

TOWN OF COTTESLOE



FULL COUNCIL MEETING

MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 29 MARCH, 2005**

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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 Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Kevin Morgan
Cr William Robertson
Cr Anthony Sheppard
Cr Victor Strzina
Cr Jack Walsh

Officers in Attendance

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

Apologies

Cr Daniel Cunningham
Cr John Utting

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs S Woodhill, 23 A Grant Street – Median Strip in Grant Street

Mrs Woodhill asked the Council the following four part question:

Could the Council:

1. Top-dress the damaged areas with good soil and couch cuttings;
2. Install pine posts down the centre of the median strip to prevent further damage and erosion caused by vehicles using the area as a short cut to the road or laneway instead of using the intersection;
3. Put up a peripheral barrier to prevent further damage while the area is being rehabilitated;

4. Also, I have my daughter's wedding on Saturday week (March 12) so could the unsightly mess be removed before my 20 guests from the Eastern States arrive?

The Manager Engineering Services provided the following reply.

1. The affected areas have been levelled, sand top-dressed and will be seeded later in the year when rain is expected.
2. This median strip, along with a number of other similar areas of temporary and overflow parking, will be the subject of a future report to Council on long term management ideas.
3. Peripheral barriers have a habit of being vandalised before the protected areas have re-grown. Staff will monitor the area and undertake whatever maintenance is needed to return the area to its original condition.
4. The stockpiled material has been removed and the area made tidy, as originally promised before the Council meeting.

4 PUBLIC QUESTION TIME

Mrs S Woodhill, 23A Grant Street – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mrs Woodhill stated that she believes that there was an attachment to the Development Services Committee Agenda, relating to this amendment, that has not been seen by the public. She asked why attachments are not attached to the agenda for the public to view.

The CEO advised that attachments are available to view at the Council office.

Mrs Woodhill asked that the attachments be made available on the website.

The Mayor replied that the situation will be remedied in the future.

Mrs Woodhill also raised the fact that there are other items in the agenda that are of great importance and that any decisions made tonight will be committing a future Council. Wouldn't it be prudent for this Council to be in 'caretaker' mode?

The Mayor replied that there is no requirement for Council to be in 'caretaker' mode, and that it should continue with business as usual particularly where development applications were concerned.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Sheppard, seconded Cr Robertson

The Minutes of the Ordinary Meeting of Council held on Monday, 28 February, 2005 be confirmed.

Carried 9/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**7.1 Sculpture by the Sea**

The Sculpture by the Sea exhibition closed today. It is felt that the exhibition was a success and the organisers have requested to continue to hold it again in future years. Approximately \$380,000 worth of sales were made, with approximately \$165,000 of that going to WA artists. Donations will be made to both the Cottesloe and North Cottesloe surf life saving clubs for their assistance. The Cott Cat shuttle bus has also been successful in transporting visitors to the beachfront from the train station. The Mayor congratulated the Council staff, Rangers and depot staff for their work at the exhibition and for being positive ambassadors of the town. The Mayor advised that the 'Four Pots' has been purchased by the Council and it will be displayed in the Civic Centre grounds.

7.2 The Mayor advised that he has spoken with the Heritage Council in relation to a Memorandum of Understanding for the Norfolk Island Pine trees and Cottesloe Beach. The Heritage Council will redefine their involvement to overall policy setting, with no involvement in individual trees or beach events. This is a more rational approach and workable solution for the future.

8 PUBLIC STATEMENT TIMEMr D Paganin, 3 Boreham Street – Item 11.1.4, No 45 (Lot 1 & 2) Broome Street – Single dwelling

Mr Paganin stated that extensive consultation has taken place with neighbours and Council in relation to the proposed building. He requested that Council approve the application. Mr Paganin thanked the planning staff for their assistance during the application process.

Mr B Cole, 231 Curtin Avenue – Item 11.1.6, No 231 Curtin Avenue (Lot 2) - Front Screen Wall

Mr Cole provided the following points in support of his application for a solid front wall:

- The wall will be lower than the two existing walls of neighbouring properties. It is no higher than window sill height.
- Verge planting will be installed.
- Neighbours have provided consent for the wall.
- Doesn't feel that this application will set a precedent.

Mr Cole asked Council to support the application.

Mr D Caddy, 182 St Georges Terrace, Perth – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mr Caddy spoke in support of the recommendation, the matter does not need to be deferred. It is timely to remind Council that the matter of the redevelopment has been before Council for the past 12 months. Following the design competition brochures and questionnaires were sent to Council and residents and the proposed development was shown at public displays. 5,500

people were canvassed and more than 20% responded to the questionnaire. The site owners are confident that the proposed design represents the community expectations. Mr Caddy requested Council to begin the amendment process. The proponent is willing to conduct further public consultation during the amendment process.

Mr J Hammond, 36 Railway Street – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mr Hammond stated that with the overwhelming opposition to any height over 12 metres on the beachfront why is there an agenda report to Council that makes no reference to height? Why is a major redevelopment being pushed tonight – one meeting out from an election? The fact that it has been put to Council at tonight's meeting is shameful.

Mr C Wiggins, 50 John Street – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mr Wiggins spoke in relation to town planning matters in general. There have been three attempts to make amendments and the common factor is that they have all failed to properly consider community opinion in an open manner. The Council does not have a policy on how to handle town planning scheme amendment requests and how to process amendments. In 2004 SOS requested a policy on community consultation, however town planning scheme amendments are not included in this policy.

Mr J Hull, 49 John Street – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mr Hull congratulated Council on Sculptures by the Sea.

He asked what is the relationship between the Council and The Planning Group. Can it be confirmed if The Planning Group is a client of the Council, and if not, does Council know who they act for.

The Mayor replied that The Planning Group represents the owners of the Ocean Beach Hotel. He also requested that the Manager Development Services explain to the meeting how town planning scheme amendments are prepared.

The Manager Development Services advised the meeting that it is not uncommon for planning consultants to draft town planning scheme amendments for Councils to consider and adopt.

Mr M Hay, 45 Kathleen Street – Item 11.1.9, Proposed Amendment No. 38 to Town Planning Scheme No. 2

Mr Hay stated that humans feel at home in buildings to the scale of their own height, or to a tree, and not anymore. The community will have to live with the decisions made by Council for many years.

The Mayor stated that it is important that Council does have a vision for Cottesloe and that this requires consideration. The Mayor thanked Mr Hay for his comments.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS**9.1 12 METRE HEIGHT LIMIT WEST OF BROOME STREET**

Cr Walsh presented a petition bearing the signatures of 3,706 people with the following prayer; 'We the undersigned petition the Town of Cottesloe not to allow any building development in the Marine Parade precinct (west of Broome Street) which exceeds a height limit of 12 metres above natural ground level.'

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Morgan

That the petition be accepted and referred to a committee for consideration and report.

Carried 8/1

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 21 MARCH 2005****11.1 PLANNING****11.1.1 NO 88 (LOT 39) MARINE PARADE - APPLICATION FOR PLANNING CONSENT FOR A CHANGE OF USE FROM RESIDENTIAL TO CAFE**

File No:	88 Marine Parade
Author:	Ms Lilia Palermo
Author Disclosure of Interest:	Nil
Report Date:	10 March, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Sandalwood Investments
Applicant:	Alan McGillvray
Date of Application:	4 February 2005
Zoning:	Foreshore Centre
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R50
Lot Area:	1265m²
M.R.S. Reservation:	The site abuts the Metropolitan Region Scheme Parks and Recreation Reserve for the foreshore, which extends over Marine Parade.

SUMMARY

Council is in receipt of an application for a change of use of a residential unit above La Tropicana Café from Residential to Cafe, including the rooftop terrace.

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

PROPOSAL

The applicant has submitted plans and correspondence explaining the proposal (See Attachments – letter from Sandalwood Investments dated 1st February 2005).

The applicant has also submitted photos of similar rooftop café proposals at waterfront / seaside locations in Sydney (See Attachments).

The applicant has advised that the café is to be operated as a family business.

The applicant has advised that the proposal is for the remaining term of the current lease, being 4 ½ years, whereby the applicant would accept a time-limited approval.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Metropolitan Region Scheme

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

Nil

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.5.1 Clause 5.5.2 Clause 5.5.4 Table 2 – Vehicle Parking Requirements	28 bays	Nil

Town Planning Scheme Policy/Policies

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

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

Building
Health

External

Western Australian Planning Commission.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

Sign on Site;
Letter to Adjoining Property Owners;
Newspaper Advertisement.

Submissions

There were two submissions received, of which one was an objection. Details of the submissions received are set out below:

3/94 Marine Parade

- *Object to early opening hours 6am. Should not be before 6-30am;*
- *Must Soundproof and view proof the proposed change use;*
- *Entry to Café is to be from Forrest Street or internally from within the existing premises.*
- *Suitable parking should be provided (For a copy of this letter please see attachments)*

BACKGROUND

The applicant previously made an application for a change of use of the Residential Unit above the La Tropicana café from Residential to Tavern. The application was considered at the August 2004 Council meeting and was refused (Council's Decision is presented below)

11.1.1 COUNCIL RESOLUTION

That Council:

- (1) *For the purposes of Clause 5.5.4, determines that the cash in lieu payment for the proposed development is \$5,625,000.*
- (2) *REFUSE its Approval to Commence Development for the Application for Planning Consent for a Change of Use from Residential to Cafe at No 88 (Lot 39) Marine Parade, Cottesloe in accordance with the revised plans submitted on 5th August 2004, as Council is of the opinion that:*
 - (a) *The proposed development does not comply with the requirements of Clauses 3.4.4(b)(c)(ii), 5.5.1, 5.5.2 and 5.5.4 of the Town Planning Scheme text in that:*
 - (i) *parking for the proposed use is to be provided on the street, which is contrary to the requirements of the Town Planning Scheme text; and*
 - (ii) *the cash-in-lieu payment is insufficient based on the value of the land as determined by Council.*
 - (b) *Council, having regard to the provisions of Clause 3.4.4(b) and 5.1.2(k), is of the opinion that the proposed development will, due to the:*
 - (i) *size, layout and design of the tavern;*

- (ii) *elevated nature of the outdoor area;*
- (iii) *proposed hours of operation;*
- (iv) *number of patrons to be accommodated (175);*
- (v) *location of the entrance\exit point and the adjoining residential property; and*
- (vi) *location of surrounding residential properties*
- (vii) *have an adverse and detrimental effect on the amenity of surrounding and adjoining residential properties due to noise.*

(3) *Advise the submitters of Council's decision.*

STAFF COMMENT

Proposed Use

The current proposal is for a change of use of the existing residential unit above La Tropicana from Residential to Café.

A café is included in the definition of a Shop in the TPS 2 definitions, which states:

Shop - *means a building wherein goods are kept, exposed or offered for sale by retail and without*

limiting the generality of the foregoing shall include -

shops for the sale of foodstuffs generally, clothing, drapery, small furniture and furnishings, footwear, hardware, small electrical goods, sporting goods, toys and secondhand goods, jewellers, pharmacists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry cleaning agencies, barbers and hairdressers, cafes and liquor stores unless incorporated in a hotel or tavern;

but shall not include an office or professional office..

The applicant submitted a description of the proposed use, which states that it is proposed to serve the following menu:

- Cereals
- Fruit
- Cooked breakfast
- Self-service coffee/tea
- Fresh fruit/vegetable juices
- Pizza oven with own selected ingredients
- Salad Bar
- Daily newspapers/financial magazines

As it is proposed to cook and allow customers to consume food on premises the proposed use is considered to be more consistent with the definition of a Restaurant rather than a Café. The following definition is provided in the TPS 2 text:

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

There is no separate definition for a Café and Restaurant under the health legislation.

Restaurant use is not listed in the Zoning Table of the TPS 2. Clause 3.3 of TPS 2 states the following:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may -

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is, therefore, not permitted, or*
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clauses 7.1.4 to 7.1.6 in considering an application for approval to commence development.*

The first step requires Council to determine whether the land use is in-keeping with the objectives for the Zone. If Council determines that the use is not consistent, then a Restaurant land use is deemed to be a prohibited land use and Council would have to refuse the application.

If it is determined by Council that the Restaurant land use is a in keeping with the objectives for the Foreshore Centre Zone, then it is treated as a discretionary land use.

It is considered that the proposed Restaurant use is consistent with the following intent of the Foreshore Centre Zone, which is outlined in the Clause 3.4.4 of TPS 2:

“It is the intention of the Foreshore Centre Zone to provide for the development of land within the Zone in a manner which -

shall preserve the recreational attraction of the area;

shall retain the natural and economic conditions which have in the past caused it to be used for business, entertainment, residential and recreational purposes associated with the foreshore;

shall be of a scale and character consistent with the Residential Planning Code densities applying to the zone and adjoining Residential Zone.”

Cottesloe Beach is the primary destination point for recreational and social needs of the local residents and the wider community of the Perth metropolitan area.

The proposed Restaurant use within the Foreshore Centre Zone would add to the recreational attraction of the area and be consistent with cafes and restaurants at the beachfront.

As the proposal is utilising the existing building the third objective under Clause 3.4 is not relevant in this case.

It is recommended that Council resolve that the proposed Restaurant use is consistent with the objectives and purpose of the Foreshore Centre Zone.

Parking

Clause 3.4.4(c)(ii), which relates to combined Business/Entertainment Uses with Residential Use within the Foreshore Centre Zone, in Part III of the TPS2 text states the following:

“Car parking spaces shall be provided in accordance with the requirements of Table 2 - Vehicle Parking Requirements of the Scheme Text. As a general policy, no more than one level of parking shall be placed directly above another.”

Clause 5.5.2 of the Scheme text states the following:

“5.5.2 Number of Parking and Loading Spaces to be provided

Subject to the provisions of Part III of this Text, where a site is to be used for a purpose stipulated in the first column of Table 2 - Vehicle Parking Requirements, car parking spaces of the number specified in the second column of that Table shall be provided.”

Under the Table 2 of the TPS 2 - Vehicle Parking Requirements, Restaurants and Eating Houses require 1 space for every 4 persons the development is designed to accommodate.

It is proposed to have a total of 114 seating spaces under the current development proposal.

Based on this provision and the parking standards in Table 2 of the Scheme text the development requires a minimum of 28 car parking spaces to be provided on-site.

The applicant is not proposing to provide any car parking spaces on site. The applicant did not address the parking requirement under the TPS 2 in the application., except for a statement in the letter dated 1st February 2005 that the proposed venue would mainly cater for people already at the beach, pedestrians and the local residents.

The proposal is not in accordance with the TPS 2 requirements. Clause 5.5.4 of the TPS 2 states:

“5.5.4 Cash in Lieu of Parking

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

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

The Scheme specifies that the parking for the development should either be provided on-site, arrangements be made for the off-street parking in the vicinity, or a cash-in-lieu payment be made based on certain criteria.

In the case of the previous application Council sought a legal opinion in relation to the parking issue. The advice indicated that Council does not have discretion to approve any development within the Foreshore Centre Zone without the required parking being provided or cash in lieu payment being made.

As advised in the July report, Council requested and received an updated valuation of the cash-in-lieu parking calculation from the Valuer General's Office. The cost per square metre has risen to \$5,000, with a total cost of \$125,000 per car parking space.

For the purposes of determining the value for this land as required by Clause 5.5.4, it is considered that the valuation provided by the Valuer Generals office be accepted.

Given this valuation and the shortfall in parking of 28 bays, then the applicant would be required to contribute approximately \$3,500,000 as a cash-in-lieu payment.

If Council has concerns with the valuation, a further independent valuation could be sought.

Therefore, it is recommended that the application be approved subject to a cash-in-lieu payment being paid to Council for the shortfall of 28 bays based on the above calculation.

If Council is of the opinion that this particular proposal and other proposals of a similar nature warrant support with parking concessions, then a Town Planning Scheme amendment should be carried out to vary the current controls.

In doing so, it is considered that Council should undertake a study of the beachfront locality before the amendment is carried out.

Impact on the surrounding residential properties

The applicant stated that there would be no application for a Liquor Licence associated with the proposed change of use. The proposed opening hours are from 6am to 4.30pm. As stated by the applicant the proposed Café is a breakfast/lunch facility similar to “Beaches Café”.

The current proposal is not likely to have a negative impact on the amenity of the surrounding residential properties, as there is not entertainment or amplified music proposed and the hours of operation are limited to daylight hours.

CONCLUSION

It is considered that the proposed use Restaurant – “Sunrise Café” is consistent with the objectives of the Foreshore Centre Zone and would not cause a negative impact on the amenity of the surrounding residential properties.

It is a requirement under the TPS 2 that 28 off-street parking spaces be provided by the applicant on or sufficiently near the subject land or a cash-in-lieu of parking payment be made (Clause 5.5.4).

The applicant is not proposing to provide any parking bays or to pay cash in lieu of parking.

The provisions under TPS 2 do not allow Council to permit a development, which does not comply with the parking requirements or otherwise makes satisfactory arrangements for provision of off-street parking in the vicinity or for a cash-in-lieu payment.

It is recommended that the application be approved subject to a cash-in-lieu payment for the required 28 car bays being made to Council.

VOTING

Simple Majority

COMMITTEE COMMENT

A facsimile from the owner of the property requesting that the item be deferred till the next round of meetings was received.

OFFICER RECOMMENDATION

That Council:

- (1) Determines that a Restaurant use in the Foreshore Centre Zone is in keeping with the objectives of that Zone.
- (2) For the purposes of Clause 5.5.4, determines that the cash in lieu payment for the proposed development is \$3,500,000.
- (3) GRANT its approval to Commence Development for the change of use from Multiple Dwelling to Restaurant at No 88 (Lot 39) Marine Parade, Cottesloe in accordance with the plans submitted on 2nd February 2005, subject to no objection from the Western Australian Planning Commission and subject to the following conditions:
 - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 28 carparking spaces as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text being \$3,500,000 as per the information provided by the Valuer General's Office.
 - (b) The hours of operation of the Restaurant being limited to 6.00am – 4.30pm
 - (c) The proposed use not involving any applications for Liquor Licensing;
 - (d) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (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.
- (4) Advise the submitters of Council's decision.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That the item be deferred at the owner's request.

Carried 8/1

11.1.2 NO 12 (LOT 43) WARNHAM ROAD – NEW TWO STOREY RESIDENCE

File No: No 12 (LOT 43) Warnham Road
Author: Mr James Atkinson
Author Disclosure of Interest: Nil
Report Date: 2 March, 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Mr W.G.Rowley

Applicant: Shayne LeRoy Designs
Date of Application: 2 March, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R40
Lot Area: 282m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a new two storey residence.

It is noted that the Applicant originally provided an application for development in two separate submissions. Each submission was for a new two storey house with identical design finishes and requirements. The only difference between the two submissions was that one sought a variation to Council's building height policy and the other was in accordance with it.

After discussions with the applicant a set of revised plans were submitted with Council for approval. The revised submission sought to find a medium between the two previous submissions where Council's policies and Town Planning Scheme were satisfied.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Residential Design Codes

POLICY IMPLICATIONS

Building Heights Policy No 005
Garages and Carports in the front setback area Policy No 002

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1(a)	Two storey maximum	Three (refer staff comment)
5.1.1(c)	Wall height – 6.0m	Wall height – 6.158m

Town Planning Scheme Policies

Policy	Required	Provided
Building Heights	Wall height – 6.0m Roof height – 8.5m	Wall height from Warnham Road – 9.7m Roof height from Warnham Road – 11.7m
Garages and Carports in the Front Setback Area	6.0m, unless vehicles parked at right angles to street – 4.5m	5.0m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3 – Boundary Set Backs			
Southern Boundary			
Ground and first floor setback (verandah)	6.0m	5.0m-6.71m	Clause 3.3.1 – P1 & Clause 3.3.2 - P2
Garage	6.0m, or 4.5m (where vehicles are parked at right angles to street)	5.0m	Clause 3.2.3 – P3
Western Boundary			
Lower office, bath, alfresco	2.6m	Nil-3.2m (built to boundary parapet wall)	Clause 3.3.1 – P1
Upper Bed 2, ensuite	1.2m	Nil-6.0m (built to boundary parapet wall)	Clause 3.3.1 – P1
Undercroft garage	1.0m	Nil-5.2m	Clause 3.3.1 – P1
Eastern Boundary			
Lower Kitchen, Laundry	1.5m	1.0m-2.5m	Clause 3.3.1 – P1
No 8 - Privacy	Visual privacy setback from front boundary to balcony (Upper) – 7.5m	6.0m to western property	Clause 3.8.1
	Visual privacy setback for Bed 2 (upper) – 4.5m	2.0m to western property	Clause 3.8.1

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 and Residential Design Codes.

The advertising consisted of:

Letter to Adjoining Property Owners

Submissions

There were 26 letters sent out. There were 6 submissions received, of which 3 were objections. Details of the submissions received are set out below:

16-18 Overton Gardens

Object to the proposed height of the building. Northern windows are too large and have views into their master bedroom.

Unit 1, 20 Overton Gardens

Object to proposed height variation, citing they will lose their views south towards Fremantle.

Unit 10 Warnham Road

Object to southern windows (bedroom 2 and balcony) overlooking front patio and outdoor area.

Unit 1, 14 Warnham Road

Opposed to increasing the floor height by 1 metre. This objection is on behalf of ourselves and also Michelle Maszinew – Owner of Unit 4 in the same complex.

Unit 11, 20 Overton Gardens

The submitter does not object to the application.

Unit 2, 20 Overton Gardens

The submitter does not object to the application.

STAFF COMMENT

Building Heights - General

The subject property slopes from east to west and north to south by approximately 3.0m. The proposal does not comply with the Council’s Planning Policy 005 – Buildings Heights, as the wall and roof heights of the building would exceed the maximum of 6.0m and 8.5m when measured from Warnham Road. However, it must be noted that the land rises 2.1m from the footpath to the front boundary, and a further 1.5m (average) to the front wall of the proposed building. Given the slope of the land the application of measuring the building height from Warnham Road is not considered acceptable.

Clause 5.1.1 (c) of Town Planning Scheme No.2 stipulates a maximum wall and roof height of 6.0m and 8.5m respectively when measured from the average natural ground level. The proposal does not comply with the requirements for wall height. Notwithstanding this, Warnham road slopes up hill from west to east. The house subject to this application will naturally be higher than the dwelling to the west, and the four storey apartments to the east are well and truly about the height of the subject site. With this in mind the streetscape as viewed from Warnham Road will most likely not be negatively affected by the height of the proposed dwelling, and the wall height variation can be lowered through a condition.

Building Heights – Storey Limit

Council’s general policy for development favours low rise development of no more than two storeys. The application for 12 Warnham Road proposes a two storey house with undercroft garage. Clause 5.1.1 (a) of Town Planning Scheme No.2 states that:

‘In exercising height control policies Council will not regard as a storey undercroft space used for lift shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council.’

The proposed garage is more than one metre above the footpath level and is 0.5m above the Natural Ground Level as measured at the centre of the site. The garage and undercroft area is therefore considered a storey. Notwithstanding this, the level of the site is such that on average only part of the garage is above Natural Ground Level.

It is also noted that an acceptable driveway gradient cannot be reached if the undercroft is set below natural ground level.

Building Setbacks

The proposal represents the following building setback variations:

Location	Description	Height	Length	Major openings	Required setback	Provided
Eastern	Whole Wall Lower	3.0m	17.07m	No	1.5m	1.0m-2.5m

Boundary						
Southern Boundary	Whole Wall	N/A	13.1m	Yes	6.0m	5.0m–6.95m
Western Boundary	Whole Wall Lower	4.6m	11.5m	Yes (alfresco)	2.6m	Nil - 3.2m
	Whole Wall Upper	7.2m	8.6m	No	1.2m	Nil - 6.0m
	Undercroft Garage	3.0m	9.5m	No	1.0m	Nil - 5.2m

Under the R-Codes where design does not meet acceptable development standards, it must be demonstrated that the performance criteria (3.3.1 – P1) is addressed:

“Building 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 space;*
- 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 eastern boundary setback seeks a variation of 0.5m for a 9.5m section of wall. The adjoining four storey apartment block is setback 2.5m from the boundary and is not considered to be unduly affected by the proposal. The reduced side setback is supported.

The southern (front) boundary seeks a variation of 1.0m to the setback. Clause 3.2.2 of the R-Codes states that minor incursions into the street setback area are allowable, so long as they do not detract from the character of the streetscape in accordance with the following:

‘A porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than one metre into the building setback area, provided that the total of such projection does not exceed 20% of the frontage at any level.’

The proposal seeks a variation to the balconies on the ground and first floor where a setback of 5.0m is proposed from the front boundary. The proposed balconies total 47% of the frontage respectively, therefore this variation is not supported.

The garage setback seeks a variation to the front setback requirement. Town Planning Scheme Policy No.003 – Garages and Carports in the Front Setback Area states that Council may, in particular cases, allow reduced setbacks other than prescribed in Table 1 of the R-Codes.

‘A garage or carport may, with the approval of Council, be constructed up to 4.5 metres of a primary street alignment where vehicles are parked at right angles to the street alignment and..’

The proposed garage is setback 5.0m from the street alignment with vehicles orientated in a right angle manner. As such the variation is considered acceptable.

Setback variations to the western boundary are considered acceptable under the performance criteria of Clause 3.2.2 of the R-Codes, where walls built to the boundary are permitted as per the following:

- (i) *'Where the wall abuts an existing or simultaneously constructed wall of similar or great dimensions'.*

Visual Privacy

Under the R-Codes, visual privacy setbacks are required to habitable areas with potential for overlooking into adjoining properties. Comments from surrounding owners to the north and west of the site raised concerns about the loss of privacy in relation to Bedroom 2, the front balcony and the ensuite on the upper floor. Council is to consider General Amenity Clause 5.1.2 of the Scheme stating:

"...Council shall have regard to and may impose conditions relating to the following: ...

- (i) *In respect to privacy, the impact of verandahs, balconies, and of large windows above ground floor level.*

With regard to the north facing ensuite, the windows are a 'high-light' construction and are not considered to impact on neighbouring properties.

The cones of vision applied to the front balcony indicate that there is potential to overlook the two adjoining properties to the east and west. Objections were received from the neighbour to the west. The eastern view is to a front garden/verge which is deemed acceptable under the R-Codes. The view to the east overlooks an outdoor porch area. The space is considered an 'active habitable area' and as such the balcony does not comply with the acceptable development criteria for Visual Privacy under Clause 3.8.1 of the R-Codes. The applicant has responded to this issue by noting that the overlooking is to the driveway only, but this is inaccurate. It is recommended that Council requires the western side of the balcony be screened to a height of 1.65m as per the requirements of the R-Codes.

The cone of vision applied to Bedroom 2 also has views over the outdoor porch space. Bedroom 2 does not comply with the acceptable development criteria of the R-codes. It is recommended that the windows be screened to the satisfaction of the Manager Development Services.

CONCLUSION

The application has not complied with the performance criteria nor the acceptable development standards in relation to privacy and setbacks. Furthermore it does not comply with requirements for building wall and maximum storeys under Town Planning Scheme No.2. Having said this, the issues regarding privacy, setbacks and building wall height can be resolved through conditions of approval. However, with regard to the undercroft being considered as a storey, and hence the overall development being three, Council's discretion will be required. The undercroft is not supported by Planning Staff, however given the slope of the land and the impact it has on the driveway gradient of a lower building discretion may be warranted.

VOTING

Simple Majority

COMMITTEE COMMENT

Due to the difficulty with achieving the required driveway gradients given to the topography of the site, Committee resolved to delete condition (1) (a) (i) of the officer's recommendation.

OFFICER RECOMMENDATION

- (1) That Council GRANT its approval to commence development for the proposed two storey dwelling at No. 12 (Lot 43) Warnham Road, Cottesloe in accordance with the plans submitted on 2 March, 2005 subject to the following conditions:
- a) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (I) The undercroft/garage being set below natural ground level in accordance with clause 5.1.1(A) of Town Planning Scheme No. 2.
 - (II) The first floor balcony be appropriately screened to the west to a height of at least 1650mm to avoid overlooking, as per the performance criteria 3.8.1 of the R-Codes.
 - (III) The window to bedroom 2 (first floor) being modified to prevent overlooking into the adjoining property by providing permanent vertical screening as per performance criteria 3.8.1 A1 (II) of the R-Codes.
 - (IV) The wall height of the proposed development being modified to comply with the requirements of clause 5.1.1 of the Town Planning Scheme Text, where a maximum of 6.0m applies.
 - (V) The proposed balconies (ground and first floor) be setback 6.0m from the front boundary, or in accordance with performance criteria 3.2.2 A1 (I) of the residential design codes, where minor projections may not project more than a metre into the front setback, provided that such projections do not exceed 20% of the frontage.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve 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.
-

- (f) Any front boundary fencing to the site being of an “open aspect” design in accordance with Council’s Local Law and the subject of a separate application to Council.

(2) Advise submitters of Council’s decision.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

(1) That Council GRANT its approval to Commence Development for the Proposed Two Storey Dwelling at No. 12 (Lot 43) Warnham Road, Cottesloe in accordance with the plans submitted on 2 March, 2005, subject to the following conditions:

- (A) Revised plans being submitted for approval by the Manager Development Services, showing;**
 - (I) The first floor balcony be appropriately screened to the west to a height of at least 1650mm to avoid overlooking, as per the performance criteria 3.8.1 of the R-codes.**
 - (II) The window to Bedroom 2 (first floor) being modified to prevent overlooking in the adjoining property by providing permanent vertical screening, as per performance criteria 3.8.1 A1 (II) of the R-codes.**
 - (III) The wall height of the proposed development being modified to comply with the requirements of clause 5.1.1 of the Town Planning Scheme text, where a maximum of 6.0m applies.**
 - (IV) The proposed balconies (ground and first floor) be setback 6.0m from the front boundary, or in accordance with performance criteria 3.2.2 A2(I) of the R-codes, where minor projections may not project more than a metre into the front setback, provided that such projections do not exceed 20% of the frontage.**
- (B) 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.**
- (C) 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.**
- (D) 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.**
- (E) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve 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.**

- (F) Any front boundary fencing to the site being of an “open aspect” design in accordance with Council’s local law and the subject of a separate application to Council.
- (2) Advise submitters of council’s decision.

Carried 9/0

11.1.3 NO 142-144 (LOT 3) RAILWAY STREET - CHANGE OF USE APPLICATION

File No:	No 142-144 (Lot 3) Railway Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Report Date:	10 March, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mrs N.F Peech
Applicant:	Aurora Balanced Living Pty Ltd
Date of Application:	5th January 2005
Zoning:	Business
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R50
Lot Area:	516m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of a Change of Use Application for the abovementioned property. The applicant seeks to change the use from *Residential* to *Health Centre/Consulting Rooms* as indicated under Table 1 - Zoning Table in Town Planning Scheme No.2. The area subject to the Change of Use Application is the ground floor of the residence at the rear of the shops.

The application is primarily for internal alterations and re-fit, however a new pergola and terrace is proposed at the rear of the building. The application also seeks a new western entry, as well as replacing an existing door and window with a new window on the western wall. All other modifications are internal.

Town Planning Scheme No.2 requires seven car parking space to be provided on site, the applicant seeks a variation to provide six.

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.5 – Vehicle Parking and Loading	3 additional bays plus 4 existing. Total 7 Bays	6 Bays

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. The advertising consisted of:

Letter to Adjoining Property Owners

Submissions

There were 16 letters sent out. There was 1 submission received, which was an objection. Details of the submission received is set out below:

Renouf Real Estate 146-144 Railway St Cottesloe

- *Stated concerns regarding car parking requirements. Has no objection unless the required bays are provided as per Council regulations.*

BACKGROUND

The existing uses, being three shops and one residence, were approved largely as they appear now on 12th February 1985. Condition one of that approval stated:

'1. The provision of four parking bays at the rear of the site located to the satisfaction of Council and each bay to be provided with a minimum manoeuvre space of 6 metres.'

Subsequent plans for the provision of four car parking bays were approved by the Town Clerk on the 15th April 1985. The bays were allocated as follows. Shops One and Two were both allocated one bay each. Shop three was run and owned by the persons living in the residential component, and approved with two bays.

It should be noted that the previous approval was before Town Planning Scheme No.2, which incidentally would have required approximately 11 onsite bays for the three shops and residential component alone.

STAFF COMMENT

The proposed use is an 'AA - A use *that is not permitted unless special approval is granted by the Council*. Notwithstanding this, the proposed use is generally supported by Planning Staff as a use suited to the Business Zone.

Car Parking

The current proposal seeks a variation to the car parking requirements under Town Planning Scheme No.2 (TPS). The proposed use, *Health Centre/Consulting Rooms*, is classified under Table 1 – Vehicle Parking Requirements as *Administrative, Commercial* use, where the requirement is for '1 space to every 40sq metres of Professional Offices gross floor area'.

Use	TPS Requirement	Existing	Provided	Total
<i>Administrative, Commercial</i>	Additional 3 bays	4 Bays	6 Bays (4 existing, 2 additional)	6 Bays

The proposal seeks variation to Council's requirements of one bay. The car parking bays have been constructed in accordance with the Town Planning Scheme requirements, and provide two designated staff bays of a tandem design.

Clause 5.5.4 refers to Cash in Lieu contributions being made where a relaxation in car parking is justified. The cash in lieu contribution need to be the cost of constructing the bays plus the estimated value of the land which would have been occupied by the parking space. It is noted that the applicants are a small operation, and that the calculation for cash in lieu, even for the one bay, may render the project not viable. An estimate provided by the Valuer General's Office has put the cost of cash in lieu for one bay at between \$20,000-\$25,000.

On-street car parking is available from the surrounding streets namely on Railway Street, Congdon Street, Windsor Street and a designated car parking area on the northern side of railway Street across from Congdon Street. There are some marked-up public bays on street to share the parking needs of this local commercial node, which is considered ample to accommodate the shortfall of one bay from this proposal. However, the parking provisions of the scheme are fixed.

Excluding the pergola, new door and window the proposal does not seek to modify the external shape of the existing building. As a result the useable area for onsite

parking is confined to the rear of the lot abutting the right of way. Car parking spaces need to have dimensions of 5.5m x 2.5m (clause 5.5.3 of TPS) with a manoeuvring distance of six metres. Given these calculations a maximum of six bays is possible on the existing land.

Notwithstanding the above, the use proposes 1 staff and up to 4 clients per hour (up to 32 per day). The number of clients may increase the traffic in the area, and put some pressure on parking.

Further to the above, recent negotiations with the applicant have resolved to amend the plans to reduce the Gross Floor Area and hence the number of car parking bays necessary on site. Condition 1 (b) of this assessment relates to revised plans being submitted to this effect and should be considered by Council in making their decision.

CONCLUSION

The application for Change of Use has a shortfall of one car parking bay. Town Planning Scheme No.2 dictates that a cash in lieu contribution is the alternative option for approving the development as per the plans dated 21st January 2005. Notwithstanding this, as stated previously recent negotiations with the applicant have indicated that they are willing to submit revised plans reducing the gross floor area and hence parking requirements. In order to progress the application and avoid the cost of cash in lieu, it is recommended that the Change of Use be approved subject to revised plans being submitted as per Condition 1(b).

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Change of Use Application at No 142-144 (Lot3) Railway Street, Cottesloe in accordance with the plans submitted on 21st January 2005, subject to the following conditions:
 - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 1 car parking space as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text; with
 - (i) the cash-in-lieu value being determined by the Valuer General's Office;
 - (ii) the value of the cash-in-lieu determined by the Valuer General's Office being referred to Council for final approval;
 - (iii) the cost of determining the value of the cash-in-lieu payment being borne by the applicant.
 - (b) As an alternative to the cash-in-lieu requirement in condition 1 (a), the applicant may submit revised plans to the satisfaction of the Manager

Development Services that reduce the indoor floor space so as to require one less parking bay and hence no cash-in-lieu. For this purpose proper detailed plans will be required. The plans shall be accompanied by a written undertaking from the owner that the modification of the building to create an outdoor area will not be altered or reversed without further approval by the Council. The undertaking shall include that any future intensification of the use approved herein or any future proposed change of use will require further approval by the Council.

- (c) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (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) Signs do not form part of this approval and must be the subject of a separate application.
- (2) Advise the submitters of this decision.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) GRANT its Approval to Commence Development for the Change of Use Application at No 142-144 (Lot3) Railway Street, Cottesloe in accordance with the plans submitted on 21st January 2005, subject to the following conditions:**
 - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 1 car parking space as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text; with**
 - (i) the cash-in-lieu value being determined by the Valuer General's Office;**
 - (ii) the value of the cash-in-lieu determined by the Valuer General's Office being referred to Council for final approval;**
 - (iii) the cost of determining the value of the cash-in-lieu payment being borne by the applicant.**
 - (b) The applicant may submit revised plans to the satisfaction of the Manager Development Services that reduce the indoor floor space so as to require one less parking bay and hence no cash-in-lieu. For this purpose proper detailed plans will be required. The plans**
-

shall be accompanied by a written undertaking from the owner that the modification of the building to create an outdoor area will not be altered or reversed without further approval by the Council. The undertaking shall include that any future intensification of the use approved herein or any future proposed change of use will require further approval by the Council.

- (c) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (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) Signs do not form part of this approval and must be the subject of a separate application.
- (2) Advise the submitters of this decision.

Carried 8/1

11.1.4NO 45 (LOT 1 & 2) BROOME STREET – SINGLE DWELLING

File No:	45 Broome St
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Report Date:	15 March, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr David Paganin
Applicant:	Hartree & Associates Architects
Date of Application:	25 January 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	1186m²
M.R.S. Reservation:	N/A

SUMMARY

- The application is for a substantial single residence on a large corner lot, to replace an existing older dwelling that has received demolition approval (August 2003).
- The proposal has been architect-designed having regard to the clients' brief, site and setting, neighbouring properties and relevant planning controls.
- The architects have submitted considerable supporting material, including a justification report, visuals and models, as well as a legal opinion – refer to attachments.
- There has been considerable dialogue involving the owners, architects, officers and neighbours in examining and refining the proposal.
- This report presents the assessment of the proposal and recommends conditional approval.

PROPOSAL

- The proposal is for a single dwelling comprising a basement and two storeys over split-levels.
- The floor plan is both spread-out and broken-up to achieve the desired accommodation as well as a design that manages the mass of the building.
- Included are a lap pool and front wall to Pearse St, as well as terracing and landscaping of the site.
- Architecturally, the proposal is a modernist/contemporary style with articulation of the facades and a series of flat roof forms. This is reflective of similar designs of today found in Cottesloe.
- The application plans show the composition of rooms and outdoor spaces and the elevations in relation to the site, surrounds and streets.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2.

- Residential Design Codes.

POLICY IMPLICATIONS

The proposal requires assessment of relevant Scheme Policies.

HERITAGE LISTING

State Register of Heritage Places	No
TPS No 2	No
Town Planning Scheme Policy No 12	Yes
Municipal Inventory	Yes
National Trust	No

Note that the heritage listings have been superseded by the previous demolition approval.

APPLICATION ASSESSMENT

STRATEGIC IMPLICATIONS

Acceptance of the analysis of height control as presented in this report influences the application of those provisions to other proposals. Note that this is not necessarily a new position, but does serve to clarify the situation.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

REFERRAL

- Engineering – standard advice and conditions provided about crossovers, storm water, ROW upgrade, footpath upgrade and protection of verge/street trees.
- Building – noted that structural design appears sound (building licence will deal with) and vehicular access may be constrained.

ADVERTISING OF PROPOSAL

- The application was notified to three neighbouring properties in the normal manner, one abutting to the west (25 Pearse St) and two at the rear separated from the site by the intervening ROW (43A Broome St & 34 Deane St).
- One submission was received, from 25 Pearse St, in support of the proposal.
- This followed liaison by those neighbours with the owners, architects and officers, which led to modified plans and agreement about screen planting – refer to attachment.

OFFICER ASSESSMENT

Summary of Key Points by Applicant

- The following table summarises key points made by the applicant in their detailed submission (as amended) in terms of development requirements.

- Note that this conveys the applicant's interpretation of the requirements and explanation of the design approach, as then assessed by officers.
- A reading of the applicant's submission gives a full appreciation of the design approach and interpretation of development requirements undertaken.

Aspects	Applicant's comments
Discretion required:	Building height – walls and roof. Fencing wall height.
Density:	Up to three dwelling could be permitted.
Streetscape:	Setbacks, parking, surveillance, fencing walls, vehicle sightlines and building design are seen to comply, require reasonable performance discretion or be non-applicable.
Setbacks:	Design seeks to maximise most setbacks and rear nil-setback parapet walls have minimal impact. Treatment of open space setbacks also modified to satisfy western neighbour and provide landscaping to Broome St.
Open Space:	Well over half the site is open space, including the required outdoor living space. Quality formal landscaping is proposed, including to Broome St with an increased setback. The levels, retaining and setback of terraces to the western neighbour have been improved.
Access & Parking:	Thrice the minimum number of bays is proposed, including safe access and security. Only one crossover is proposed, in conjunction with the ROW and away from the street corner.
Site Works (levels):	Dwelling utilises lay of land with split-level floor plan, cut for basement and fill for pool and terracing. General resemblance of street profile. Retaining walls consciously designed, set back and screened for neighbour privacy.
Building Height:	Design seeks height concessions but height is dispersed to have little or no direct impact on neighbours or streetscape. Size of site, layout of dwelling and architectural style ameliorates height as an issue. Fencing walls to street and western neighbour modified to reduce impact. Lift overrun height is positioned to the centre of the roof where it will have least impact.
Privacy:	This is achieved by sufficient setbacks and vegetative screening to the western neighbour.
Climate:	Some overshadowing of rear property to south, but within limits. Storm-water disposal will be on site.
Incidentals:	Service areas, storage facilities, plant and external fixtures sensitively designed to provide such while ensuring amenity.

Legal Opinion Submitted

- Given the opportunity offered by the site to capture views and place the dwelling appropriately, before committing to a design the owners obtained a legal opinion about the ability of Council to exercise discretion in the context of the height variations proposed.
- This was provided by Hardy Bowen Lawyers and is attached.
- The opinion examines the height clauses of TPS2 and has regard for the RD Codes.
- In essence the opinion finds that:
 - *The general policy is for two storeys, allowing for basements and for on-merit assessment having regard to amenity and development requirements.*
 - *The basement in this application is understood to not constitute a storey.*
 - *The specification of height measurement sets actual measures but also conveys flexibility having regard to ground forms and neighbouring amenity.*
 - *Hence discretion exists on this basis, ie increased height may be allowed where ground forms are considered suitable and amenity is not unreasonably diminished.*
 - *Typical potential impacts on amenity of increased height are identified.*
 - *However, the character of the area and the nature of the proposal indicate that the outcome would be acceptable.*
 - *It is apparent that views would not be affected.*
 - *It is apparent that privacy, overshadowing and streetscape would not be affected.*
 - *The RD Codes provide for discretionary performance assessment, and the proposal is considered to fall within that ambit.*

Officer Response

- It is agreed that interpretation of the wording and implied intent of the height control provisions of the Scheme in respect of the Residential Zone provides discretion.
- The test of that discretion is an assessment of amenity, which is amplified by another amenity clause, 5.1.3 General, which lists matters to which Council shall have regard (ie in relation to the effect of height).
- The RD Codes provide elaboration of amenity aspects that Council may have regard to.
- Note that the architects have commented in more detail as to the assessment of the ground form in relation to height, concluding that it is of little consequence to neighbours or the locality.
- Council also has a Scheme Policy on Building Heights (No. 005) that the lawyers and architects have not commented on.
- The policy is fairly brief and refers to the fact of discretion. It then adds to the Scheme provisions in respect of natural ground level and attached houses or grouped dwellings. There is nothing particular in the policy that serves the subject proposal or assessment of it.
- In terms of clause 5.1.3, the aspects listed in the Scheme that relate to the affects of height include views; building bulk; location and orientation of building regarding daylight/sunshine/overshadowing/solar energy, privacy and streetscape; and fresh air flows.
- Assessment of the proposal has not identified the height of the building as causing any undue impacts on amenity arising out of these criteria. The absence of submissions of objection supports this assessment.

- It is noted that the RD Codes take a similar discretionary approach to building height through performance assessment based on amenity tests.

Height of Retaining Walls

- Another, stand-alone provision of the Scheme, clause 5.1.4 Height of Retaining Walls states: *The height of boundary retaining walls or retaining walls which in Council's opinion are near a common boundary with an adjoining lot shall not exceed 1.8 metres above natural ground level as determined by Council.*
- This reads as a somewhat rigid requirement, where the only discretion available to Council is to determine the nearness to a boundary and the natural ground level (the latter by reference to the Scheme, Policy or Codes).
- However, because for residential development the RD Codes have effectively superseded this provision, it is considered to have no real bearing on the subject proposal. Furthermore, the clause is potentially unduly restrictive given the topography and design options encountered in Cottesloe.
- The architects have paid particular attention to the treatment of the front boundary wall and west side retaining walls to create the terracing while softening the mass and increasing setbacks to include the vegetative screening proposed to manage privacy. This is reflected in modified plan detail and agreed to by the western neighbour.

Areas of Compliance

- Technical assessment of the proposal has found that several aspects of the design comply with the RD Codes or associated controls.
- These include design details such as eaves setbacks, BCA window setbacks, visual privacy setbacks, on-site car parking, garage door width, driveway gradient, open space, outdoor living areas, solar access (amount of any overshadowing), surveillance, minor projections, on-site storm-water disposal and external fixtures.
- These are generally lesser matters but nonetheless contribute to overall compliance, amenity and urban design/streetscape.
- For example, the provision of 63% opens space demonstrates that the proposal does not represent over-building in terms of density and site cover.

Areas of Non-compliance

Town Planning Scheme No 2

<i>Building Height</i>	<i>Required</i>	<i>Provided</i>
Roof Ridge Height	8.5m from NGL at the centre of site	9.3m max point
Wall Height	6.0 from the centre of site	8.8m

- A variation of 0.7m is proposed to the highest roof point of the proposal. This is focused on the central roof plane, with the other two being lower. The height of the building is stepped along both street frontages.
- The wall heights are up to 2.8m above the 6m standard. This is a result of the flat roof design, however, the walls are of varied setbacks and also "fragmented" rather than monolithic.

- However, it can be seen that the positioning of these roof and wall elements away from neighbours, set back into the site, and separated by the streets and verges, as well as being opposite parkland, gives them a setting that diminishes their real and apparent impacts.

Residential Design Codes

<i>Site Works</i>	<i>Required</i>	<i>Provided</i>
500mm benchmark	General impression of natural ground levels and limitation of amenity or streetscape impacts.	Pearse St: Level of pool and deck 2.3 above NGL.
		Broome Street: Areas along pool, pool deck some 600-700mm above NGL. Landscaped area in front of Entry at 35.3 is some 1.3m over existing NGL.
Retaining walls	As above.	Retaining walls are various and seek to create boundaries or terracing of the site in response to the design of the dwelling that would introduce fill and define new ground levels.

- The owners and architects have deliberately taken advantage of the site to introduce levels for the private open space, including the pool, terraces, service areas and landscaping.
- This reflects today’s lifestyle of planned outdoor living spaces and facilities, as well as the trend to complete design of residential properties, ie not just the building.
- Architecturally, this is a holistic approach that integrates indoor and outdoor spaces, designs the dwelling “in place” and treats the entire site for its urban design and streetscape role.
- It is noted that development of the site with three dwellings would attract a similar if not greater degree of engineering and design treatments to the site for access, parking, building, open space, paved areas and so on.

<i>Setbacks</i>						
<i>Location</i>	<i>Description</i>	<i>Wall Height</i>	<i>Wall Length</i>	<i>Major Openings</i>	<i>Required Setback</i>	<i>Actual Setback</i>
Front	N/A	N/A	N/A	N/A	6.0m	Pearse

						St: 6.0 – 16.0
Secondary Street	N/A	N/A	N/A	N/A	1.5m	Broome St: 1.5 – 7.0
West Basement	Surf Store, Passage	1.8m	29.5m	No	1.5m	15.5m
West Basement	Workshop, Cellar, Garage	Nil	15.5m	No	1.5m	7.5m
West Lower	Wood Store, garage, Library,	3.5m	13.0m	Yes	1.5m	Nil – 7.0m
West Lower	Passage, Family Room, Pool House	6.0m	36.5m	Yes	6.3m	5.0m – 15.0m
West Upper	Shower, Bedroom1, Passage, Terrace	8.5m	26.5m	Yes	8.0m	5.5m – 15.5m
West Upper	Living Room	8.8m	36.8m	Yes	8.3m	15.0m
South Basement	Workshop	Nil	17.3m	No	1.5m	7.0m
South Basement	Garage, Ramp	0.7m	13.0m	No	1.5m	Nil
South Lower	Wood Store, Garden, Garage	3.0m	13.0m	No	1.5m	Nil – 0.5m
South Lower	Store, Laundry, Drying Court	3.3m	23.4m	No	1.5m	3.3m
South Upper	Whole	8.0m	19.0m	No	2.6m	2.0m – 3.0m

- The setbacks table shows that the proposal entails a combination of complying and non-complying or performance-based setbacks (light grey shading).
- To Pearse St as the front the proposal meets or exceeds normal setback standards.
- To Broome St as the secondary street the proposal also achieves likewise.
- To the western and southern boundaries parts of the proposal seek setback concessions and other parts exceed the requirements.
- Hence the main setbacks respect the streets and western neighbour, while the setbacks for lesser aspects of the proposal involve a range of setbacks that are of minor significance.

Visual Privacy Setbacks		
Room	Required	Provided
Bedroom	4.5m	Bed 2 upper level – 3.0m to southern boundary (clear windows) however the cone of vision falls into the ROW.
Other habitable rooms.	6m	No issue.

Balconies, verandahs, etc.	7.5m	All areas filled more than 500mm present potential overlooking into adjoining property to the west (lawn areas in front of pool-house, family room). Applicant is proposing screen vegetation, which needs to be 1.65m measured from FFL of subject areas.
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- Only one window has been identified as in need of treatment to manage privacy, which can be conditioned.
- Also in relation to privacy the terracing of outdoor areas requires treatment, which has been proposed as a key design feature of the proposal, and has been refined in consultation with the western neighbour, who has submitted written comment.

Urban Design & Streetscape Appreciation

- The architects have gone to some length to explain their design approach in relation to urban design and streetscape, as set out in their submission attached (with updates).
- In addition to this, the planning officer assessment has observed as follows:
 - The elevation, corner location, orientation, size and fall of the site all influence the urban design and streetscape aspects of the proposal.
 - The proposed dwelling addresses both street frontages and has been predominantly set back from the side neighbour to the west and from Pearse St, from which it would recede.
 - The rear ROW and the design provide effective separation from the properties to the south.
 - The dwelling would provide interest to the streets and this corner site.
 - Its modern aesthetic would be consistent with other new dwellings found nearby in this part of the Town.
 - The bulk and scale of the dwelling would fit in with the pattern of massing of dwellings on Pearse St, some of which also feature modernist design and flat roofs.
 - The dwelling would sit on the crest in a way that is balanced and act as a book-end to this section of Pearse St opposite the playing fields/golf course, counter-pointing the apartment block at the Marine Pde end.
 - The proposed front boundary wall is similar to the pattern of such walls on the sloping sites in Pearse St.
 - To Broome St the dwelling would have a larger appearance, although comparable to if developed with three dwellings as is possible under the density coding, and would create a more built-up character facing the street. Only one crossover is proposed, at the southern end of the lot on Broome St, and street trees remain unaffected.

CONCLUSION

- The proposal is for a large, carefully-designed dwelling that seeks to make the best of the site while also respecting the neighbours and streetscape.
- There is no neighbour objection to the proposal.
- In terms of urban design and streetscape, the proposal can be seen to make a positive contribution.
- Putting a proposal of this ilk in perspective, while a large dwelling on a large lot, the basement reduces the amount of above-ground building and the dispersal of building bulk contains visual impact. While the site is prominent and the building would be of high architectural calibre, it would be a more of a subtle contemporary statement than an ostentatious landmark.
- Technically the proposal is assessed as essentially complying but requiring discretion to approve of the height regime proposed, and where the proposal has endeavoured to address all other aspects, the concession requested may be assessed as balanced.
- Overall, it is concluded that the proposal can be approved subject to conditions to address particular details.

VOTING

Simple majority

COMMITTEE COMMENT

Committee resolved that conditions addressing the following concerns be placed in the recommendation for approval:

- (l) A truncation be placed on the corner of the lot from the right of way.
- (m) The two lots being amalgamated prior to issue of a building licence.
- (n) Location of the air conditioning plant be located to the satisfaction of the Manager, Development Services.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the proposed two-storey single residence at No 45 (Lot 1 & 2) Broome Street, Cottesloe in accordance with the plans submitted on, the 14th February 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) The right of way located at the rear adjacent to the property being repaired or upgraded (paved and drained as required) at the applicant's expense to the satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (c) 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, down-pipes and soak-wells used for

the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (d) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct new crossovers in accordance with Council's specifications and local law.
 - (e) The proposed crossover to Broome Street shall be located at least 1.5m from the base of the existing street tree to ensure its retention.
 - (f) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (g) All existing street trees being retained and protected at all times before, during and after construction.
 - (h) The applicant making an agreed contribution to the upgrade of the footpaths adjacent to the development.
 - (i) The submission of revised plans for a Building Licence showing modification of the design of the garage off the right of way to ensure adequate vehicle turning space and sight-lines, to the satisfaction of the Manager Development Services.
 - (j) Detailed landscaping plans being submitted to the satisfaction of the Manager Development Services at Building Licence stage.
 - (k) Final detailed plans of all plant and equipment being submitted to the satisfaction of the Manager Development Services at Building Licence stage.
- (2) Advise submitter of Council's decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the proposed two-storey single residence at No 45 (Lot 1 & 2) Broome Street, Cottesloe in accordance with the plans submitted on, the 14th February 2005 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) The right of way located at the rear adjacent to the property being repaired or upgraded (paved and drained as required) at the applicant's expense to the satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (c) 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, down-pipes and soak-wells used for

the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (d) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct new crossovers in accordance with Council's specifications and local law.
 - (e) The proposed crossover to Broome Street shall be located at least 1.5m from the base of the existing street tree to ensure its retention.
 - (f) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (g) All existing street trees being retained and protected at all times before, during and after construction.
 - (h) The applicant making an agreed contribution to the upgrade of the footpaths adjacent to the development.
 - (i) The submission of revised plans for a Building Licence showing modification of the design of the garage (setting-in) and building elements (truncations) off the right-of-way to ensure adequate vehicle turning space and sight-lines, to the satisfaction of the Manager Development Services. Alternatively, this garage may be interchanged with the basement workshop, so that all parking is underground, with details shown in the Building Licence plans, to the satisfaction of the Manager Development Services.
 - (j) Detailed landscaping plans being submitted to the satisfaction of the Manager Development Services at Building Licence stage.
 - (k) Final detailed plans of the location and visual and acoustic treatment of all plant and equipment being submitted to the satisfaction of the Manager Development Services at Building Licence stage. Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (l) The wall/fence to the rear boundary, between the vehicle ramp for the basement and the right-of-way, being of open rail construction for a distance of 2.8m from the eastern lot boundary, to ensure adequate sight-lines for drivers and pedestrians, to the satisfaction of the Manager Development Services, and shown in the plans submitted for a Building Licence.
 - (n) The lots being amalgamated into one lot on one certificate of title, prior to occupation of the dwelling.
- (2) Advise submitter of Council's decision.

AMENDMENT

Moved Cr Walsh, seconded Cr Morgan

That the front fencing shall be of an open aspect, as per the Town of Cottesloe local law.

Lost 2/7

The vote was recorded:

For: Cr Morgan, Cr Walsh.

Against: Mayor Rowell, Cr Furlong, Cr Jeanes, Cr Miller, Cr Robertson, Cr Sheppard, Cr Strzina.

That the wall heights be 6 metres, as per statutory requirement under the town planning scheme.

Lost 3/6

The vote was recorded:

For: Cr Morgan, Cr Sheppard, Cr Walsh.

Against: Mayor Rowell, Cr Furlong, Cr Jeanes, Cr Miller, Cr Robertson, Cr Strzina.

11.1.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) GRANT its Approval to Commence Development for the proposed two-storey single residence at No 45 (Lot 1 & 2) Broome Street, Cottesloe in accordance with the plans submitted on, the 14th February 2005 subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) The right of way located at the rear adjacent to the property being repaired or upgraded (paved and drained as required) at the applicant's expense to the satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.**
 - (c) 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, down-pipes and soak-wells used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (d) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct new crossovers in accordance with Council's specifications and local law.**

-
- (e) The proposed crossover to Broome Street shall be located at least 1.5m from the base of the existing street tree to ensure its retention.
 - (f) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (g) All existing street trees being retained and protected at all times before, during and after construction.
 - (h) The applicant making an agreed contribution to the upgrade of the footpaths adjacent to the development.
 - (i) The submission of revised plans for a Building Licence showing modification of the design of the garage (setting-in) and building elements (truncations) off the right-of-way to ensure adequate vehicle turning space and sight-lines, to the satisfaction of the Manager Development Services. Alternatively, this garage may be interchanged with the basement workshop, so that all parking is underground, with details shown in the Building Licence plans, to the satisfaction of the Manager Development Services.
 - (j) Detailed landscaping plans being submitted to the satisfaction of the Manager Development Services at Building Licence stage.
 - (k) Final detailed plans of the location and visual and acoustic treatment of all plant and equipment being submitted to the satisfaction of the Manager Development Services at Building Licence stage. Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (l) The wall/fence to the rear boundary, between the vehicle ramp for the basement and the right-of-way, being of open rail construction for a distance of 2.8m from the eastern lot boundary, to ensure adequate sight-lines for drivers and pedestrians, to the satisfaction of the Manager Development Services, and shown in the plans submitted for a Building Licence.
 - (n) The lots being amalgamated into one lot on one certificate of title, prior to occupation of the dwelling.
- (2) Advise submitter of Council's decision.

Carried 7/2

The vote was recorded:

*For: Mayor Rowell, Cr Furlong, Cr Jeanes, Cr Miller, Cr Robertson,
Cr Sheppard, Cr Strzina.*

Against: Cr Morgan, Cr Walsh.

11.1.5NO 2/1 (LOT 71) PEARSE STREET - PROPOSED TWO STOREY ADDITIONS AND ALTERATIONS WITH LOFT

File No: No 2/1 (Lot 71) Pearse Street
Author: Mr James Atkinson
Author Disclosure of Interest: Nil
Report Date: 9 March, 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Mr K J Morgan

Applicant: Adrian Pedersen Hook Architects
Date of Application: 2 February 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 161m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for two storey additions with loft and alterations to an existing single storey strata dwelling.

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
 Strata Titles Act 1985

POLICY IMPLICATIONS

Reflective Metal Roofing Material Policy No 009
 Building Height Policy No 004

HERITAGE LISTINGS

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 (b) (ii)	Maximum of two storeys, may permit a third in the roof space.	Loft proposed.

5.1.1 (c)	Wall height – 6.0m Roof height – 8.5m	Wall height – 5.845m Roof height – 8.645m
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Town Planning Scheme Policy

Policy	Required
Reflective Roof Materials	Standard Condition – “Owner shall treat the roof surface to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of the adjoining neighbour following completion of the development”

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks			
Western Lower (whole)	1.5m	1.45m existing	Clause 3.3.1 P1
Western First (whole - balcony)	2.5m	Nil	Clause 3.3.1 P1
Northern Lower (Bed, Office)	1.0m	0.8m existing	Clause 3.3.1 P1
Northern First (Whole)	1.5m	0.5m-0.7m	Clause 3.3.1 P1
Southern lower (Whole)	N/A	Nil existing	Clause 3.3.1 P1
Southern First (Whole)	1.5m	Nil	Clause 3.3.1 P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

Building - fire separation to be maintained between two strata units.
Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Applicant provided written authorisation from the surrounding neighbours. There were no objections.

STAFF COMMENTBuilding Height

Council's general policy for development within the district favours low rise development of no more than 2 storeys to maintain privacy, views and general amenity. Notwithstanding this in the Residential Zone the following may apply:

Clause 5.5.1 (b)

(ii) Residential Zone - The maximum building height shall be two storeys except that Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph (c) of this clause and also provided that in, Council's opinion, the dwelling will retain the appearance of a two storey dwelling and will not adversely affect local amenity.

The dwelling is only marginally over height for which an approval can be conditioned to amend. However it is the opinion of Planning Staff that the loft area constitutes a third storey. This is because the roof structure and internal walls are 3 metres in height, and that the roof design itself is bulky and square by nature giving the look of a third level. Furthermore, the floor area of the loft covers the same area as the second storey floor. Notwithstanding the above, the building is located off Pearse Street and will be partially screened from view, therefore not unduly affecting the existing streetscape. It is noted that there were no objections from surrounding neighbours.

Alternatively, Council could form the opinion that, if three of the four elevations of the roof-scape are seen to be sufficiently similar to a more conventional pitched-roof, two-storey dwelling where the loft is clearly built into the roof space, then the proposal could be supported. This opinion would be assisted by reduction in the height of the roof to comply (by a condition) and also by any streamlining of the design (by a condition or voluntary revised plans).

In so doing, Council would have to be of the opinion that the proposal was more akin to a typical two-storey dwelling capped by a loft in a roof, than a three storey dwelling designed with an unconventional wrap-around roof to contain and partially conceal an effective third storey.

At the same time Council is required to be satisfied that the proposal will not impact on local amenity, ie Council must form the opinion that the height does not cause impacts such as overlooking, overshadowing, loss of views, reflectivity, excessive bulk and scale, etc.

However, complete redesign of the loft element would overcome the difficulty of Council being faced with making this somewhat subjective planning judgement.

Building Setbacks

The proposed development seeks to maintain most of the existing first floor of the original building. Given this the current setbacks (for the ground floor) are considered acceptable. The assessment of the application sought variations to setback

requirements, each of which are listed in the Residential Design Codes table of this report.

Where design does not meet acceptable development standards, it must be demonstrated that the performance criteria (3.3.1 – P1) is addressed:

“Building 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 space;*
- *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”*

It is considered that the proposed southern setback (first floor) is acceptable as it is in line with the setbacks of the existing single storey residence and does not negatively impact on the adjoining residence.

The nil setback to the western boundary, being the balcony, does not comply with the requirements of the R-Codes. It may be argued that the balcony overlooks the common right of way and car parking area of the adjoining apartment block, and does not unduly affect neighbours, however this does not take away from the fact that the balcony seeks a nil setback.

The north wall setback for the first floor overhangs the ground floor by 0.4m. This setback is not considered acceptable. It is recommended that the wall be kept in line with the existing setbacks in order to be acceptable.

Roof Glare

The nature of the building design is such that the roof may result in reflectivity impacts. It should therefore be noted that any decision will need to be conditioned to account for any potential impact the construction may have on the adjoining neighbours.

CONCLUSION

The proposed residence represents a modern design that is generally in keeping with the Town Planning Scheme No.2. The major issue requiring Council’s assessment is in regards to the loft area, which in the opinion of Planning Staff constitutes a third story rather than a simple loft, and therefore is not supported. Notwithstanding this, the proposed residence is setback off Pearse Street and should have little to no impact on the streetscape and views of surrounding houses. Furthermore the adjoining neighbours have signed-off on the proposal with no objections.

Town Planning Scheme No.2 affords no latitude with regard to variations in number of storeys. Therefore, given the above assessment the application is recommended to be refused. Such a decision would be more readily regarded as consistent with the intent of the Scheme and examples of approved lofts than an approval of a proposal that breaks the mould.

However, given that the basic proposal for an upwards addition is considered generally acceptable in principle, if Council wished to manage the situation by encouraging a more acceptable design, the decision could be to defer the application for revised plans that address the requirements of the Scheme in terms of height and storeys.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Morgan made a declaration of financial interest in relation to ownership of property at 2/1 Pearse Street and left the room at 7.56pm.

COMMITTEE COMMENT

Committee felt that the sketch revised plans submitted by facsimile were insufficient and difficult to read. Request the item be deferred to the next round of meetings pending receipt of sufficient revised plans.

OFFICER RECOMMENDATION

That Council REFUSE its Approval to Commence Development for two storey additions and alterations at No. 2/1 (Lot 71) Pearse Street, in accordance with the application and plans submitted on 2nd February 2005 and revised plans dated 9th March, 2005 as Council believes that:

- (1) The proposed building is not consistent with Town Planning Scheme No.2 requirements for building height, where the maximum number of storeys is two and where any additional loft is meant to retain the appearance of two storeys and not impact on amenity.
- (2) The proposal is considered to be too far removed from meaning and intent of the relevant Scheme provisions for Council to exercise its discretion in support of the proposal.

11.1.5 COMMITTEE RECOMMENDTION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That the application to commence development at No. 2/1 (Lot 71) Pearse Street be deferred to the April round of meetings pending revised plans being submitted.

Carried 8/0

Cr Morgan returned at 7.57pm.

11.1.6NO 231 CURTIN AVENUE (LOT 2) - FRONT SCREEN WALL

File No:	No 231 Curtin Avenue
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Report Date:	16 March, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr B Nicholson
Applicant:	Mr Brad Cole - Vivid Architecture
Date of Application:	2 March 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	618m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a front wall. The proposal is for a new 1.8m high solid wall made of rammed limestone.

The proposed wall does not comply with Council's Fencing Local Law and is therefore recommended for Refusal.

STATUTORY ENVIRONMENT

Town of Cottesloe Fencing Local Law

POLICY IMPLICATIONS

N/A

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Fencing Local Law – Gazetted on 9 August 2001.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:
Letter to Adjoining Property Owners

Submissions

There were 2 letters sent out. Adjoining owners signed a copy of the plans stating that they have no objections to the proposed wall.

STAFF COMMENT

The applicant seeks planning approval for a solid limestone front screen wall. Assessment of the fence needs to be in accordance with Council's Fencing Local Law which states (in summary):

'That the fence be of an open aspect design;

- *Lower portion of infill panel may be solid to a height of 900mm;*
- *The remainder of the infill panel above 900mm shall be 50% open aspect, with a minimum gap of 50mm between palings, to a max height of 1.8m;*
- *Columns Piers and posts not to be higher than 2.1m, and not to exceed 600mm x 600mm in depth and breadth and shall not be closer than 1.8m from adjoining piers.'*

The proposed fence seeks a solid form with no open aspect. The fence is therefore deemed not in accordance with the Local Law and cannot be supported.

In their support the applicant has shown by way of a photograph that both adjoining properties on Curtin Avenue have solid front walls, both above 2.0m high. It is noted that the fence on the northern neighbour's property is a side wall, as the lot fronts Athelstan Road, and the front wall to south was most likely constructed either before the gazettal of the Fencing Local Law or was done so without planning approval.

Clause 10 of Councils Fencing Law states that in exceptional circumstances Local government may grant discretion to the erection of a fence which does not comply with the requirements of the Law. In determining how to grant its consent Council needs to have regard to;

- (a) the safe or convenient use of the land
- (b) the safety or convenience of any person and;
- (c) the impact of the fence on the streetscape.

Curtin Avenue is a busy road and the proposed wall seeks to act as acoustic screening from high traffic levels, as well as contributing to safety by creating a solid barrier to avoid potential vehicle accidents. Notwithstanding this, the proposed wall would not contribute to the desired streetscape of Cottesloe and would create a precedent for similar development applications in the locality. A fence designed as per the requirements of Council's Fencing Law would achieve reasonable streetscape, security and privacy requirements, albeit at the cost of acoustic screening.

CONCLUSION

It is recommended that the proposed solid front screen wall be refused for the following reasons:

The proposal does not comply with Council's Fencing Local Law;

The proposed solid wall would not contribute to the desired streetscape of the Cottesloe area;

If the application is approved it would create a precedent for similar development applications in the locality.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported the application for a solid front wall on Curtin Avenue and resolved to approve the application as there is a number of neighbouring properties with the same style wall and it will not be setting a precedent in the area. It was noted that Local Law provides discretion in such circumstances.

OFFICER RECOMMENDATION

That Council REFUSE its Approval to Commence Development for the Front Screen Wall at No 231 Curtin Avenue (Lot 2), Cottesloe in accordance with the plans submitted on 2 March 2005, as Council believes that:

- (1) The proposal does not comply with Council's Fencing Local Law;
- (2) The proposed solid wall would not contribute to the desired streetscape;
- (3) If the application were approved it would create an undesirable precedent for similar development applications in the locality.

11.1.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANTS its Approval to Commence Development for the Front Screen Wall at No 231 Curtin Avenue (Lot 2), Cottesloe in accordance with the plans submitted on 2 March 2005, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 1.3 – Construction sites.**

- (2) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.

Carried 8/1

11.1.7 NO. 151 MARINE PARADE (LOT 380 & 364) MARINE PARADE - AMALGAMATION

File No:	151 Marine Parade
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Report Date:	10 March, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Department For Planning and Infrastructure
Applicant:	Peter Driscoll and Associates Pty Ltd Surveyors
Date of Application:	31 January, 2005
Zoning:	N/A
Density:	N/A
Lot Area:	Existing 1109m² Proposed increase 327m²
M.R.S. Reservation:	Regional Parks & Recreation Reserve

SUMMARY

The purpose of this report is to make a recommendation to the Western Australian Planning Commission with respect to the above subdivision/amalgamation application.

The proposal is to excise portion of land to the north of the North Cottesloe Surf Life Saving Club for amalgamation into the main parcel of land that the club leases directly from the State Government, to allow for extension of the club premises to be built (subject to relevant approvals).

STRATEGIC IMPLICATIONS

The area west of Marine Parade is considered strategically very important. The subject site is reserved as Regional Parks & Recreation Reserve under the Metropolitan Region Scheme and Town Planning Scheme No.2 (TPS).

The mix of public recreational use, cafes and the surf club need to be managed in terms of land use, physical development and coastal management, in a coordinated manner that is sustainable.

The following issues are also relevant to the proposal:

- Potential height of proposed development and subsequent loss of views to dwellings on the eastern side of Marine Parade.
- Drainage and engineering works – existing manholes.
- Dune stabilisation and coastal degradation.
- A building with increased size may put more pressure on current car parking, pedestrian routes and access.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

Town Planning Scheme No 2

POLICY IMPLICATIONS

Town of Cottesloe Beach Policy

HERITAGE LISTING

N/A

CONSULTATION

Neighbour notification is not required for subdivision referrals from the Western Australian Planning Commission.

DISCUSSION**PROPOSAL**

The referred subdivision/amalgamation was accompanied by a four page description of the proposed use for the land (refer attached). It should be noted that the attached letter is not the subject of this application, and is merely a justification for the Surf Life Saving Club's proposal. Any details regarding future construction will need to be dealt with under a separate Development Application. Notwithstanding this, due to the nature of the application proposed development should be taken into consideration when the amalgamation is being assessed.

TOWN OF COTTESLOE BEACH POLICY

The aim of this policy is to provide guidelines for the Town of Cottesloe to enable consistency in decision-making in relation to the Cottesloe beachfront (a copy of the policy is attached).

The policy states the following (but is not limited to):

- (a) No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.
- (b) No use, activity or modification should be permitted on the beach reserves if it has a significant adverse environmental effect.
- (c) Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve's capacity and having regard to the objects of this policy.
- (d) In considering rehabilitation and stabilisation works on the beach reserve, recognition should be given to current best practice in relation to appropriate coastal vegetation.
- (e) Initially, the Town of Cottesloe will focus on maintaining the two major bathing areas, that is, Cottesloe Beach and North Cottesloe Beach, as areas which must withstand heavy pedestrian use and a high level of amenity, permanent access, adequate parking facilities and accessibility to public transport.

- (f) Where the natural topography permits, all other areas of the beach reserves will be treated to ensure, as far as practicable, that they consist of stable dunes. This involves the redistribution of sand and stabilisation by planting of vegetation adapted to the coastal environment. As organisational knowledge improves, dune management techniques may change.
- (g) All projected uses of the beach reserves recognise the residential nature of the Town of Cottesloe and the need to maintain this character, the facilities and services for the amenity of the residents.
- (h) In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve, are acceptable to Cottesloe.

PLANNING CONSIDERATIONS

Key planning considerations include:

- State and local government policy approaches to use, leasing, development and administration of the beachfront reserves.
- The absence of agreed master planning for the club or area.
- Loss of parkland to the public.
- Environmental and engineering feasibilities and impacts.
- Planning impacts of development envisaged.
- Options for the area and for the club's needs and proposal.
- Amalgamation and lease extension premature to development approval.

CONCLUSION

The North Cottesloe Surf Club holds an important place in the beach culture of Cottesloe, as well as serving an important function in helping to keep beaches safe. The application received by Council is for increase of their lease land to facilitate future club facilities.

Council's Beach Policy favours coastal care over land development west of Marine Pde and this needs to be taken into account. Because any future development of the site will need to be closely monitored, it is recommended that the application for amalgamation be not supported at this stage pending further liaison and master planning to explore the issues and options of the clubs proposal affecting the subject land and coastal environment.

Fundamentally, it is considered that changes to the land parcels and "ownership" should not be implemented prior to overall planning and subsequent development approvals for this part of the beachfront.

Overall, limited justification for or explanation of the proposed amalgamation at this stage has been provided, while there are overriding regional and local imperatives that should properly be addressed and resolved prior to any preliminary implementation of intended development plans that remain to be submitted for assessment and development approval.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee resolved to refuse the application for amalgamation as deferring the matter does not give the WAPC a strong position on the matter.

Request that condition (3) be amended to read that the applicants provide Council with a development application for the proposed changes.

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that the proposed amalgamation at Lot 380 & 364 Marine Parade, Cottesloe (WAPC Ref No: 127492) should be refused at this stage or deferred for the following reasons:

- (1) Subdivision/amalgamation and lease boundary changes would be premature to overall planning and development approvals to allow the surf club to expand.
- (2) The subject site is constrained by coastal environmental and engineering factors that need to be examined to determine the feasibility of development of the land and its use and management.
- (3) The surf club has drafted a master plan document with indicative development proposals, but this has no formal status and does not take into account other stakeholders including the Council, Cottesloe community, wider public and café operators.
- (4) The subject land is public parkland as part of the beachfront in a locality where there is pressure for space and facilities and where there are options that could be explored to consider the needs of various uses and stakeholders.

COMMITTEE RECOMMENDATION

That Council advise the Western Australian Planning Commission that the proposed amalgamation at Lot 380 & 364 Marine Parade, Cottesloe (WAPC Ref No: 127492) should be refused at this stage for the following reasons:

- (1) Subdivision/amalgamation and lease boundary changes would be premature to overall planning and development approvals to allow the surf club to expand.
- (2) The subject site is constrained by coastal environmental and engineering factors, including drainage infrastructure, that need to be examined to determine the feasibility of development of the land and its use and management.
- (3) The surf club has drafted a master plan document with indicative development proposals, but this has no formal status and does not take into account other stakeholders including the Council, Cottesloe community, wider public and café operators, but no formal or detailed development application has been made or approved to support the proposed amalgamation.

- (4) The subject land is public parkland as part of the beachfront in a locality where there is pressure for space and facilities and where there are options that could be explored to consider the needs of various uses and stakeholders.

AMENDMENT

Moved Cr Sheppard, seconded Cr Miller

That the following be added to the Committee Recommendation:

- (5) The Council's building control policy advises that any enclosed and roofed structures west of Marine Parade be replacement only and without significant expansion of the footprint, height or mass of the structure.

Carried 9/0

11.1.7 COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Miller

That Council advise the Western Australian Planning Commission that the proposed amalgamation at Lot 380 & 364 Marine Parade, Cottesloe (WAPC Ref No: 127492) should be refused at this stage for the following reasons:

- (1) Subdivision/amalgamation and lease boundary changes would be premature to overall planning and development approvals to allow the surf club to expand.**
- (2) The subject site is constrained by coastal environmental and engineering factors, including drainage infrastructure, that need to be examined to determine the feasibility of development of the land and its use and management.**
- (3) The surf club has drafted a master plan document with indicative development proposals, but this has no formal status and does not take into account other stakeholders including the Council, Cottesloe community, wider public and café operators, but no formal or detailed development application has been made or approved to support the proposed amalgamation.**
- (4) The subject land is public parkland as part of the beachfront in a locality where there is pressure for space and facilities and where there are options that could be explored to consider the needs of various uses and stakeholders.**
- (5) The Council's building control policy advises that any enclosed and roofed structures west of Marine Parade be replacement only and without significant expansion of the footprint, height or mass of the structure.**

Carried 9/0

**11.1.8 PROPOSED AMENDMENT NO. 37 TO TOWN PLANNING SCHEME NO. 2
COTTESLOE HOTEL, (LOT 39) MARINE PARADE
ADDITIONAL USES – GROUPED & MULTIPLE DWELLINGS**

File No: Cottesloe Hotel
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 2 March, 2005
Senior Officer: Mr Stephen Tindale

INTRODUCTION

- Cottesloe Hotel is the subject of a redevelopment proposal that following refusal by Council is undergoing Review by the State Administrative Tribunal.
- Notwithstanding the history, details and outcome of that application, the owner (Multiplex Marine Parade Pty Ltd) has now requested a town planning scheme amendment to allow permanent residential development on the site.
- Planning consultant Greg Rowe & Associates has prepared and submitted the amendment request (attached).
- This includes a traffic analysis by Sinclair Knight Merz (SKM – attached).
- The planning consultant has explained that the amendment is only to provide the capacity for residential use and does not convey any development concept or proposal for the site at this stage, which would require a development application in the normal manner.
- It is the potential for mixed use hotel and residential use and development that is being sought by the proposed amendment.
- The purpose of this officer report is to present and assess the scheme amendment proposal for a Council decision on initiation of the amendment.
- The recommendation is to not support the request.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.
- Town Planning Regulations.

POLICY IMPLICATIONS

No direct implication for current planning policies.

STRATEGIC IMPLICATIONS

- An amendment to TPS2 has implications to be carried forward into the Scheme Review (unless that takes another approach).
- The amendment is also of strategic significance to the current development application, in that it seeks to alter the nature of land usage that may be allowed.
- The principle of residential use on or near Marine Pde is on the one hand generally consistent with existing zoning, land use and development in this part of the district.

- However, on the other hand the proximity of commercial (especially entertainment) and residential uses to one another, or such mixed-use developments, can lead to noise impacts, anti-social behaviour and other amenity issues.
- Furthermore, regional planning for beachfront nodes including Cottesloe also encourages holiday accommodation or short-stay residential use rather than its exclusion by permanent residential development.
- The strategic context is commented on further below.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND & STRATEGIC DIRECTION

- In recent years redevelopment of the Cottesloe Hotel has been a growing likelihood and has given rise to consideration of the prospects for a permanent residential component.
- However, this use is not permitted under the current Scheme, and Council in its Beachfront Development Objectives and the WAPC in its advice on the current development application have emphasised the importance of short-stay accommodation.
- At the same time Council has been formulating draft Scheme 3, which has included a preliminary review of the Hotel Zone, indicating a possibly broader approach to the subject site in terms of land use.
- However, the draft scheme is yet to be firmed-up and adopted by Council for advertising for public comment, and is a long way from final adoption, whereby there is no certainty as to its content or outcome.
- Strategically, therefore, it may be considered premature (or unnecessary) to amend Scheme 2 ahead of Scheme 3 being progressed.
- As a comparison, the Foreshore Centre Zone or the Special Development Zone provisions of the Scheme are more suited to a proposal for redevelopment of the site to include residential use and incorporating associated development controls, which is the approach being taken to the Ocean Beach Hotel site.

OFFICER ASSESSMENT

Existing Zoning & Use Permissibility – how the Scheme currently works

- The site is zoned Hotel, in accordance with the established use and development.
- This zoning permits mainly hotel use and a limited range of similar or related uses.
- It is a site-specific or spot-zoning, with express development controls.
- It excludes all types of private dwellings, ie they are “X” or not permitted uses.
- Serviced Units (short-stay accommodation) is also not permitted.
- This is consistent with the traditional approach to zoning and use permissibility for an individual site for a particular use.
- Hence a change of use to permit residential requires amendment of the Scheme before any development application can be considered.

The Proposal – how the Scheme would work

- Specifically, the proposal is to introduce Grouped Dwellings and Multiple Dwellings as Additional Uses listed in Schedule 3 of the Scheme.
- This would not fundamentally change the Hotel zoning or the Zoning Table, where residential uses would remain as primarily not permitted.
- Instead, clause 3.4.10 Additional Uses of the Scheme provides for additional uses to be stipulated in Schedule 3 as uses that also may be permitted, as follows:

“The portions of the Scheme Area specified in Column 1 at Schedule 3 are the subject of additional use permits. Notwithstanding that land the subject of an additional use permit is within a zone the land or any building thereon may be used for the purpose set against that land in Column 2 at Schedule 3 in addition to the other uses permitted in the zone in which the land is situated unless any of these uses is excluded or modified by a condition specified in Column 2 at Schedule 3. The use of the land is also subject to any other conditions considered appropriate by the Council and stated in Column 2 at Schedule 3.”

- This limits the additional uses to the subject site only, ie the generic zone as it may exist elsewhere in the district and the parent Zoning Table are not altered.
- The effect of the amendment would be to enable Council to consider any application for the use and development of the site for grouped or multiple dwellings (or both).
- It is observed that in the 16 year life of the Scheme only one such entry has been made in Schedule 3, ie the additional use facility has not been applied to any great extent.
- The specific proposal in this case is to simply list the site in Column 1 and in Column 2 to state:

“As well as all uses permitted within the Hotel Zone, Lot 39 may also be used for the purpose of Multiple Dwellings or Grouped Dwellings.”

While superficially this may appear simple and straightforward, as explained below there are identified difficulties with the clause and this approach in this case.

Potential Complications with Clause

- While the intent of the amendment as proposed is understood to be straightforward, the wording of clause 3.4.10 is unclear in several respects.
 - This includes the reference to permits, whether or not there is discretion, whether the additional use could be applied solely, and so on.
 - This means the amendment could result in ambiguity and argument over the interpretation and application of the clause, possibly in a way the Council would not be satisfied with.
 - Additional Use zones/provisions are traditionally add-ons; ie facilities for consideration of uses that may not have been contemplated but might crop up and be reasonable to allow.
 - However, the conventional zoning approach of separation of uses suggests that a Hotel zone is quite specific and distinct from a Residential zone, and was conceived as exclusive of other mainstream uses.
 - Legal advice has been obtained in this regard and is attached – it suggests that the clause should be reworded to be clear and function more appropriately.
-

Applicant's Justification

- By way of rationale for the requested scheme amendment the planning consultant has provided the following advice:
- Residential use is envisaged in addition to the hotel and associated uses permissible under the Hotel Zone, ie residential permissibility would not preclude those uses.
- Residential use permission would be compatible with the predominantly residential development and amenity of the locality.
- The surrounding Foreshore Centre and Residential zones provide for residential use.
- Partial residential development on the subject site would provide integration with the nearby residential development.
- The traffic analysis by SKM of three residential development scenarios indicates that such traffic generation would be comparatively minor to that associated with the existing hotel usage.

- In addition the applicant has commented as follows (attached):
- There is no formal residential proposal at present, pending the current Tribunal Review, and the applicant appreciates that the proposed scheme amendment may appear to run contrary to that process.
- However, the applicant has always foreshadowed a mixed-use development including hotel, restaurant, short-stay and permanent residential; and had indicated that a scheme amendment would be sought to allow some residential use.
- The proposition of permanent residential has received a degree of community support.
- It is understood that proposed Scheme 3 may contemplate a zoning change to allow mixed use development including residential, hence the applicant is keen to advance that option now, independent of any development application.
- The scheme amendment would enable residential use to be considered as part of any development proposal, subject to approval.

Traffic Analysis

- The traffic information provided in support of the proposed amendment is as follows:
- SKM has supplied a broad analysis of 25, 30 or 45 permanent residential dwellings (apartments) being built in addition to the hotel use.
- This assumes a significant reduction in hotel patron capacity and hence traffic.
- The findings indicate that residential usage would generate significantly less traffic.
- For example, the forecast traffic volumes as documented in the development application traffic report (September 2004) were 380 vehicles per day (weekday) and 670 vehicles per day (weekend). This was based on 39 short-stay accommodation/hotel units with an assumed occupancy of 70%.
- Ultimately, any future development application involving residential use would be assessed in terms of traffic.

Planning Approach

- The amendment process provides for public and Government agency input to consideration of a proposal and vetting by the WAPC and Minister.
- Where a council is satisfied that a proposal has sufficient merit it may initiate an amendment for the purpose of that consultation.
- This does not commit a council to support for final approval, but serves to gauge public and agency response in further evaluating the proposal.
- Consideration of the subject proposal involves weighing up the intent of the Hotel Zone in current Scheme 2, the possible treatment of the site in Scheme 3 under preparation and the present development application under review.
- If the principle of permanent residential use is accepted, then consideration turns to the best planning technique of providing for it in a scheme and the desired timing of development.
- In this respect, it may be seen as preferable to deal with the proposed amendment as part of the overall scheme review, rather than as an incidental and incremental change to the current scheme.
- If the amendment proposal is not supported at all or in the present form, then reasons should be given – deferral of the proposal for further information or modification of the detail may be in order.

CONCLUSION

- The proposition of a scheme amendment now to allow residential use in the Hotel zone can be seen as questionable in relation to the current development application, TPS2 as conceived and constructed, and the Scheme Review in terms of its status and comprehensiveness.
- While the applicant has expressed a view that residential use would be suitable and has provided some information in support, the proposition has not been strongly justified and is not tied to a formal development proposal.
- It is assessed that utilisation of the Additional Uses provision is not the preferred method, as a full rezoning should be undertaken to introduce such a significant change in land use, and because the clause is flawed and could be inappropriately applied.
- Rather than amend the clause at this point or introduce this additional use, it is concluded that the proper place for consideration of the proposal for residential usage of the site is in the context of the overall Scheme Review – hence Council should decline to support the amendment at this stage or in the form proposed.
- Further, given the limited application of the Additional Uses provision of the Scheme, and given the Scheme Review, an amendment simply to improve clause 3.4.10 at this stage is not considered necessary.

VOTING

Simple majority

DECLARATION OF INTEREST

Cr Sheppard made a declaration of financial interest in so far as he was the owner of a residential property near the Cottlesloe Hotel and that the value of his property may be affected by Council's decision. He left the meeting at 8.02pm.

COMMITTEE COMMENT

A facsimile from the applicant (Greg Rowe & Associates) requesting that the item be deferred pending further discussions with Council officers was received.

OFFICER RECOMMENDATION

That Council resolve:

- (1) Not to support the request to initiate an amendment to the Scheme to provide for residential use on the Cottesloe Hotel site by way of the Additional Uses clause 3.4.10 of the Scheme.
- (2) To note the difficulties identified in interpretation of clause 3.4.10, for consideration as part of the Scheme Review.

11.1.8 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That the request to initiate a scheme amendment for the Cottesloe Hotel site be deferred pending further discussions with Council officers at the request of the applicant.

Carried by casting vote of the Mayor 5/4

Cr Sheppard returned at 8.11pm.

**11.1.9 PROPOSED AMENDMENT NO. 38 TO TOWN PLANNING SCHEME NO. 2
OCEAN BEACH HOTEL, LOTS 1, 7-9, 11-17 & 32-39 MARINE PDE, ERIC,
EILEEN & GADSDON STS – SPECIAL DEVELOPMENT ZONE 'A' WITH
SCHEME PROVISIONS & POLICY**

File No: Ocean Beach Hotel
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 3 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

- The Ocean Beach Hotel site is the subject of a major, comprehensive redevelopment concept.
- This has so far entailed extensive informal community consultation by the applicant and liaison between their consultants and the Town.
- To facilitate a future development application, a prior scheme amendment is requested that introduces the required development provisions in the scheme text, together with a related scheme policy.
- The purpose of this officer report is to present and assess the scheme amendment and policy proposals for a Council decision on initiation of the amendment and policy.
- The recommendation is to support the request.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.
- Town Planning Regulations.

POLICY IMPLICATIONS

- The amendment would see the addition of a policy to the policy manual for TPS2.
- This would be the first such site-specific or geographic policy and would be something of a model in that regard.
- It would set the scene for applying policies that manage development to other significant sites, which the approach may be pursued in the Scheme Review.
- The advantages of a policy are that it can contain more generalised guidance and detail, which would be cumbersome in the scheme text, and that it can provide for guided discretion without the need to amend the scheme each time a variation is sought.

STRATEGIC IMPLICATIONS

- The amendment is of strategic significance to a subsequent development application for the site.
- The principle of the amendment is consistent with the existing zoning and land use/development vision for the site.
- This type of zoning, with associated scheme provisions and a policy represent a coordinated approach to managing the planning and development of strategic sites, which may be applied to similar zones or sites.

- An amendment to TPS2 also has implications to be carried forward into the Scheme Review.

FINANCIAL IMPLICATIONS

- Nil

BACKGROUND

- The Ocean Beach Hotel site has long been recognised as having redevelopment potential and has been earmarked for such by Council in its town planning scheme.
- The current scheme aims to offer both incentives and guidance to redevelopment, to achieve a result that is feasible, delivers benefits to the public and is of high quality.
- Recently the owners have embarked on devising a redevelopment concept via conducting an architectural competition and informal community consultation.
- A preferred concept design has been selected and planning consultants have been engaged to translate it into scheme provisions and a policy.
- The purpose of the amendment and policy is to provide for the scale of development envisaged and to define development parameters for drawing-up and getting approval to a detailed development application.
- Preliminary consideration of the redevelopment concept and the proposed amendment and policy by the Town has included a presentation by the consultant architect and planners to the Design Advisory Panel. A model has also been built. It is noted, however, that the full development application and assessment process remains to be undertaken following finalisation of the amendment and policy.

OFFICER ASSESSMENT

Consultant's Documentation

- The Planning Group town planning and urban design consultants have prepared the amendment and policy documentation.
- Full copies are attached and should be read to understand the detail (they are not repeated here).
- This includes the complete wording of the proposed Scheme Amendment text, the Scheme Amendment map, and indicative Building Envelopes diagrams illustrating the built form parameters of the proposed development requirements and design guidelines.

Existing Situation – how the Scheme currently works

- The site is zoned *Special Development*, in recognition of the redevelopment potential of the property.
- This zoning itself was introduced by a scheme amendment in 1991, ie Council saw the need to plan for and encourage redevelopment, which the current amendment and policy now seek to provide for in greater detail.
- The scheme text provisions for the zone set out basic planning considerations and development standards, and promote the utilisation of planning policy to address land use, landscaping and so on – as is now proposed – although at present there is no supporting policy for the zones.

- This is a conventional approach to zoning and land use/development guidance for strategic or significant sites.
- The Special Development Zone is a generic zoning applied to the subject site and adjacent lots, and through the rezoning process could be applied to other sites in the Town.

The Proposal – how the Scheme would work

- The proposed amendment seeks to build on this framework by introducing tailored development controls for the subject site.
- Specifically, the proposal is to firstly fine-tune the scheme text provisions for the site, and secondly to add a planning policy to help guide design and development in more detail.
- The policy would be introduced by way of the policy-making provisions of the Scheme, and advertised in conjunction with the amendment, while any future changes to the policy would go through a similar advertising process.
- As the Special Development Zone in the Scheme is a generic notation, the amendment proposal is to denote the subject site as *Special Development Zone 'A'*. The two other sites in the existing Special Development Zone, on Eileen St adjacent to the OBH site, would remain under that zoning.

Summary of the Amendment

- The amendment proposes the following specific changes:
 - *Designating the site as Special Development 'A' zone.*
 - *Increasing the residential density coding for the site from R50 to R100.*
 - *Adding the Special Development 'A' zone provisions into the Scheme*
 - *Adding corresponding height control provisions for the Special Development 'A' zone.*
 - *Adding the Special Development 'A' zone to the Zoning Table.*
- The Scheme Amendment Report provides the rationale for these proposals, explaining the background, purpose, intended development and proposed changes to the Scheme, as well as the related proposed Scheme Policy.
- Apart from creating the particular Special Development 'A' classification, the scheme text would define certain key development requirements reflecting the intended scale of the redevelopment concept.
- Complete details appear in the draft amendment documents attached and the technical changes are quoted in the recommendation below.

Summary of the Policy

- The associated Scheme Policy proposed to do as follows:
 - *Relate to the same land.*
 - *Define environmental, economic and social objectives, principles and design standards to guide the formulation and assessment of detailed development applications.*
 - *Define principles and design standards to guide the determination of key development controls including density, height, setbacks, site coverage, site coverage/plot ratio and bulk and scale.*
 - *Define principles and standards to address protection of beach values.*
-

- The format and content of the proposed policy is shown in the attachment. It is a concise statement of intent and development parameters, to be used in conjunction with the Scheme.
- The policy would complement the scheme provisions and give a context for decision-making having regard to the guidelines.

CONCLUSION

- The proposed scheme amendment and policy are to provide a framework for the preferred redevelopment proposal.
- These instruments recognise that the site is a candidate for redevelopment that special planning controls and development measures are called for, and that there needs to be flexibility to accommodate varying design concepts and standards.
- The amendment and policy would pave the way for the detailed design and consideration of a development application and, importantly, provide for public consultation as part of the amendment and policy-making process ahead of the formal development application – which in turn would be advertised for further public comment.
- This approach is consistent with the existing scheme provisions and is contemplated in relation to a specific development proposal.
- As Council and the community are well-aware of the proposal for redevelopment, the proposed amendment and policy will publicise the next level of detail for consideration and comment, then allow for review and modification, leading to versions for consideration for final approval.
- This overall process will provide ample opportunity for Council, officers and the community to examine and further consider the proposals.
- Council's support for initiation of the amendment and associated policy is therefore considered appropriate. This will progress the intent of the Scheme and facilitate the redevelopment concept, while affording Council key control of the process.

VOTING

Simple majority

DECLARATION OF INTEREST

Cr Furlong declared a proximity interest as his residence is at 134 Marine Parade, and left the meeting at 8.11pm.

COMMITTEE COMMENT

Committee resolved to support the Officer's recommendation to enable to matter to be considered by Full Council.

COUNCIL COMMENT

The Mayor explained that he wished to defer the item due to the possible confusion in relation to the amendment of the town planning scheme. The Mayor would like to ensure that the community and the Councillors are clear in relation to this item.

Cr Sheppard asked that his proposed amendment, a copy of which has been given to each Councillor tonight, be considered.

OFFICER & COMMITTEE RECOMMENDATION

That in respect of the proposed Scheme Amendment Council:

- (1) In pursuance of Section 7 of the Town Planning and Development Act (as amended) hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 by:
 - (a) Rezoning Lots 1, 7 to 9, 11 to 17 and 32 to 39 Marine Parade, Eric Street, Gadsdon Street and Eileen Street, Cottesloe, from 'Special Development' zone to 'Special Development A' zone and amending the Scheme Map accordingly;
 - (b) Removing Lots 1, 7 to 9, 11 to 17 and 32 to 39 Marine Parade, Eric Street, Gadsdon Street and Eileen Street, Cottesloe, from the R50 Residential Planning Code designation and including the land in the R100 Residential Planning Code designation and amending the Scheme Map accordingly;
 - (c) Including at Section 3 of the Scheme Text a new clause 3.4.11 Special Development Zone A which creates the new zone Special Development A and appropriate development criteria for the zone;
 - (d) Including at Section 5 of the Scheme Text a new sub clause 5.1.1 (b) (iv) referring to the height controls applicable within the Special Development Zone A being as prescribed in clause 3.4.11 (b) (iii); and
 - (e) Amending Table 1 - Zoning Table by the inclusion in the Key to Columns of an additional notation: "11 Special Development Zone A" and the inclusion under Zones of an additional column 11 and the notification of appropriate symbols.
- (2) Adopt the Draft Amendment No. 38 of the Town of Cottesloe Town Planning Scheme No. 2 attached to and forming part of these minutes.
- (3) Refer the Draft Amendment to the Department of Environment for comment prior to advertising.
- (4) Advertise the Draft Amendment for public comment for a period of 42 days by:
 - (a) Placing a copy of the notice:
 - (i) in The Post newspaper;
 - (ii) on the Council notice board at the Council Offices and the Town Centre; and
 - (iii) in the library.
 - (b) Placing a copy of the Draft Amendment on display at the:
 - (i) Council offices; and
 - (ii) Cottesloe/Peppermint Grove Library.
- (5) Provide the Western Australian Planning Commission with a copy of the Draft Amendment.

And that in respect of the proposed Scheme Policy Council:

- (1) Resolve to adopt the draft Scheme Policy for the Ocean Beach Hotel site for the purpose of advertising in accordance with the Scheme.
- (2) Resolve that in fulfilling those advertising requirements the draft Scheme Policy be advertised in conjunction with and in the same manner as the draft Scheme Amendment, as detailed above.

AMENDMENT

Moved Mayor Rowell, seconded Cr Miller

That Council DEFERS a decision on initiation of the proposed scheme amendment, pending preliminary community consultation by the Town of Cottesloe and further consideration of the planning aspects of the proposal, in liaison with the proponents and having regard to Council's resolutions relating to the site made under the Scheme Review process; with an interim report being made to the April round of meetings for Council to decide on these details, and a final report back to a future round of meetings when those matters have been addressed.

Carried by casting vote of the Mayor 5/4

The vote was recorded:

For: Mayor Rowell, Cr Jeanes, Cr Miller, Cr Robertson.

Against: Cr Morgan, Cr Sheppard, Cr Strzina, Cr Walsh.

COUNCIL RESOLUTION

Moved Mayor Rowell, seconded

That Council DEFERS a decision on initiation of the proposed scheme amendment, pending preliminary community consultation by the Town of Cottesloe and further consideration of the planning aspects of the proposal, in liaison with the proponents and having regard to Council's resolutions relating to the site made under the Scheme Review process; with an interim report being made to the April round of meetings for Council to decide on these details, and a final report back to a future round of meetings when those matters have been addressed.

Lost 2/6

The vote was recorded:

For: Mayor Rowell, Cr Jeanes.

Against: Cr Miller, Cr Morgan, Cr Robertson, Cr Sheppard, Cr Strzina, Cr Walsh.

AMENDMENT

Moved Cr Sheppard, seconded Cr Morgan

That the proposed amendment 38 to TPS2 as drafted by the Planning Group acting for the OBH owners be rejected, and that specific guidelines for this Development Zone be revisited once a vision for Marine Parade be elicited from residents as part of the TPS3 consultation process, and Council has received independent advice on site control options, in accordance with resolution 12.4.2 of 13 December, 2004 and resolution 13.1.1 of 22 November, 2004.

Carried 6/2

The vote was recorded:

For: Cr Miller, Cr Morgan, Cr Robertson, Cr Sheppard, Cr Strzina, Cr Walsh.

Against: Mayor Rowell, Cr Jeanes.

11.1.9 COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Morgan

That the proposed amendment 38 to TPS2 as drafted by the Planning Group acting for the OBH owners be rejected, and that specific guidelines for this Development Zone be revisited once a vision for Marine Parade be elicited from residents as part of the TPS3 consultation process, and Council has received independent advice on site control options, in accordance with resolution 12.4.2 of 13 December, 2004 and resolution 13.1.1 of 22 November, 2004.

Carried 6/2

The vote was recorded:

For: Cr Miller, Cr Morgan, Cr Robertson, Cr Sheppard, Cr Strzina, Cr Walsh.

Against: Mayor Rowell, Cr Jeanes.

Cr Furlong returned at 8.43pm.

11.1.10 WEARNE HOSTEL – REVIEW OF PARKING REQUIREMENTS

File No: Wearne Hostel
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 3 March, 2005
Senior Officer: Mr Stephen Tindale

BACKGROUND

- Extensions to Wearne Hostel have recently been completed.
- This included creation of access and parking in the verge to the Gibney Street frontage.
- Pursuant to the approval additional parking was constructed.
- This is a concern to some residents in the area.
- Consequently in February Council requested the Manager Development Services to review the parking requirements for Wearne Hostel and report back to Council.
- This interim report overviews the matter in relation to the immediate concerns being expressed as well as has regard to the context of parking provision and utilisation of verges.
- Further action is recommended.

STATUTORY ENVIRONMENT

Town Planning Scheme No 2.

POLICY IMPLICATIONS

Consideration may be given to the need to amplify the existing policy on verge parking.

STRATEGIC IMPLICATIONS

The generic issue raised may influence how the Town approaches consideration of parking needs and provision for institutional uses; as well as the approach to utilisation of road reserves (verges or medians) for private or public parking; as well as the approach to consultation, design and development.

FINANCIAL IMPLICATIONS

Removal of any of the parking may be a cost to Council (yet to be discussed with Wearne Hostel).

CONCERNS RAISED

- The concerns of local residents revolve around how the additional parking came to be constructed and the perceived amenity impacts of such provision.
 - Points raised in correspondence and a petition by residents from Gibney and Warton Streets include:
 - How the additional parking came to be approved and the absence of community consultation or Council consideration.
 - Question of need and alternative of on-site parking.
 - Considered unsightly and to reduce amenity of Gibney St.
-

- Undesirable precedent for further such parking in the locality and Cottesloe generally.
- The impact of pine trees planted as part of the landscaping.
- It is understood that the concerns include the traffic activity that the parking could attract; viz, car movements and noise, and perhaps safety, as well as indiscriminate visitors to and parking in the area.
- It is also understood that a chief concern is the visual impact of the parking area: bitumen, kerbing, driveways, landscaping; the extent and appearance of which is of an institutional rather than a residential character.

PRELIMINARY COMMENT

- By way of preliminary comment, these concerns can be recognised as legitimate, especially if the extent of parking was not anticipated or the nature and appearance of the works had not been visualised.
- At the same time, the extensions, parking and landscaping are a reality that has been approved and is to serve a purpose; ie hostel-type uses do involve a level of activity and have parking needs.
- In this respect the provision of on-site or planned verge parking is a solution to uncontrolled street or verge parking that can have greater impacts, while the landscaping of verge areas upgrades a locality, in lieu of sand or weeds.
- It is also observed that there are other institutional uses in Gibney St that may put pressure on residential amenity; however, the additional parking could actually assist with any overflow.
- Further, verges are under the control and care of the Council, being part of the public domain rather than privately owned, and where there are wide verges in Cottesloe they have traditionally been used for parking both formally and informally,
- In terms of planning and amenity, it could be expected that over time a use such as this hostel may expand, which would include additional parking and involve increased activity affecting the residential environment.
- Usually it is an undersupply of parking for a development or in an area that is a cause of concern, rather than the provision of adequate parking constructed to a high standard.
- It is noted that Gibney St is also experiencing residential development and has some vacant sites, which is probably contributing to the current concerns and impacts on amenity. As development is completed, with tradespersons gone and sites and verges made good, amenity should be restored.

LEGAL APPROACH

- One concerned resident has engaged lawyers to enquire into the matter on his behalf and has also made an FOI request.
- There have been exchanges of correspondence and discussions in this regard.
- At the suggestion of the Manager Development Services the resident has agreed to defer these avenues pending the current review.
- So far the lawyers have not challenged the validity of the original approval or the principle that such parking may be allowed, but have questioned whether the additional parking has been properly considered and authorised.

LIASON WITH WEARNE HOSTEL

- This concern and the proposition of a review have been brought to the attention of the administration of Wearne Hostel, a key stakeholder in the situation.
- The Hostel has advised that as the extensions are not yet fully occupied and functioning, and contractors are still visiting, it is difficult to determine the usage of the parking. However, the Hostel has committed to assess the usage towards the end of April and report on the issue.

APPROVAL

- The initial application was advertised by 24 letters to surrounding property owners (including the main complainant) and no submissions were received.
- Council approved the Wearne Hostel extensions subject to parking.
- Fulfilment of the parking requirement was carried out at officer level under delegation.
- Hence the additional car parking was approved pursuant to the overall application.
- The action under delegation did not include further public consultation.
- The Town as the responsible authority was at liberty to consider additional parking in the verge.
- The Scheme requires the provision of parking generally and a condition was imposed for parking details to be finalised in this case.
- The former Manager Development Services acted on this and undertook an assessment of parking need in liaison with the applicant/consultants.
- This led to detailed engineering plans of the additional parking being submitted and approved to meet the requirement considered desirable.
- The parking plans were subsequently approved from an engineering point of view and then constructed.

AMENITY & IMPACTS

- Amenity is a broad concept embracing the pleasantness and attractiveness of an area.
- Council's Town Planning Scheme enshrines amenity and planning decisions are made to address it.
- This can include forward planning such as zoning or density codes, as well as urban design guidelines and streetscape works, or specific conditions to be satisfied.
- In terms of parking, the provision of defined parking dedicated to a use is one determinant of amenity.
- In terms of traffic, the amount of parking currently provided is well within the capacity of the local road.
- While unplanned or undeveloped land such as verges may have a passive amenity, they may also give rise to amenity problems through illegal use, poor condition, no maintenance, rubbish and so on.
- Developed, landscaped and maintained parking areas and verges may be seen to enhance amenity.
- Where improvements are funded by the Council or private sector development, then there is a benefit to other owners and residents at no cost to them.

CONCLUSION & PROSPECTIVE SOLUTION

- There is a need for parking for the expansion of Wearne Hostel, as there is for any development, and this has been approved and constructed in good faith.
- At issue is whether an excess amount has been provided, and while a planning calculation is one way of assessing that, so is empirical monitoring. This question of need and usage requires further examination.
- It is considered that it would be premature to remove any parking without further assessment.
- At issue also is whether the parking has an undue impact on the amenity of Gibney St, however, there are no guidelines in this regard – actual traffic impacts would need to be surveyed and agreed criteria for the amenity now would need to be compared to the previous circumstances (noting that amenity has a subjective dimension and the sense of which may vary between people).
- There is also the aspect of a range of stakeholder interests: Council, Wearne Hostel, other institutional uses in Gibney St, residents in Gibney St and the locality, the wider Cottesloe and metropolitan communities.
- Strategically, Council may wish to consider amplifying its existing policy on its approach to verge parking generally, including overall parking management, utilisation by institutional, sporting or other non-residential uses, maintenance of verges, residential amenity, streetscape and urban design, etc.
- This report has overviewed the matter and identified the desirability of further information before Council can make a considered decision on the matter.
- The situation raises a range of aspects to be evaluated in determining what action may be taken on the matter.
- Recommended below are steps to progress the matter.
- The cooperation and of all parties concerned is encouraged to assess the practicalities of the matter as an alternative to legal recourse.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

11.1.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **Note this report and resolve to liaise with Wearne Hostel to monitor the subject parking demand and usage for a follow-up report to Council in May.**
- (2) **Request the Managers of Planning and Engineering to liaise further in the matter.**
- (3) **Note that Council may be expected to bear the cost of any changes to the parking that may arise from the review.**
- (4) **Consider the generic issue of verge parking and whether the existing policy to address this multi-faceted matter should be amplified.**

Carried 9/0

11.2 BUILDING**11.2.1 NO. 57 JOHN STREET – UNAUTHORISED STRUCTURE - PERGOLA**

File No:	No. 57 John Street
Author:	Mr Lindsay Stone
Author Disclosure of Interest:	Nil
Report Date:	16 March, 2005
Senior Officer:	Mr Andrew Jackson

SUMMARY

A patio has been constructed at the above address without Council approval. The matter of whether Council wishes to take action in relation to the unauthorised work is submitted for consideration.

It is recommended that the unauthorised structure be allowed to remain.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2
Residential Design Codes
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

On 5 January 2005 the Acting Manager, Development Services was informed that an unauthorised patio had been constructed at 57 John Street, Cottesloe.

The adviser, acting on behalf of the owner, provided background information as to why the patio had been constructed without the relevant approvals and sought information from Council on the best method to resolve the indiscretion.

The Acting Manager, Development Services discussed the matter with Council's Building Surveyor and it was agreed that the applicant submit "as constructed" drawings and provide certification of the structure from a recognised Structural Engineer for Council consideration.

On 19 January 2005 the owner submitted the "as constructed" drawings and a letter from the Consulting Engineer, Burdett and Associates, certifying the structural adequacy of the patio.

The plans were assessed and considered to comply with the Residential Design Codes, Council Policy and the Building Code of Australia.

On 10 February 2005 the owner provided additional correspondence to further support their position in relation to undertaking the work without the appropriate approvals.

Council's Principal Building Surveyor undertook an inspection of the constructed patio on 16 March 2005. The inspection revealed that the structure has been built in accordance with the plans submitted. The timber framed patio complimented the existing dwelling and the surrounding environment.

STAFF COMMENT

The patio has been constructed without Council's Planning or Building approval.

The timber framed structure appears to comply with the Building Code of Australia.

The structure has been soundly constructed, and built in a workman like manner and has been certified by a competent Structural Engineer.

Council has not received any comments or complaints about the structure from the adjoining property owners.

It is almost certain that if an application for Planning Consent and Building Licence had been submitted, approval would have been granted.

Should this matter have been referred for review by the State Administrative Tribunal for removal under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960, then on appeal, Council's Building Surveyor would support the retention of the structure.

It is also important to note that the Department of Housing and Works has drafted changes to the Local Government (Miscellaneous Provisions) Act 1960 to provide Councils with the ability to issue retrospective building licences. If these changes are implemented then it is likely that if an applicant submits plans, specifications, structural engineer certification and a report that the structure complies with the Building Code of Australia then a retrospective building licence could be granted. To act as a deterrent to the approach "build first, apply later" the applicant will be penalised with a substantial increase in application fees.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council advise the owner that:

- (1) The existing patio structure was an unauthorised structure;**
- (2) Having regard to the circumstances and the structure, Council exercises its right not to prosecute or require the removal of the structure;**
- (3) The structure will remain as an unauthorised structure.**

Carried 9/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 22 MARCH 2005**12.1 ADMINISTRATION****12.1.1 PARKING RESTRICTIONS MARINE PARADE**

File No: C2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 15 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the recommendation that two (2) hour parking restrictions be imposed on all unrestricted parking places in Marine Parade between Napier Street and the traffic calming island south of Grant Street.

STATUTORY ENVIRONMENT

The Local Government Act and Council's Parking Local Law apply. The Local Law is made under the Act and the Local Law provides, in clause 1.8, as follows:

Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law."

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of proposed consultation and, in the event restrictions are imposed, signage costs would be met from current budget provisions.

BACKGROUND

It has been suggested that the unrestricted car parking spaces near Barchetta are being used for long term parking and that turn over of spaces is not meeting demand. There are 12 parking spaces in this area which is located on the road reserve but divided from the running surface by kerbing. One bay is restricted to ACROD parking.

CONSULTATION

Nil at this stage other than with staff.

STAFF COMMENT

Rangers conducted a survey of this area, some months ago, and found that, on the day the survey was conducted, no vehicle was parked for more than two hours (most stayed between half and one and a half hours). Based on this it is suggested that a two hour restriction might meet most beach goers and business patrons' needs, and provide a turn over rate to better meet demand.

It is suggested that rather than just looking at this specific location it would be better to include all on-street parking on Marine Parade, between Napier Street and the traffic calming island south of Grant Street (opposite Grant Marine Park). Restrictions are in place for all parking spaces between Napier and Forrest Streets so the proposed section would complete the commercial strip of Marine Parade.

As will be seen from attached plans of the area, a number of parking bays in the section north of Napier Street have restrictions in place and it is proposed that these not be changed and that only the currently unrestricted spaces be controlled by the proposed two hour restriction.

In accordance with standard procedure and the new Consultation Policy, it is proposed that all residents and businesses abutting Marine Parade in the section to be affected by the proposed restrictions be advised of the proposal and be asked to give their thoughts on it.

VOTING

Simple majority

PROXIMITY INTEREST

Cr Furlong declared a proximity interest due to residing at 134 Marine Parade and left the meeting at 8.49pm.

COMMITTEE COMMENT

As the absence of Cr Furlong from the meeting would have frustrated the attainment of a quorum, it was decided to hold the matter over for consideration at the next Council meeting.

12.1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council advise and seek opinions from all residents and businesses abutting Marine Parade between Napier Street and the traffic calming island south of Grant Street on a proposal to impose a two hour restriction on all parking spaces, not currently controlled by restrictions, in that section of Marine Parade.

Carried 8/0

Council considered item 12.2.2 next, then returned to item 12.1.2.

Cr Furlong returned to the meeting at 8.57pm after consideration of item 12.2.2.

12.1.2 COTTESLOE CIVIC CENTRE – RSL LICENCE RE RSL ROOM

File No: C4.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 16 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to advise Council that the current RSL licence expires this July and recommend that the process to renew it be commenced.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act applies.

3.58. Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives Statewide public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

And

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the; and
 - l the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - l anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Regulation 30 of the Local Government (Functions and General) Regulations 1996 says;

30. Dispositions of property to which section 3.58 of Act does not apply

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called “the transferee”) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;...

In accordance with Regulation 30 (2) (b) Council may deal directly with the RSL on this matter without the restrictions of Section 3.58 of the Local Government Act.

POLICY IMPLICATIONS STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, other than staff and legal costs which are expected to be covered by current budget provisions.

BACKGROUND

The RSL has occupied the old billiard room since shortly after Council purchased the Civic Centre property in 1950 and the 21 year licence agreement that commenced in July 1984 is due to expire this July.

Preliminary discussions have been held with the RSL who seek a number of minor amendments to the agreement.

CONSULTATION

The Cottesloe Sub Branch of the RSL has been consulted with.

STAFF COMMENT

The RSL seeks renewal of the current lease with the following amendments:

- Replace "The Returned Sailors' Soldiers' and Airmen's Imperial League of Australia (WA) INC (Cottesloe Sub –Branch)" wherever it appears in the document with "The Returned Services League of Australia WA Branch Incorporated (Cottesloe Sub-Branch)".
- Replace in clause 1 of the lease which deals with the grant of a licence the term "from 2nd July, 1984" to "from 2nd July, 2005". Also replace "Returned Services League" with Returned and Services League".
- Deletion of Clause 4 (e) which deals with a RSL contribution toward restoration work undertaken to timber panelling in the room.
- Deletion of Clause 6 which requires the RSL to pay up to \$60 toward legal costs associated with the preparation and execution of the Deed.

Administration supports the proposed amendments. The first two could be classed as "house keeping". The third, regarding a contribution toward restoration works, could be seen as a contribution in lieu of rent but it is suggested that the burden of any such maintenance should rest with Council as the owner. Legal costs are not expected to be high, yet both this and the previous matter could impose a considerable burden on the local RSL.

It is recommended that Council's lawyers prepare a draft document, based on the current document and above mentioned changes, for consideration of Council and the RSL.

VOTING

Simple majority

DECLARATION OF IMPARTIALITY

Cr Utting made a declaration of impartiality in his capacity as a member of the Cottesloe RSL Sub-Branch.

COMMITTEE COMMENT

Committee noted that the RSL contributed to the purchase of the Cottesloe Civic Centre.

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council ask its lawyers to prepare a draft agreement between it and the Returned Services League of Australia WA Branch Incorporated (Cottesloe Sub-Branch) to follow on from the current 21 year Licence, with respect to the Cottesloe Civic Centre, that expires 2 July 2005.

Carried 9/0

12.1.3 MEALS ON WHEELS- ANNUAL CONTRIBUTION

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the Rosewood Care Group's request for funding toward the meals on wheels program of \$3000. This amount is \$500 more than provided for in the budget.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An amount of \$14,150 was provided for in the Donations to Welfare Groups area of the current budget. \$9,650 was earmarked for the Red Cross's Lady Lawley Cottage Liberty Swing project, \$2,500 for the meals on wheels program and \$2,000 for unspecified donations. The Red Cross donation has been made and this was \$8,390 (\$1,260 less than expected at budget time). Rosewood's request is for \$3,000, \$500 more than specifically provided for but covered within the provision generally and so no budget adjustment is required (and therefore there is no need for an absolute majority vote on this matter).

BACKGROUND

The Rosewood Care Group (Inc) (a registered charity) is requesting the annual contribution toward its Meals on Wheels service provided from its Claremont Branch. In the letter of request the organisation noted that the Claremont Branch provided 40 Cottesloe residents with 7,100 meals in 2003/04. Recipients were charged \$4.80 for each meal Rosewood received a Home and Community Care subsidy of \$1.50 per meal. Council's annual contribution of \$3,000 (net of GST) equates to just over \$0.42 per meal (making the total income from which to provide and distribute meals \$6.72 per meal) and Rosewood advise that they just about break even with this level of funding. The group does receive some donations however these have been declining each year.

Council contributed \$2,500 toward the service in 2003/04.

CONSULTATION

Rosewood's Meals on Wheels Coordinator was contacted for additional background information.

STAFF COMMENT

The meals on wheels program is a vital public service to sections of the community. Rosewood is a not for profit organisation that relies on Council's support to provide services to Cottesloe residents. From information supplied it appears that the number of Cottesloe residents provided meals increased from 30 in 2002/03 to 40 in 2003/04 (apparently the number of clients varies from week to week and so the numbers quoted are approximate). The number of meals provided has increased from 6,500 to 7,100 (not all clients get a meal every day and some clients get more than one meal per day). It is suggested that the \$500 increase is warranted from the prospective of increased costs in providing meals and the increase in clients/meals provided to Cottesloe residents.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council contribute \$3,000 (excluding GST) toward the Rosewood Care Group's Meals on Wheels service for 2004/05.

Carried 9/0

12.1.4 DONATION REQUEST - B'ART, ART EXHIBITION

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 15 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the request from B'Art to donate hall hire costs (\$2,328) in relation to an art exhibition/sale which resulted in a donation to Oxfam's Tsunami Appeal and provided some funding to the Cottesloe Surf Life Saving Club.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No specific provision was made in the current budget for the requested donation of \$2,328. If Council wished to make the donation the funds could come from the \$14,150 provision made for Donations in the area of Welfare. This money was earmarked and applied as follows:

<u>Donation beneficiary</u>	<u>Budget provision \$</u>	<u>Actual donation \$</u>
Rosewood Care Group – Meals on Wheels	2,500	3,000*
Red Cross Australia – Lady lawley Cottage Liberty Swing	9,650	8,390
Miscellaneous	2,000	nil
TOTAL	14,150	11,390

*pending Council's decision in relation to another item to this meeting.

Based on the foregoing budget, funding of \$2,760 is available for application and so a decision to donate would not require an absolute majority support.

BACKGROUND

B'Art booked the War Memorial Town Hall for the three days of the Labour Day weekend for the purposes of conducting an art exhibition where paintings were offered for sale. The event organiser when booking the facility asked for the fees to be waived and was advised that the request would have to go to Council for its consideration. In accordance with standard procedure payment of the fees was accepted before the booking could be confirmed. The fees are in accordance with

Council List of Fees and Charges as set out in the budget and are as follows, \$360 per day plus \$52 per hour outside of normal office hours (3 days at \$360 per day, plus 3 days by 8 hours per day at \$52 per hour) \$2,328. In addition to this a \$200 bond was charged and this was paid by the hirer. There was some damage done and the extent and cost of this is being assessed before the bond, or a part of it, is refunded (the cost of damage is not expected to exceed the bond).

B'Art's application sets out that the Cottesloe Surf Life Saving Club and Oxfam's Tsunami Appeal were to benefit from the exhibition. Entry to the exhibition was a discretionary donation to the Surf Club and volunteers from the club managed door collections. All artists agreed to donate a percentage of their art sales to Oxfam. The organisers set a budget to stage the event and found that hall hire costs diminished their capacity to increase awareness of the event. The applicant suggested that the Cottesloe community's benefit from the event was donations to the Surf Club and a cultural event for residents. Also, that donated funds would be used to market the event and reduce financial pressures in staging the event.

B'Art is not a registered entity, it is a co-operative of artists and the event was conducted at a loss of \$6,000. The event organiser is hopeful of receiving a donation of the full amount requested but is keen to receive any donation. The group hopes to stage another event in July.

CONSULTATION

Apart from other Council staff, the Cottesloe Surf Life Saving Club's manager, Oxfam and Jai Marcellus of B'Art were contacted in relation to this matter.

STAFF COMMENT

The applicant ties the Cottesloe Surf Life Saving Club and Oxfam into its application however funding for both appear to be independent of the donation application in that the club's money comes from at door donations and Oxfam's from individual artists on the basis of a percentage of sales. Neither organisation could confirm that they had received any money at the time they were contacted (15/3/05) so it is not possible to put a dollar value to them of the event. It appears that any donation would offset costs associated with staging the event and the following assessment is based on this. Applying Council's Donations Policy's Assessment Criteria to the application, as follows, it is suggested that the application could not be considered:

Donation requests will not be considered where;

<ul style="list-style-type: none"> • The applicant is a private and for profit organisation or association. 	It is understood from the applicant that B'Art is a cooperative of artists. It is not a registered not-for-profit organisation and so should be considered to be a private and for profit organisation.
<ul style="list-style-type: none"> • The applicant is an individual person. 	The applicant is a group of individuals.
<ul style="list-style-type: none"> • The application is in relation to general fundraising. 	If the club and Oxfam were indirect beneficiaries then the application could be seen to be general fund raising.
<ul style="list-style-type: none"> • The application is for funding for conferences and conventions. 	Not applicable.

Based on the foregoing it is recommended that no donation be made.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

That Council not approve B'Art's donation request.

Carried 9/0

12.1.5 SISTER CITY RELATIONSHIP - MUNICIPALITY OF THIRA

File No: X11.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

An opportunity has arisen to foster and develop a Sister City relationship with the Municipality of Thira (Santorini) in Greece.

Recommendations are made to:

- (1) Support the development of a Sister City relationship with the Municipality of Thira in Greece; and
- (2) Authorise the Mayor and Chief Executive Officer to progress a request for a Sister City relationship between the Town of Cottesloe and the Municipality of Thira.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil – at this stage.

At some later date Council may wish to join the Australian Sister Cities Association (\$550) which keeps track of and coordinates Sister City efforts.

Council may also wish set aside a limited amount in future budgets for specific interaction between the Municipality of Thira and the Town of Cottesloe - subject to a dialogue being established with the Municipality of Thira and agreement being reached on joint activities.

It should be recognised that there is no obligation on the Council, financial or otherwise, to undertake certain activities. In other words, Sister City relationships need not be expensive. Any travel component can be met directly by the individual concerned.

BACKGROUND

Introduction: A Sister City program enables Cottesloe residents to become directly involved in international relations in a unique and meaningful way. It has the potential to bring long-term benefits to the local community and its partner abroad.

Sister City relationships allow communities to exchange ideas, gain an international perspective and increase their understanding of global issues.

In addition to encouraging international peace and goodwill, many Sister City relationships go much further leading to economic growth, increased tourism, and reliable business contacts.

History: The Sister City movement, as a worldwide concept, came into its own very shortly after World War Two. Sister City efforts were independently started on many different continents, but all had the same goal; to help develop enduring networks of communication between the cities of the world to cut across boundaries and reduce the likelihood of polarisation and conflict among nations.

Because Sister Cities programs were initiated at the national level in many different countries during the same time period, approaches as to how the program would be structured and function varied. In Europe, the program enjoys great popularity and involves thousands of cities of all sizes linked with two, three and more partners. This is often known as Twinning or Twin Cities. The links tend to be very formal with resolutions establishing them accompanied by documents of agreement detailing the kinds of exchanges to be undertaken. In many countries links have to be approved by the national governments.

In Australia, the appeal of “international understanding and friendship” has been attractive to community minded local citizens since at least the 1930’s. The Shire of Parkes, New South Wales, claims a Sister City affiliation with Coventry in England that originated in 1939. A relationship was established between Saddleworth in South Australia and Saddleworth Parish in the United Kingdom in 1941, while one has existed officially between Hunters Hill and Henley-on-Thames since 1950, and one between Bega, New South Wales, and Lyttleton, Colorado, United States of America, since 1956. Today Australian cities have nearly 470 Sister City Agreements throughout the world and this number increases every year.

Australian Sister Cities Association: The Australian Sister Cities Association acts as a facilitator in arranging Sister City relationships. If it were to receive a request from the Town of Cottesloe for a Sister City relationship, it would consider the following issues when trying to locate a suitable partner.

1. The relative importance placed by each community on
 - Agriculture
 - Industry
 - Technology
 - Tourism
 - Services generally

2. Community information such as

- Local cultural and educational facilities
 - Historical background
 - Service clubs within the community
3. The preference given to each of the following sister city activities
- Arts & culture
 - Economic development
 - Education
 - Environment
 - Sport & recreation
 - Municipal co-operation
 - Technology
 - Youth

Consul of Greece: Following a civic reception for Cottesloe Olympians that was held late last year, the Consul of Greece (who is also a resident of Cottesloe) Theodore A. Michalopoulos wrote to Mayor Rowell as follows:

Following our discussion last November regarding the possibility of fraternisation between the Town of Cottesloe and the Municipality of Thira (Santorini), I am glad to inform you that the Mayor of Thira, Mr Angelos Roussos, and the Town Council of Thira, officially replied to the Consulate's initiative by accepting my proposal for Santorini to become the Sister-City with Cottesloe.

I apologise for not contacting you earlier on this issue, for as you are aware I was in Greece for five weeks. During the time I personally contacted Mr Roussos who was very enthusiastic about the whole project. I hope this initiative, which fulfils an old wish of mine, will become mutually beneficial to both Towns but it will also promote bilateral cooperation and enhance tourist exchanges between Greece and Western Australia.

I would appreciate a written reply from the Town of Cottesloe on this project in order to proceed with an official request and send both Town's proposals to the relevant directorate of the Greek Ministry of Foreign Affairs.

For any further details, assistance or information please do not hesitate to contact me. I look forward to hearing from you very soon.

Santorini: The Greek island of Santorini is the most southern of the Cycladic Islands and lies at the edge of the Aegean Sea about 235 kilometres from Athens.

Santorini is 72 sq. km. in area and has 69 km of coastline. It has 13 villages with a permanent population of 10,000 which swells during the tourist season. Fira, the capital, with 2,500 inhabitants, is built 30 meters above the sea. It is famous for its views, sunsets and night life. The island is situated next to a live volcano and a caldera - a basin of very deep sea water. The caldera was shaped when the volcano erupted around 1647 B.C. leaving a hole in the middle of what was once a circular island.



The inner side of the caldera is predominantly sheer. Once past the edge of the precipice, the land tends to slope eastward to the sea with The Hills - Profitis Ilias being the highest (565m.), Small St. Ilias, Inner Vouno and in the north Big Mountain

Santorini is world famous not only because of its serene and unique beauty, but also for its archaeological site located in the southern part of the island. The promontory of Akrotiri is the location of a settlement of the Late Bronze Age (1700- 1650 B.C.) which ranks alongside Pompeii in terms of archaeological wealth. When the nearby volcano exploded, it buried the contents of Akrotiri and the site was never inhabited again.

There is very little water on Santorini and much has to be imported. The considerable variety of Santorini's grapes, cultivated with minimal irrigation under the Mediterranean sun and subject to the salty breeze of the sea gives them a distinctive grade in wine production.

For many years the economy of the island was based on the export of pumice stone - more than two million tons annually - until the government forbade further exportation because of the damage it was doing to the island.

Santorini's economy is now largely based on tertiary services and tourism.

An Internet site promoting Santorini as a tourism destination can be found at <http://www.santorini.gr> The Municipality of Thira's website is currently under construction at <http://www.thira.gr>

CONSULTATION

Nil.

STAFF COMMENT

The Town of Cottesloe and the Municipality of Thira have a number of things in common such as:

- Redevelopment pressures

- Tourism pressures
- Similar resident population levels
- Mediterranean climate
- Adjoining marine environment
- Scarce water resources

Potential areas of activity include:

Social & Cultural exchange With respect to the enhancement of social capital, a Sister City relationship between the two local governments paves the way for increased community understanding of other cultures. Ultimately, community involvement is essential to the success of any Sister City relationship - whether it be by tourism or exchange.

The exchange of cultural values between the two local governments is also significant in building a strong foundation to sustain the relationship. The two local governments must be committed to working together towards shared goals and outwardly there appears to be some scope in this regard.

Environmental knowledge exchange With respect to environmental sustainability, the Thira relationship will provide an opportunity for the exchange of knowledge on matters such as waste minimisation, environmental health, water, air and marine biodiversity. In a sense, Cottesloe is an island of its own that is experiencing external pressures.

Built environment and technology exchange Both local governments have an interest in protecting the built heritage of their communities. An exchange of knowledge in terms of height limits, privacy, the preservation of heritage buildings etcetera would be beneficial. Given the small population bases of both local governments, a shared understanding of the practical application of new technology would also be beneficial (i.e. making do with less and doing things smarter).

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Support the development of a Sister City relationship with the Municipality of Thira in Greece; and**
- (2) Authorise the Mayor and Chief Executive Officer to progress a request for a Sister City relationship between the Town of Cottesloe and the Municipality of Thira.**

Carried 5/4

The vote was recorded:

For: Mayor Rowell, Cr Furlong, Cr Jeanes, Cr Miller, Cr Robertson.

Against: Cr Morgan, Cr Sheppard, Cr Strzina, Cr Walsh.

12.1.6 COMMUNITY CONCERTS, FESTIVALS AND EVENTS

File No: X 1, X 2, X 7
Author: Ms Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 14 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

This report outlines the community concerts, festivals and events that are currently undertaken by Council. It has been identified that attendance is lacking at some events and that it is costly to continue to run these events without setting aims and objectives for each event.

Council is requested to consider the current community events and identify:

- the aims, objectives and target audience for each event,
- whether any event(s) should no longer continue,
- improvements that could be made to any event(s), and
- any new event(s) that could be held.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

The only policy affecting this matter is *Musical Recitals or Concerts at the Cottesloe Civic Centre*.

STRATEGIC IMPLICATIONS

There is no specific objective relating to community entertainment, festivals or event, however the following strategic implications have some relevance:

Innovation/Improvement – We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.

District Development/Environment – Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

FINANCIAL IMPLICATIONS

Currently all events are separately included in the budget, some areas may be rationalised and others may require consideration of increased funding in the 2005/06 budget.

BACKGROUND

Following is a short summary of the community concerts, events and festivals that are currently held in Cottesloe.

- **Music for Pleasure Concerts**
-

In July, 1992 Council adopted a policy to set down procedures for the organisation and logistical support of music recitals and concerts to be held at the Cottesloe Civic Centre for the enjoyment of Cottesloe residents and the public generally.

Over the past two years the audiences at the Music for Pleasure concerts have declined in numbers. Performers have voiced their concern over the lack of audience numbers and have suggested that more advertising should be undertaken by Council.

In October, 2004 Mayor Rob Rowell, Cr Bryan Miller and Ms Jodie Peers met to discuss the 2005 concerts and it was agreed that the number of concerts held would be reduced to 13 and would not be held on Mothers Day or Fathers Day as they were not well attended in 2004 on these days. The selection criteria to choose the performers was also modified, putting more emphasis on the performer's expectations, aims and objectives for both themselves and for the Town of Cottesloe, their ability to promote their concert and make ticket sales and previous positive audience support (audience numbers and feedback).

- **Twilight Concerts**

For a number of years Council has provided three Twilight Concerts on the Main Lawn in late February/March. There is no written policy, aims or objectives for these concerts.

Once again over the past two years audience numbers have been declining. Although, in both 2004 and 2005 the Royal Australian Navy Band (WA Detachment) has attracted the largest audience numbers (approximately 450) at each concert. These concerts are free of charge to the public, along with Council supplying free tea and coffee. Council pays each band a fee of \$600 +GST and supplies the staging, audio and lighting requirements. The cost of providing these three concerts (not including 2 staff members) is in the range of \$10,500 to \$11,000. In previous years sponsorship was received by Healthway (of approximately \$1,500) however an application for sponsorship was not successful in 2005.

Feedback received from the bands and the public includes comments on the requirement for more advertising/promotion and concern over the decline in audience numbers. However, positive feedback is received from the audiences during the concert in relation to their enjoyment of the evening and that there is no entry fee or cost for a cup of tea or coffee.

- **Australia Day Celebrations**

An annual Australia Day event is held on 26th January in conjunction with the Town of Mosman Park and Shire of Peppermint Grove. Each Council takes turns in hosting the event. Cottesloe hosted this year's event and will be host again in 2008. The cost to hold this event in 2005 was \$7,411.60. In the two years that Cottesloe is not host the cost reduces dramatically to a couple of hundred dollars and one staff member's attendance.

- **Sea Dragon Festival**

In 2004 the Sea Dragon Festival was reinstated and Council has assisted the Sea Dragon Organising Committee to run the festival in both 2004 and 2005. This year's emphasis was placed on providing family entertainment and participation activities. The cost to hold this festival was \$8,000 in 2004 and approximately \$17,000 this year. Attendance throughout the day was approximately 3,000 people, which was greater than in previous years. Positive feedback was received on the day, particularly in regard to the interactive nature and general family entertainment. Comment was received with regards to the lack of food and drink vendors available, however in previous years the local businesses objected to other vendors on-site.

- **Great Gardens**

Acting on a suggestion from the Care for Cottesloe Committee the Council held a Great Gardens Workshop 19 April, 2004. This event was organised by Council and Committee members for Cottesloe residents to register (120 places available) to attend to learn about sustainable and improved residential gardening techniques. At a cost of under \$1,000 this workshop achieved it's objectives in a cost efficient manner.

- A Spring Garden Festival was held on the grounds of the Civic Centre on 31 October, 2004 following on from the Great Gardens Workshop. The factors against this event were the inclement weather and the less formal/structured orientation. Attendance on the day was not as great as hoped.

Other seminars on sustainability matters have also been held by the Council (eg: energy efficiency in the home), however were poorly attended. This seminar did not cost much, but was not as successful in Cottesloe as it was in the Subiaco Sustainable House.

- **Literature Prize**

In April, 2004 Council resolved to include in its 2004/05 Budget a provision for a contribution of \$3,500 toward the proposed Combined Council's Literature Prize. This resolution was brought to Council by the Library Committee, who resolved to hold an annual literature prize. Entries are currently being called for the 2005 Literature Prize.

As can be seen from the above, Council provides to the community a variety of entertainment and education events.

WESROC members liaise when events are being organised and endeavour not to clash with each other's organised events, however this has not always been successful or possible. It is now more commonplace for Councils to holding a variety of entertainment events for their communities. It is difficult for Cottesloe Council to compete with other larger events happening outside Cottesloe which happens from time to time.

CONSULTATION

Discussions have been held between the event organisation staff and the CEO in relation to concerns and improvements.

Advertising requesting feedback from the community, in relation to the Music for Pleasure concerts (and any other entertainment events that the Council runs) was placed in the trial Civic Centre News, which was delivered to all householders, and in the monthly Civic Centre News page in the Post Newspaper. No feedback has been received.

STAFF COMMENT

Combining of Sea Dragon Festival and Twilight Concert

The reintroduction of the Sea Dragon Festival proved to be popular in both 2004 and 2005, with this year's festival being larger and better attended than in 2004. The festival could be improved further with the addition of a twilight concert at the finale of the festival. In this way one or two of the more popular big bands can still perform free of charge to the public. This would also enable the funding and staff resources to be better utilised throughout the day. Healthway sponsorship could once again be sought as the festival is more likely to fit in with Healthway's selection criteria:

- to reach Healthway's priority target groups (youth, indigenous, rural, disadvantaged, lower health status people);
- health promotion returns;
- level of participation and whether an increase in participation over previous years is anticipated; and
- whether the long term quality and delivery of arts and cultural programs will be increased through this project.

Music for Pleasure Concerts

The 2005 Music for Pleasure concerts have already been organised, therefore it is suggested that a meeting be held between the Mayor, the Music for Pleasure Councillor and staff member at the completion of these concerts to discuss issues arising from this year and improvements for the next year.

Australia Day Celebrations

The annual Australia Day celebrations should continue without amendment, except for a consideration of an increased budget allocation for 2008 to cover the rise in costs of hire equipment.

Great Gardens

Great Gardens have approached Council in relation to hosting another workshop in October, 2005.

If Council would like to continue to hold community information/sustainability seminars or garden festivals it is suggested that they be undertaken in conjunction with WESROC and held in the most advantageous venues to encourage a larger attendance and better use of funding and resources.

Great Gardens are also proposing that Cottesloe hold an annual garden competition. The cost for Council would be \$3,000.

Comment is required as to whether Council wishes to continue supporting the Great Gardens events.

Literature Prize

The 2005 Literature Prize is currently underway. A meeting of the joint coordinators will be held at the completion of this competition to discuss issues arising from this year and improvements for the next year.

In relation to all community events Councillors are requested to consider the types of events that would be suitable to be held in Cottesloe and the aims, objectives and target audience for each event. Council is to consider if they want to rationalise or improve on the current events and identify the need for any new events.

Overall, Council offers a number of both entertaining and educational community events throughout the year. Two trends are arising as main concerns; lack of Council promotion and advertising, and low attendance/audience numbers.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee endorsed the concept of a 'Cottesloe Festival Week' to include the Sea Dragon Festival, Sculptures by the Sea and twilight concerts.

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Consider the community concerts, festivals and events that are currently held in Cottesloe and identify:**
 - (a) the aims, objectives and target audience for each event,**
 - (b) whether any event(s) should no longer continue,**
 - (c) improvements that could be made to any event(s), and**
 - (d) any new event(s) that could be held; and**
- (2) Provide feedback to the CEO, Community Development Officer and Executive Assistant in relation to community events in Cottesloe.**

Carried 9/0

12.1.7 RECORDS STORAGE CABINET

File No: C14.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put a request before Council for a budget amendment for the purposes of purchasing a records storage cabinet to the value of \$2,100 (ex GST).

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 1995 has application. This section provides that a local government is not to incur expenditure not included in its annual budget except:

- where the expenditure is incurred in a financial year before the adoption of the annual budget;
- is authorised in advance by a resolution passed by absolute majority;
- is authorised in advance by the Mayor in an emergency.

POLICY IMPLICATIONS

Council's Expenditure Variations Policy applies:

12.2 POLICY

- (a) *No expenditure can be committed unless it is provided for in the budget.*
- (b) *Over expenditure that can be accommodated within a sub-programme, may be authorised by the relevant Manager.*
- (c) *Over expenditure that can be accommodated within a programme, may be authorised by the Chief Executive Officer.*
- (d) *Reallocations within a programme are to be reported to the next meeting of the Corporate Services Committee*
- (e) *Where over expenditure cannot be accommodated within a programme, the expenditure must be referred to the Corporate Services Committee, seeking approval for a reallocation of funds.*

STRATEGIC IMPLICATIONS

The Management section of the Plan applies, specifically;

- In relation to the proposed purchase not being provided for in the current budget - *Statutory Compliance* - *All procedures and decisions comply with external and internal statutes.*
- In relation to the need for the records storage cabinet - *Resourcing* - *Staff have the necessary resources to effectively fulfil their roles.*

FINANCIAL IMPLICATIONS

There is no provision in the current budget for the proposed purchase, however the budget review conducted on actuals to the end of December, 2004 plus revised forecasts to the end of June, 2005 indicate a surplus of just under \$14,000. Relevant contributions toward the expected surplus include savings of \$8,800 by not purchasing a scanner and the photocopier costing \$6,000 less than provided for. It is important to note that the revised forecasts are subject to change and the expected surplus might not be realised.

BACKGROUND

It has been apparent for some time that there is a need for more and better storage facilities for records and it was hoped that the mooted expansion of office space would yield a suitable area and fixtures to meet requirements. The need for additional storage has become more urgent and so it is proposed that a compactus style storage unit be purchased and located in the Games Room area. In accordance with terms of the lease the RSL will be contacted regarding the proposed location to seek their agreement when, and if, Council approves the purchase of the storage cabinet.

CONSULTATION

Internal and with potential suppliers.

STAFF COMMENT

In hindsight the additional storage unit requirement should have been included in the current budget during the drafting phase however it was hoped that needs could be otherwise accommodated to save purchasing a unit that might not be suitable for a new storage area when and if it became available.

The level of development in the area has resulted in the basement records area being given over solely to the keeping of plans. Correspondence relevant to properties has been taken from existing planning/building files for storage elsewhere to provide the required space in the basement area and the new storage facility is required to store these files. Plans have a longer retention requirement than correspondence so splitting them will improve our records management.

It is appreciated that there are a number of other possible solutions, both long and short term, such as storage offsite, but is suggested that these might be better considered in the context of the overall administration accommodation review. The proposed solution will be workable for at least two years in that the files will be accommodated in a secure unit in a reasonably accessible location. This would not be a long term solution and the storage unit could be sold if not required in the future.

VOTING

Absolute Majority

COMMITTEE COMMENT

Nil

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Amend the current budget to provide \$2,100 for a records storage cabinet in the area of Capital Works; and**
- (2) Approve the purchase of a records storage cabinet.**

Carried 9/0

12.1.8 STATUTORY COMPLIANCE RETURN

File No: X4.13
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 8 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2004; 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 carry 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 2004 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 two areas where the Town of Cottesloe failed to comply with the requirements of the Local Government Act.

They related to:

- The non-declaration of proximity interests by two elected members at a Special Council meeting held in September 2004 which considered residential densities for proposed Town Planning Scheme No. 3. The matter was redressed at the ordinary meeting of Council held in November 2004.
- The failure of three elected members to provide the CEO with their Annual Returns by 31st August 2004.

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

12.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council adopt the Compliance Audit Return for 2004 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 9/0

12.2 ENGINEERING

12.2.1 REMOVAL OF NORFOLK ISLAND PINE TREE - 7 AVONMORE TERRACE

File No:	7 Avonmore Tce
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	9 March, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

A letter has been received from 7 Avonmore Terrace requesting solution to the problem of tree roots from a Norfolk Island Pine tree progressively making a brick paved crossover less usable.

This report recommends the removal of the tree.

STATUTORY ENVIRONMENT

Council has the vested responsibility from the Local Government Act of care, control and maintenance of the road reserve. This includes all street trees and the area of the verge, including crossovers.

POLICY IMPLICATIONS

Council adopted a new Street Tree policy in February, 2005 which states:

(1) OBJECTIVE

To recognise the environmental and aesthetic contribution that street trees make to the continuing development and presentation of streetscapes, by:

- selecting, planting and maintaining street trees, which enhance both existing and future streetscapes;
- creating a setting in sympathy with the function and appearance of the adjacent land uses, a safe and comfortable pedestrian environment, and cater for vehicular traffic;
- promoting the use of indigenous vegetation, including trees, on road reserves, to extend the habitat of native birds and animals in urban areas.

(2) PRINCIPLE:

Street trees should be established on every street and road in the Town of Cottesloe, with one tree fronting every property, supported by proper systems of protection, watering, pruning and processes for species selection.

(3) ISSUES:

- A balance is required between the Norfolk Island Pine tree as the Cottesloe 'Icon' tree and other tree species.
- Many existing tree species in Cottesloe were poorly chosen in the past and these mature trees are providing a variety of problems.
- The large range of street verge widths, up to 15 metres wide requires flexibility in species choice and planting locations to achieve the one tree per property aim.

- Ratepayers and residents vary in their attitudes to street trees and individual trees may suffer damage or die from 'unknown causes' in areas where they cause problems to houses and properties.
- Street trees can be a major source of public liability concerns due to root damage of drainage, paths, kerbing and crossovers on the verge and a variety of problems in private property.
- Supporting street trees on every verge is an expensive task, requiring substantial annual budget support. Normal maintenance costs are ongoing and the cost of damage caused by street trees in major storms can be very high.

(4) POLICY:

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
 - restoration of a view,
 - alternative species requested by resident,
 - a desire to re-landscape,
 - house alterations requiring crossover relocation,
 - shading of lawns, pools,
 - swimming pool installation – root or falling leaf problems,
 - perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
 7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
 8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
 9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;
- aggressive self seeding; and
- unacceptable toxicity.

STRATEGIC IMPLICATIONS

The most applicable section of the Strategic Plan is under District Development/Environment/Streetscape, which states:

Provision of clean, safe, sustainably managed streetscapes with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

FINANCIAL IMPLICATIONS

Approximately \$1,000 for removal of tree, plus \$500 for crossover repairs (maintenance provision for street tree removals).

BACKGROUND

The Norfolk Island Pine tree is planted on the west side of Avonmore Terrace, close to both the kerbline and brick paved crossover into No. 7 Avonmore Terrace. No. 7 Avonmore Terrace is on the corner with Princes Street.

The crossover is now in a rough/undulating condition due to the tree roots growing under the bricks. The tree is large but will continue to grow for some years, creating the expectation that the tree root problem will get worse.

The site is not sheltered and the tree will receive an increased wind load as it grows in size. Therefore, the cutting/removal of the tree roots causing the problem would be unwise. New roots would grow and repeat the problem if the tree remained after the initial root trim.

There is no product known to staff which would be a permanent solution, particularly with the size of tree involved and the continuing root growth.

CONSULTATION

Only the owner of No. 7 Avonmore Terrace has been consulted, regarding this matter.

STAFF COMMENT

The tree appears to have been planted by Council staff. The location of the crossover would have been approved as part of the building plans. As the unevenness of the crossover brick paving becomes worse, the situation could be seen as increasing Council's exposure to a liability claim, in the case of injury or property damage.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER RECOMMENDATION

That Council resolve to approve the removal of the Norfolk Island Pine tree beside the crossover entry into No. 7 Avonmore Terrace, Cottesloe at Council's cost and that the owners of 7 Avonmore Terrace be advised.

12.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That:

- (1) The surrounding residents be consulted regarding the proposed removal of the tree, requesting their feedback; and**
- (2) If there is any negative feedback the matter to be brought back to Council before any removal of the tree is undertaken.**

Carried 9/0

12.2.2 NAPIER STREET (NO. 2) PUBLIC CARPARK - LIGHTING

File No: E 9. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

No. 2 carpark at the corner of Marine Parade and Napier Street, has four existing light poles with single lights on each pole. In 2003, Western Power was paid to install a new power inlet, at the north west corner, for provision of power to a new total area carpark lighting system.

There has been a series of requests for this lighting, over a period of years.

This report recommends a new carpark lighting system, funded from the reallocation of funds proposed for the development of the North Cottesloe Surf Life Saving Boatshed deck area.

STATUTORY ENVIRONMENT

This area is vested in Council. Council therefore is responsible for the condition and management of the infrastructure, including adequate lighting.

POLICY IMPLICATIONS

No policy has been adopted by a Council on this subject.

STRATEGIC IMPLICATIONS

No specific reference is made by the Strategic Plan for the lighting of carparks.

FINANCIAL IMPLICATIONS

The estimated cost of the new system is \$40,000. This has not been budgeted in 2004/05. The proposed funding source is a reallocation of funds from the \$45,000 budgeted for the development of the North Cottesloe Surf Life Saving Club Boatshed deck area.

BACKGROUND

Napier Street (No. 2) carpark has four single internal light poles with single luminaries per pole. This system provides nowhere near the standard of lighting required for public carparks.

The lack of adequate lighting at this carpark has had ongoing community comment in recent years. The Community Safety Audit of 2001 viewed inadequate lighting as a safety concern, particularly if combined with areas of thick vegetation.

Prior to 2004, Council had paid Western Power to install a new power inlet on the north end of the Marine Parade frontage. This has not yet been installed because details of the power requirements have not been finalised. Details were available

from 2003 of the layout required, plus numbers of poles and luminaries, to achieve the required lighting standard.

Staff have now been able to update these designs and get quotations to install cables, provide new poles and lights, relocate the four existing poles and complete the installation.

CONSULTATION

No consultation has occurred with residents. Letters would be sent to residents on the south side of Napier Street, if this proposal is approved.

STAFF COMMENT

There appears to be community support for this large carpark to be properly lit, for public safety and the control of unwanted behaviour.

The design requires nine new poles plus the existing four poles relocated, plus 17 new luminaries. A new cable layout is required to serve these poles plus the reinstatement of the trenching

The delivery lead time for pole supply is approximately eight weeks. This is a project that appears to have languished for some time, but is not included in the 2004/05 budget.

The options are:

- (a) do not undertake the project;
- (b) consider funding in the 2005/06 budget; and
- (c) reallocate funds from the \$45,000 allowed for the North Cottesloe Surf Life Saving Club Boatshed deck upgrade.

The North Cottesloe Surf Life Saving Club Boatshed deck project is held up because of proposed plans by the Club for major building changes/additions at the site which may prevent any future public use of the deck area. There is also some problems with the lease covering the site. The Club has been requested to meet with staff to discuss their proposals.

It would appear, therefore, that this process will stop any actual expenditure on the deck area by Council in 2004/05.

VOTING

Absolute Majority

DECLARATION OF INTEREST

Cr Furlong declared a proximity interest due to residing at 134 Marine Parade and left the meeting.

COMMITTEE COMMENT

As the absence of Cr Furlong from the meeting would have frustrated the attainment of a quorum, it was decided to hold the matter over for consideration at the next Council meeting.

12.2.2 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council resolve to fund the upgrading of the Napier Street carpark (No. 2) lighting in 2004/05, for an estimated cost of \$40,000 from the reallocation of funds from the \$45,000 budgeted for the upgrading of the North Cottesloe Boatshed deck.

Carried 8/0

Cr Furlong returned to the meeting at 8.57pm.

12.2.3 MAJOR ROAD REHABILITATION AND IMPROVEMENT PROGRAM

File No: X 8.14
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 25 February, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to provide an updated program of major road rehabilitation and improvement projects for the next five years.

STATUTORY ENVIRONMENT

No specific statutory requirements are associated with this report, however the intention is to provide forward planning for major road projects to satisfy State Government guidelines for the Metropolitan Regional Road Grant program.

POLICY IMPLICATIONS

The applicable policy is Long Term Engineering Programs adopted by Council in May, 2004, which states:

(1) *Objective:*

The provision of long term programs for the construction, upgrading and rehabilitation of all significant infrastructure within the Town of Cottesloe.

(2) *Principle:*

Within the context of a ten year capital works program and a Principal Activities Plan, five year forward plans for urban roads, drainage, footpaths, parks and gardens, parking areas and other significant infrastructure areas are to be created and reviewed annually, with updated programs being available to the public.

STRATEGIC IMPLICATIONS

The strategic aims of community safety, preservation of built heritage and Asset Management Plans apply, as the preservation of the Town's assets is essential where those assets are to be retained. The provision of well-maintained and designed roads recognises the need to provide a safer environment for the community.

FINANCIAL IMPLICATIONS

The proposed expenditure is consistent with the Principal Activities Plan. Identifying projects in this timeframe allows the Town to seek significant funding grants from Government sources, reducing the potential burden on the Town.

BACKGROUND

Development of the five year programs provides for a strategic view of asset management funding, that includes preservation or improvements of existing, as well as development of new, assets.

The Road Rehabilitation category of projects listed in this report are those eligible for funding through the Metropolitan Regional Road Group (MRRG) pool of funds. These projects attract two-thirds funding from the State Government. Generally roads having a traffic threshold of 2000 vehicles per day and classified as Local Distributor, District Distributor A or B are eligible.

The nature of the work eligible under the guidelines is for pavement rehabilitation (reconstruction). That is, the focus is on the road pavement component and not on major streetscape, footpath, street lighting and drainage improvements. The submission guidelines incorporate a weighted point scoring system that allows comparison with other projects across the metropolitan area.

A major factor in the point score achieved is the efficiency calculation wherein the project's overall per square metre rate is compared to benchmark figures. This calculation effectively penalises submissions structured with unnecessary expensive reconstruction techniques or excessive ancillary components added in to the submission, for example footpath upgrades, major drainage improvements etc.

The Town has developed a proposed program beyond 2004/2005 with the opportunity for MRRG funding. Completion of the MRRG submissions in the past showed that the visually worst roads proposed for funding submissions were often not the technically worst roads after road testing has been completed.

A successful road funding submission aimed at maximising the grant funds received reduces the financial burden on the Town of maintaining and upgrading its major road network.

This report outlines the coordinated application of major road rehabilitation funding allocations proposed over the next five years. The strategy has been developed from anticipated funding levels as incorporated in the Principal Activities Plan.

Submissions to MRWA are made annually, with changes being possible in the five year program every year. This program is aimed at maximising the income from MRRG sources per annum, based on the potential maximum points scored in each road submission. All roads involved are fully Council's responsibility, with Council total funding eventually required if no MRRG funds are provided.

The benefits of a strategic view include:

- forward planning of MRRG project submissions;
- more detailed planning within the framework of the Principal Activities Plan and 10-year Capital Works Program;
- synergies gained through integration of road rehabilitation and other road-type programs, eg local street works, laneway improvements and footpath projects.

Main Roads WA requires that a five year forward program of projects be updated and submitted annually with detailed submissions for the first two years. The list of projects proposed for submission later this year is attached.

CONSULTATION

Consultation will take place for each road project on a case by case basis, when funds are approved and draft designs completed. The majority of these projects are purely the replacement of failing asphalt surfacing and kerbing, plus the upgrading of grated damage puts to side entry puts and soak pits, requiring little consultation.

STAFF COMMENT

Council was informed in December, 2004 of the Transport Minister's commitment to return \$23.4m to road funding previously removed over two budget periods. This resulted in an offer to the Town of Cottesloe of a \$172,334 Regional Road Grant for the upgrading of sections of Curtin Avenue and Railway Street.

In December, 2004 the expected commitment was that Council fund its required one third cost (\$86,167) this financial year and complete the extra works in 2004/2005. This commitment was agreed to by Council.

The State Government has now agreed to fund its two thirds contribution of \$172,334 this financial year but Council may fund the remaining one third cost (\$86,167) and complete the two projects by the end of June, 2006.

Therefore, to remove the pressure on the 2004/2005 budget created if the extra \$86,167 had to be found for this year, the works are now proposed for 2005/2006, with both expenditure and Council's provision of \$86,167 being included in that financial year's budget.

The only other project possible for funding by a Regional Road Grant in 2005/2006 is Marine Parade, from Napier Street to Jarrad Street. The project is listed as a Reserve project (to be financed with spare funds if higher scored projects are not proceeded with by other Councils).

Decisions on the final list to be put to the Minister for approval have not yet been completed. These are the three projects for year one (2005/2006) of the Major Road Rehabilitation and Improvement Program. The remaining four years of the program are compiled to try and achieve the best results for grant income, with the expected highest scoring projects being first.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Strzina raised concern that when this work is done there is no where for cyclists to ride, except into the traffic. He asked whether a cycle ramp would be feasible.

The Manager Engineering Services advised that remaining funds after the blackspot project is completed can be spent on additions, such as cycle ramps, handrails etc.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Adopt the Five Year Major Road Rehabilitation and Improvement Program, with this program forming the basis of future annual Capital Works Programs; and**
- (2) Include year one of the Major Road Rehabilitation and Improvement Program in the draft 2005/2006 budget, subject to sufficient funding being available.**

Carried 9/0

12.2.4 MAIN ROADS WA - HEAVY VEHICLE ACCESS PROJECT

File No: X 8.14
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 10 March, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Main Roads WA is working on a 'Heavy Vehicle Access Project' which will map all approved routes for heavy vehicle access. This does not include any future extensions or proposals of change for these existing and new routes.

Main Roads WA requests endorsement of these routes or any amendments necessary within any Council area.

The recommendation is that Council endorse the plans showing existing heavy vehicle access routes.

STATUTORY ENVIRONMENT

Only Main Roads WA has the regulatory powers to approve over height, over width, over weight, over length and 'special' permits for vehicles using public roads. Council has the opportunity to comment on very large loads and any new route proposed by MRWA for such loads, but the Minister has powers to override any Council decisions on this matter.

POLICY IMPLICATIONS

No existing Council policies are affected by this matter.

STRATEGIC IMPLICATIONS

There are no specific areas of Council's Strategic Plan that addresses this issue.

FINANCIAL IMPLICATIONS

There are no financial implications with this issue.

BACKGROUND

The only route in the Town of Cottesloe shown on any MRWA map for a formal heavy vehicle assess is Curtin Avenue into West Coast Highway. The plans on which Main Roads WA are requesting endorsement only show roads that currently operate as 'general endorsement routes under permit conditions'. These roads have carried 'permit required' trucks for many years, with Local Government accepting that they don't need to comment on every load that needs a permit. No problems are seen for the Town of Cottesloe, with these maps and endorsement of the project.

Council has received a presentation from Mr Des Snook, the Executive Director for Road Network Services (February, 2005 Council Meeting) who made the main point that this project is about how to provide a more effective control system for heavy vehicles, not about new routes or extra vehicles or certain routes.

CONSULTATION

No consultation has occurred with residents on this matter.

STAFF COMMENT

The maps requested for endorsement are part of a total project. These maps show what the existing routes are, where the affected Council's have shown no concern in the past, and which can be mapped as a generally approved network for 'permit required' loads.

The West Coast Highway connection to Fremantle via Curtin Avenue has carried this type of loads for many years.

In due course, MRWA will compile other maps to extend old routes or create new routes for heavy haulage, for future Council consideration.

Short term restrictions or restrictions on individual parts of a route (due to roadworks or changed intersections etc) can be applied at any time.

VOTING

Absolute Majority

COMMITTEE COMMENT

The Manager Engineering Services tabled a letter that was received from Main Roads WA on 21 March, 2005 acknowledging Council's concerns in relation to heavy vehicles by notices on Curtin Avenue.

COUNCIL COMMENT

Generally the Councillors did not support trucks using Curtin Avenue and would prefer that alternative transport solutions be sought by Main Roads WA.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council endorse the Main Roads WA plans showing proposed Class 2 and 3 Notice Roads within the Town of Cottesloe, for Heavy Vehicle Access.

Lost 2/7

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2005**

File No:	C17.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	28 February 2005
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 28 February 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It will be noted from the Operating Statement on page 3 of the Financial Statements for the period ending 28 February 2005 that the net change in assets is \$374,323 more favourable than the year to date budget estimate. Whilst much of this appears to result from timing differences some variances will continue to year end. Specifically, employee costs in the area of Town Planning is \$84,737 higher than expected at this time and is expected to be \$136,000 more than budgeted for at year end. The additional costs in this area largely relate to targeting resources at the new town planning scheme project and the impact of proposed significant developments in the town. Offsetting this is lower than expected expenditure in the area of Town Planning Legal Expenses. The year to date actual was \$87,504 lower than budget predictions at the end of February and is expected to be \$65,000 lower at year end. Town planning income is higher than expected at this time due to the receipt of grant funding (\$20,000 inc GST) for the town centre study and increased planning fees

(\$10,298). Both are expected to impact on the year end result by providing a total of \$40,000 more revenue than budget for.

Overall expenses in the area of Economic Services – Building Control are \$20,284 lower than expected to the end of February and expected to be in the order of \$10,000 lower at year end. Revenue from building fees was \$18,100 more than expected at this time and is expected to be at least \$20,000 more than budgeted for at year end.

Revenue from General Purpose Funding is higher than expected that this time primarily due to Income on Investments being up \$16,406, and Administration Charges (on rate instalments) being up \$4,464 on expectations. Both should impact favourably on the year end result.

Revenue in the area of Transport is \$89,585 lower than expected according to the statements however this is affected by the timing of grant funding being received (\$156,938). Parking revenue was \$26,513 higher to date than expected and is forecast to exceed budget estimates at year end. Unanticipated revenue from a Cities for Climate Protection Grant of \$6,000 and a \$21,495 contribution toward path repairs (as part of a building project) impact on the current statements and will impact favourably on the year end position as compared to budget estimates.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 28 February 2005, as submitted to the March 2005 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 28 FEBRUARY 2005

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 28 February 2005
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 28 February 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investment on page 33 of the Financial Statements shows that \$2,416,119.66 was invested as at 28 February 2005. Of this \$555,852.91 was reserved and so restricted funds. Approximately 31% of the funds were invested with the National Bank 60% with Home Building Society, and 9% with Bankwest.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 28 February 2005, as submitted to the March 2005 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY, 2005

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 28 February, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the List Of Accounts on pages 27 to 29 of the Financial Statements brought to Council's attention include:

- \$12,350.80 to TAPSS for Cottlesloe's contribution for the half year to 30 June 2005.
- \$15,537.50 to Hocking Planning and Architecture for fee relating to the Heritage Review project.
- \$40,160.76 to Fire and Emergency Services Authority for levy collections for November and December.
- \$37,544.66 to ATO for January BAS.
- \$11,022.00 to B7N Waste P L for green waste collection services.
- \$20,263.74 to WMRC for transfer station fees.
- \$32,883.53 to Wasteless for rubbish collection services.
- \$47,805.42 and \$48,031.47 for February payroll.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 28 February, 2005, as submitted to the March 2005 meeting of the Works and Corporate Services Committee.

Carried 9/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 28 FEBRUARY, 2005**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 28 February, 2005, 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 Debtor report on page 32 of the Financial Statements shows a balance of \$45,449.68 of which \$20,217.57 relates to the current month.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 28 February, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 28 February, 2005.**

Carried 9/0

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 WMRC FUTURE DIRECTIONS PLAN 2005/2009**

File No:	D15/14
Author:	Ms Ruth Levett
Author Disclosure of Interest:	Nil
Report Date:	15 February, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to inform Elected Members of the development of a Future Directions Plan by the Western Metropolitan Regional Council (WMRC) and to seek Council's endorsement of the Plan.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with Council's Strategic Plan, an objective of the goal of Environment states:

A waste management programme which promotes sustainability through maximised recycling (including greenwaste), minimised landfill, minimal impact of stormwater on the environment and high public awareness.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In May, 2004 the WMRC resolved to develop a Future Directions Plan. In July, 2004 the Chief Executive Officer of the WMRC reported on the proposed process for the development of the Plan. A stakeholder survey was undertaken as a first step and the first of three workshops attended by technical staff and Elected Members, was subsequently conducted in August, 2004. Work on the draft Plan was completed in January, 2005.

The Regional council at its Ordinary Council meeting of Thursday, 3 February resolved that:

1. *The Western metropolitan Regional Council's Future Directions Plan 2005-2009 dated 18 January 2005 is endorsed as the final draft of this document.*
2. *The Member Council's be invited to endorse and/or comment on the Western Metropolitan Regional Council's Future Directions Plan 2005-2009 for inclusion in the adoption of the document at the April 2005 Ordinary Council meeting.*

A copy of the Future Directions Plan is attached.

STAFF COMMENT

A number of significant factors have contributed to the changes in waste management in recent years. These include:

- Environmental impact of waste
- Waste of valuable resources
- Social acceptability of traditional and alternative waste collection and disposal methods
- Financial sustainability
- Government policy

Many Councils have achieved the maximum diversion of waste that can be accomplished through their current system of waste collection and disposal. To achieve higher diversion rates, they must now explore alternative means to convert waste into resources such as recycled products, energy or compost.

The WMRC has made some significant changes to its operations to meet the challenges it now faces. Some of these changes include the adoption of the Earth Carer Programme, the ORT trial to convert general waste into energy and compost, and the investigation of a future relationship with the Shenton Sustainability Park. The Establishment Agreement has been amended to reflect these changes and others that may present in the future.

It was recognised that, apart from the Establishment Agreement, an overarching strategic document was required to accommodate the decisions being made by the WMRC. Prior to this time, the organisation lacked a suitable vision and strategies for the administration and Elected Members to use as a guiding document for the future direction of the organisation.

Rather than responding to the environment, with little or no sound basis for decisions, the implementation of the Future Directions Plan 2005/2009 will provide a strategic direction for the WMRC to follow. It provides a long term vision with strategies to achieve that vision. The goals, objectives and strategies of the Plan are consistent with Council's Strategic vision for its waste management system and therefore, it is recommended that the WMRC's Future Directions Plan 2005/2009 be endorsed.

VOTING

Simple Majority

14.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Robertson

That Council endorse the Western Metropolitan Regional Council's Future Directions Plan 2005/2009.

Carried 9/0

14.2 SCULPTURE PURCHASE

The purchase of a sculpture from the Sculpture by the Sea exhibition was raised as an item of urgent business.

Mayor Rowell asked for a show of hands as to whether Council considered it a matter of urgent business.

As there were only four elected members, of the nine present, who considered the matter as business of an urgent nature (Crs Sheppard, Morgan, Walsh and Strzina) the Mayor declared the majority view to be that the matter did not constitute business of an urgent nature.

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.15 pm.

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