers and functions are granted to the Waters and Rivers Commission.

10. Functions

- 2) In addition the Commission has the functions of
- (a) advising the Minister on all aspects of policy in relation to water resources;(b) assessing water resources, and carrying out works under Part 4;
 - (c) planning for the use of water resources;
 - (d) promoting the efficient use of water resources;
 - (e) undertaking, co-ordinating, managing, and providing practical and financial assistance to, activities and projects for the conservation, management or use of water resources;(f) developing plans for and providing advice on flood management;
 - (g) carrying out, collaborating in or procuring research or investigations relating to water resources; and
 - (h) publishing information and material relating to water resources.

11. Powers

- (1) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting subsection (1) or the other powers conferred on the Commission by this Act or any other written law the Commission may, subject to section 12 —
 - (a) acquire, hold, manage, improve, develop, dispose of and otherwise deal in real and personal property; and
 - (b) act in conjunction with —
 - (i) any person or firm, or a public or local authority; or
 - (ii) any department of the Public Service or any agency of the State or the Commonwealth.

POLICY IMPLICATIONS

There are no policy implications relating to the content of this report.

STRATEGIC IMPLICATIONS

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

An environmental objective for the Council is "... to promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

FINANCIAL IMPLICATIONS

Funds will be required to employ a groundwater consultant. This should be able to be accommodated within the existing budget provisions.

BACKGROUND

The DoE received the Town's application for the renewal of groundwater well licences on 3 November, 2003. On 16 February, 2004 a Water Supply Investigation Report was received by DoE from the Sea View Golf Club (Water Direct Ltd). These and other hydrogeological data was assessed, with the following comments being made:

- *The assessment has confirmed that the fresh groundwater resource in the Town of Cottesloe is very sensitive and is vulnerable to unsustainable rates of abstraction.*
- *The rainfall that occurs directly over the Cottesloe Peninsula recharges the fresh groundwater that overlies the saltwater interface and is about 5 to 10m thick. Abstractions in excess of safe bore yields results in the upcoming of the salt/fresh water interface and contaminates the fresh groundwater resource.*
- *The concerns expressed by the general public and ratepayers in the local media about the general decline in groundwater resources and water quality in the Cottesloe Peninsula appear to be reasonable to some degree.*
- *The monitoring data collected by the Town indicates a considerable increasing trend in salinity since 1993 in Harvey Field bore, Cricket Oval bore, Civic Centre bore and Grant Marine Park bore. The Golf course bore 1 and 2 water salinity generally remains steady since 1989 and TDS varies between 1000-1500mg/L.*
- *There is no evidence to suggest that the problem is mainly caused by groundwater abstraction at Sea View Golf Course. The Salinity (TDS) in the Golf Club bores has remained at about 1000-1500mg/L in recent years.*
- *The new production bore proposed by Sea View Golf Club is in close proximity to Harvey Field bore and Cricket Oval bore. Under the current situation, should the proposed bore be operated at 8L/s, it is likely to exacerbate salinity in the area. Hence the proposal is not acceptable. Instead, Sea View Golf Club will be encouraged to install a production bore at Observation bore 2, which is further away from the Town of Cottesloe bores.*
- *It is likely that the abstractions in the Cottesloe Peninsula either have remained at the same level as in preceding years or may have increased slightly. Therefore low rainfall conditions experienced in recent years appear to be the main cause for increasing salinity observed in some of the Town of Cottesloe bores.*
- *It is appropriate to advise major groundwater users within the Cottesloe Peninsula to develop strategies to minimise the effects of saltwater upcoming.*

CONSULTATION

This matter has been well covered by local press articles and by various presentations from local interest groups and residents in recent years. 'Pros' and 'Cons' for the use of groundwater resources on the Peninsula are also well known. Further contact with stakeholders is proposed in the recommended future actions.

STAFF COMMENT

A document "Use of Operating Strategies in the Water Licensing Process" was included with the DoE letter. DoE recommend that a groundwater consultant be liaised with when completing this document. There is a large amount of information

available from files, records and staff knowledge to be able to complete this Operating Strategy, with the aid of a proven-ability groundwater consultant. The strategy would commit Council to a large range of monitoring, reporting and actions aimed at a long term sustainable use of groundwater reticulation on Council controlled land.

VOTING

Simple Majority.

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council resolve to employ a groundwater consultant to aid in the completion of the document "Use of Operating Strategies in the Water Licensing Process" for submission to the Department of Environment with a formal request for the renewal of the Town of Cottesloe's licences to take water from groundwater bores.

AMENDMENT

That the Committee Recommendation be amended to employ a hydrogeologist or other suitably qualified groundwater consultant.

That Council resolve to employ a hydrogeologist or other suitably qualified groundwater consultant to aid in the completion of the document "Use of Operating Strategies in the Water Licensing Process" for submission to the Department of Environment with a formal request for the renewal of the Town of Cottesloe's licences to take water from groundwater bores.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council resolve to employ a hydrogeologist or other suitably qualified groundwater consultant to aid in the completion of the document "Use of Operating Strategies in the Water Licensing Process" for submission to the Department of Environment with a formal request for the renewal of the Town of Cottesloe's licences to take water from groundwater bores.

Carried 10/0

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH, 2004**

File No:	C7.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	31 March, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Some of the variances between year to date budget estimates and actual expenditure and income as shown on the Operating Statement (page 3) appear to relate to timing differences. Other than variances reported previously there appear to be no new trends or occurrences to bring to Council's attention.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.3.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2004, as submitted to the April meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 MARCH 2004

File No: C12 and C13
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 March 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 March 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

As will be seen from the Schedule of Investments on page 34 of the March Financial Statements, \$2,032,453.75 was invested as at 31 March, 2004, \$531,339.41 of which was reserved. 69.79 % of the funds were invested with the National Bank, 21.84% with Home Building Society and 8.37% with BankWest.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.3.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 March 2004, as submitted to the April meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 MARCH, 2004

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 March, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 March, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Significant payment included in the list of accounts, commencing on page 27, brought to Council's attention include:

- \$10,411.88 to WA Local Government Super Plan for staff superannuation payments.
- \$11,639.75 to Western Power for electrical consumption charges for street lighting and others.
- \$11,022.00 to Collex Waste Management for green waste verge collections.
- \$15,963.07 to WMRC for transfer station fees.
- \$32,335.33 to Wasteless for rubbish collection services.
- \$22,278.42 to ATO for February BAS Statement.
- \$19,144.53 to Town of Mosman Park for road works jobs.
- \$47,501.98 and \$47,501.98 for March payroll.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.3.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council receive the List of Accounts for the period ending 31 March, 2004, as submitted to the April meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 14 APRIL, 2004**

File No:	C7.9
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	14 April, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 14 April, 2004 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report commencing on page 32 of the March Financial Statements shows a balance of \$29,936.61 of which \$10,715.56 relates to the current month.

VOTING

Simple majority.

COMMITTEE COMMENT

Nil.

12.3.4 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunnigham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 14 April, 2004; and**
- (2) Receive the Sundry Debtors Report for the period ending 14 April, 2004.**

Carried 10/0

12.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.4.1 CONSTRUCTION COST OF RAILWAY STREET - ERIC STREET TO NORTH OF GRANT STREET**

File No: E17.10.79
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 19 April, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council was informed in November 2003, that the Metropolitan Regional Road Grant had not been approved for Railway Street, between Grant Street and Parry Street, for the 2004/05 financial year. The section of this road between Eric Street and Grant Street is approved this financial year, with a total approved budget of \$155,000.

This funding is not sufficient to cover the widening and upgrading of the curve north of Grant Street to Mann Street, a distance of an extra 185 metres beyond the approved 420 metre section.

The report proposes a method of funding the extra distance.

STATUTORY ENVIRONMENT

Local Government Act 1995.
Cottesloe Traffic Management Plan.

POLICY IMPLICATIONS

All of the proposed work is consistent with the objective of the adopted traffic plan.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

\$155,000 is approved for the first 420 metres, in the 2003/2004 Budget. The extra length of 185 metres will increase the estimated total construction cost to \$258,000 without including drainage pits on side streets, which can be funded from district drainage allocations in 2003/2004 and 2004/2005.

Funding which is approved, but not expended, in the Engineering budget for this general infrastructure improvement – type work includes \$50,000 for local area improvements and \$40,000 for streetscape work in Station Street. If these amounts were available, the total funding would increase to \$245,000.

BACKGROUND AND STAFF COMMENT

This is the last roadworks project and the last Regional Road Group job of the financial year. Because of the non-approval of the second section of this work by MRRG in 2004/2005, Council has a choice of leaving a dangerous curve in its existing condition for at least a further 12 months (hoping that funding will be approved in 2006/07), or funding the extra 185 metres of reconstruction this financial year.

The redirection of the \$50,000 from Local Area Improvements would not appear to present a major problem but the \$40,000 for Station Street (footpath and trees) presents a need for Council direction to staff. If the \$40,000 is included in Railway Street reconstruction, the total available is \$245,000, leaving a total of \$49,000 for drainage inlet pits and soak pits on adjacent streets to be funded in 2003/04 and 2004/05 with district drainage allocations.

CONSULTATION

MRRG projects are routine paving and drainage improvements or replacement requiring little consultation. Affected residents will be informed via a letter drop, of the works and timing of paving and kerbing operations.

STAFF COMMENT

Nil.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- (1) Re-allocate \$40,000 from Station Street Streetscape and \$50,000 from Local Area Improvements in the 2003/04 budget to the road rehabilitation works in Railway Street to extend the project in 2003/04 to Mann Street; and
- (2) Ensure that sufficient funds are included in the 2004/05 draft budget for the replacement of concrete slabs on footpaths, on both sides of Station Street, with paving bricks as per Council's Streetscape Policy, for consideration of funding in that budget year.

12.4.1 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Robertson

That Council:

- (1) Amend the 2003/04 budget to make additional provision for capital works expenditure of \$40,000 for construction costs of Railway Street;**
- (2) Reallocate \$50,000 from Local Area Improvements in the 2003/04 budget to the road rehabilitation works in Railway Street to extend the project in 2003/04 to Mann Street; and**
- (3) Ensure that sufficient funds are included in the 2004/05 draft budget for the replacement of concrete slabs on footpaths, on both sides of Station Street, with paving bricks as per Council's Streetscape Policy, for consideration of funding in that budget year.**

Carried 10/0

12.4.2 ENGAGEMENT OF STREETScape CONSULTANT TO REVIEW TOWNScape PLAN**12.4.2 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Rowell, seconded Cr Furlong

That staff prepare a report on the potential engagement of a streetscape consultant to prepare a streetscape plan for the Town Centre Zone.

Carried 8/2

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

Nil.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**14.1.1 VIVIAN'S CORNER DEVELOPMENT REPAVING OF STREET**

With the Vivian's corner development completed, the repaving of the street will shortly commence. The current paving policy is to be confirmed to ensure that it is appropriate for the town centre zone.

14.1.1 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Furlong

That a streetscape consultant be engaged to provide a recommendation on complementary street paving to the Vivian’s development site surroundings and adjoining Clapham Lane.

Carried by Absolute Majority 8/2

14.1.2 DELEGATION OF ADVERTISING REQUIREMENTS FOR DEVELOPMENT PROPOSALS AT 104 MARINE PARADE

14.1.2 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Furlong

That Council, in accordance with the provisions of Clause 7.10.1, hereby delegates to the Manager, Development Services the authority to determine the advertising requirements contained in Clauses 7.1.4 and 7.1.6 of the Scheme Text, for any development proposals for the property at No. 104 Marine Parade.

Carried 9/1

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.45 pm.

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