

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 13 DECEMBER, 2004**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00pm.

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

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

Officers

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

Apologies

Cr Bryan Miller
Mr Simon Bain

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Cunningham

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

Carried 10/0

Moved Cr Strzina, seconded Cr Cunningham

The Minutes of the Special Meeting of Council held on Thursday, 2 December, 2004 be confirmed.

Carried 10/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8 PUBLIC STATEMENT TIME

Mr T Lemann – Item 11.1.1, No. 9 Rosendo Street – Proposed Change of Use to ‘Professional Offices’ and Alterations/Additions

Mr Lemann said that good progress is being made and no expense is being spared. The Heritage Council are in support of the project. It is felt that it would be a great shame if the project was stalled by Council. The parking issues have been resolved by the relocation of all 14 parking bays on the property. Mr Lemann hoped that Councillors would support the request for flexible use for No. 7.

Mr T Smith, Tukurua – Item 11.1.1, No. 9 Rosendo Street – Proposed Change of Use to ‘Professional Offices’ and Alterations/Additions

Mr Smith encouraged Councillors to support the request for flexible use for No. 7. The concern in relation to the four garages and deck has been eliminated by relocating the garages. Mr Smith provided to Councillors a new concept sketch. He noted that during summer was a good time to work on Tukurua and encouraged the Councillors to keep the proposal moving.

Mr S Yeo, 27 Margaret Street – Item 11.1.5, No. 27 (Lot 42) Margaret Street – Two Storey Addition and Alterations

Mr Yeo tabled copies of photographs of his block and noted that his lot is small and therefore not a normal building lot. The existing cottage in the front will be retained. There will be no overshadowing to the lot on the south side (currently the sump). The complete front portion of the sump will remain in sunlight all day. Mr Yeo asked Council to support the approval of the application.

Mr D Manton, 5 Deane Street, Item 11.1.7, No. 5 Deane Street (Lot 2) Deane Street – Proposed Balcony Addition to an Existing Grouped Dwelling

Mr Manton advised that he has appointed a planner to assist him with his application, however the planner has been unable to produce the required

information in time for this Council meeting. Mr Manton requested that the item be deferred until the February, 2005 round of meetings.

Mr C Oma, 320 Onslow Road, Shenton Park – Item 11.1.8, No. 14 (Lots 50 and 51) Edward Street – Preliminary Proposal for Conversion of the Church into a Residence and Subdivision of the Rest of the Land into 300m² Lots.

I have purchased the Hardy Memorial Church at 14 Edward Street. I am not a developer, I have a passion for church buildings and the Gothic style generally. I feel very privileged and excited to have the opportunity to create a family home for my wife, young son and daughter within this fabulous building. I do not wish to change the character of the church at all. All proposed additions will be built externally and to the rear of the building only. I intend to restore the church to its original condition including removing the paint from the face brickwork, re-tuck pointing the façade and replacing the asbestos roof. I have 20 years experience renovating and restoring buildings of this era, having purchased my first home at the age of 22 in North Perth overlooking the Redemptionist Moastery located on Vincent Street. I have just completed a five year project in which I converted an old deli located at 320 Onslow Road, Shenton Park into a residence, which is referred to as a landmark building in the district. I am a perfectionist and will go to a great deal of trouble and expense to achieve a high level of finish. I wish to be able to subdivide the balance of the land into three equal separate lots of 300m² to create the necessary funds that will be required to undertake my proposed refurbishment and extension of the church. Mr Oma requested that Council support his application.

Mrs G Matthews, 128A Broome Street – Item 12.2.5, Rights of Way and Laneways Policy

Mrs Matthews spoke in relation to discouraging pedestrians in using the laneways. She requested that the word 'pedestrian' in new principal No. 6 be deleted. It is a Council policy to encourage walking and use of these laneways as shortcuts means a great deal to pedestrians.

Mr J Hull, 49 John Street

Mr Hull suggested that a referendum be held in relation to the height of the Cottesloe Beach Hotel development, to put the matter to rest once and for all. He advised Council that he will move a motion in relation to this at the Annual Electors Meeting.

Mr M Huston, PO Box 400 – Item 11.1.1, No. 9 Rosendo Street – Proposed Change of Use to 'Professional Offices' and Alterations/Additions

Mr Huston stated that if rezoning is undertaken on the site there should be readvertising, according to the requirement of the Act.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 6 DECEMBER 2004****11.1 PLANNING****11.1.1 NO. 9 ROSENDO STREET - PROPOSED CHANGE OF USE TO 'PROFESSIONAL OFFICES' AND ALTERATIONS/ADDITIONS**

File No:	No. 9 Rosendo Street
Author:	Mr Simon Bain
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from HCWA Correspondence from Applicant Submissions Received (16)
Report Date:	30 November, 2004
Senior Officer:	Mr Stephen Tindale
Property Owner:	Mr Edward Smith
Applicant:	Mr Tom Lemann
Date of Application:	5 August 2004
Zoning:	Residential
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R30
Lot Area:	5001m²
M.R.S. Reservation:	N/A

SUMMARY

An application has been received for a change of use and additions and alterations to the dwelling at No. 9 Rosendo Street, Cottesloe.

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

PROPOSAL

The proposal is minor modifications to the original fabric of Tukurua in the form of male and female toilets on each floor, a full kitchen downstairs and a tea-prep upstairs.

In terms of land use, it is proposed to be professional offices. There will be a total of 8 rooms available for office space with a total staff of 16 persons. Hours of operation will be normal business hours during the week. 14 car parking bays are proposed.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Home Occ and Prof Offices in Residential Zone Policy No 007
- Vehicle Parking Requirements Policy No 001

HERITAGE LISTING

- State Register of Heritage Places Interim
- TPS No 2 Schedule 1
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory Category 1
- National Trust Listed

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setback Requirements	3.3.2A2iii walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback to one side boundary.	2.7m high wall on boundary for less than 2/3 the length of the boundary behind the front setback	

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering
- Health

External

- Heritage Council

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 Surrounding Property Owners

Submissions

There were 38 letters sent out. There were 15 submissions received, of which 14 were objections. Details of the submissions received are set out below:

13 submissions were received, of which 2 were in support and 11 were objections. The issues raised in the objections included:

- Verge parking and safety
- Traffic impacts
- Amenity
- Commercial land uses
- Location of on-site parking
- Precedent
- Loss of view if there is further development
- Overlooking from east facing balcony

STAFF COMMENT

The following comments are made:

1. Heritage Consideration – (State)

The development site is on the State Register of Heritage Places. Therefore, the Council cannot make a determination on the development application until Council has received the comments of the Heritage Council. These comments are now at hand.

The Heritage Council has advised:

1. *That in support of the ongoing conservation of Tukurua, the proposed change of use of No. 7 Rosendo Street from 'residential' to 'professional offices' is supported subject to satisfaction of the conditions outlined below.*
2. *That the proposed alterations and additions to effect the change of use are supported subject to the following conditions:*
 - i *Existing timber floors are to retained in-situ in the proposed wet areas and not removed. Floors may be sheeted over, however this is to be done in a reversible manner such that impact on the original fabric is minimized.*
 - ii *Universal access issues do not appear to have been addressed as part of the current development application or change of use application. Compliance with universal access requirements has potential implications for original fabric as modifications may be required to achieve compliance. The applicant is requested to provide further information specifically outlining any modifications required in this regard.*
 - iii *It is noted that it is not proposed to construct a covered access from the proposed new carport to the proposed offices. In the event that a covered access is required for amenity, a revised application would need to be submitted to the Heritage Council for consideration.*

2. Objections

The issues raised in the objections are discussed below:

- Verge parking and safety – modified plans have been submitted that deletes the verge parking.
- Traffic impacts – the proposed development will generate additional traffic but it is considered there is spare capacity in Rosendo Street. Development of the site for residential units could result in increased traffic volumes.
- Amenity – the proposal sees restoration of the original dwelling which is included on the State Heritage Register. Retention of the dwelling will increase the amenity of the area. The only impacts on amenity are the commercial use and the increased traffic, which are dealt with separately.
- Commercial land uses – Council has the ability to approve Professional Offices as they are a discretionary (AA) land use. In this case the proposed development will see retention and restoration of the existing dwelling and as such there is significant merit in the proposal. The hours of operation are normal business hours on weekdays only and as such there are no impacts at night and on weekends when residential quite has higher value.
- Location of on-site parking – the car parking is located on site so as to not cause impacts. The hours of operation are normal business hours on weekdays only and as such there are no impacts at night and on weekends when residential quite has higher value.

- Precedent – this is not a relevant consideration. Each development application needs to be considered on its merits and in this case the proposal has considerable merits.
- Loss of view if there is further development – this objection is only in relation to possible future development. If further development is proposed this issue can be considered at that time.
- Overlooking from east facing balcony – there is no new balcony proposed and as such there will be no overlooking.

3. Discretionary Land Use

Council has the ability to approve Professional Offices as they are a discretionary (AA) land use. In this case the proposed development will see retention and restoration of the existing dwelling and as such there is significant merit in the proposal. The hours of operation are normal business hours on weekdays only and as such there are no impacts at night and on weekends when residential quite has higher value. All other issues are adequately addressed.

4. Car Parking

The floor area is estimated to be 430m² and based on TPS2 requirements of 1 bay per 40m², a total of 11 bays are required. 14 bays are proposed, well in excess of the requirement.

CONCLUSION

The proposed development has significant merits and will see retention and restoration of the existing dwelling included on the State Heritage Register. The proposal is supported by the Heritage Council, subject to conditions. The proposal will not result in any significant adverse impacts on the amenity of the locality and as such the development should be supported.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Proposed Change of Use to 'Professional Offices' and Alterations/Additions at No. 9 Rosendo Street, Cottesloe in accordance with the plans submitted on 15 November 2004, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) Hours of operation being weekdays only between the hours of 8.00am and 5.30pm. Any variation to these hours to be the subject of a separate application.
- (7) Upgrading to the satisfaction of the requirements of the Heritage Council.

COMMITTEE RECOMMENDATION

That Council:

- (1) Defer consideration for the application for change of Use to 'Professional Offices' and Alterations/Additions at No. 9 Rosendo Street to the February 2005 round of meetings.
- (2) Request the applicant to prepare a master plan for No's 1, 5, 7 & 9 Rosendo Street that addresses the future uses and development for the whole site.
- (3) Advise submitters of Council's decision.

COMMITTEE COMMENT

Committee would like the owner to submit concepts plans for the whole site and discuss with them the potential for the site. Before Committee can approve the change of use they would like the local residents to consent to it.

Committee therefore moved that the matter be deferred to the February round of meetings.

AMENDMENT

Moved Mayor Rowell, seconded Cr Furlong

That the committee recommendation be amended to include the following as No. (3) and that the current (3) become (4):

- (3) Request Mr A Jackson, Manager Development Services, to meet with Mr Smith to discuss potential future mixed uses/activities of No. 9 Rosendo Street.

Carried 8/2

AMENDMENT

Moved Cr Morgan, seconded Cr Walsh

That the officer recommendation, with the addition of Mayor Rowell's amendment, be put.

Lost 8/2

The vote was recorded:

For: Cr Morgan, Cr Walsh.

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

11.1.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) Defer consideration for the application for change of Use to 'Professional Offices' and Alterations/Additions at No. 9 Rosendo Street to the February 2005 round of meetings;**
- (2) Request the applicant to prepare a master plan for No's 1, 5, 7 & 9 Rosendo Street that addresses the future uses and development for the whole site;**
- (3) Request Mr A Jackson, Manager Development Services, to meet with Mr Smith to discuss potential future mixed uses/activities of No. 9 Rosendo Street; and**
- (4) Advise submitters of Council's decision.**

Carried 8/2

The vote was recorded:

Against: Cr Morgan, Cr Walsh.

For: Mayor Rowell, Cr Cunningham, Cr Furlong, Cr Jeanes, Cr Robertson, Cr Sheppard, Cr Strzina, Cr Utting.

11.1.2 NO 24 (LOT 15) PRINCES STREET – 8 AGED AND DEPENDENT PERSONS DWELLINGS/MULTIPLE DWELLINGS

File No:	No 24 Princes Street
Author:	Ms Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant Report & minutes from November meeting of Council
Report Date:	30 November, 2004
Senior Officer:	Mr Simon Bain
Property Owner:	Seaside Properties Pty Ltd
Applicant:	Greg Rowe & Associates
Date of Application:	5th August 2004
Zoning:	Residential
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R30
Lot Area:	1702m²
M.R.S. Reservation:	N/A

SUMMARY

The application for 8 Aged and Dependent persons Dwellings/Multiple Dwellings on the subject property was deferred by Council for consideration at the December round of meetings.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3.3.1 – Boundary Setbacks	Required Setback (metres)	Proposed Setback (metres)	Clause No – P(No)
East basement (whole)	1.5	1.2 – 3.7	Clause 3.3.1 – P1
West basement (whole)	1.5	1.2 – 3.7	Clause 3.3.1 – P1
North Upper (whole)	7.0	6.7	Clause 3.3.1 – P1
West Upper (Master Suite, Dining, Living)	2.2	1.3 – 2.4	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Sign on Site
- Letter to Adjoining Property Owners

Submissions

Summary of the submissions was provided in the November report to Council.

STAFF COMMENT

Council received amended plans from Greg Rowe & Associates (applicant) on 29th November 2004. The wall height of the development was lowered to RL 16.00m and the roof ridge height was lowered to RL 18.5m. The proposal is now in compliance with the statutory height requirements under the Clause 5.1.1 of the TPS 2.

As there were no other changes made to the proposal the report prepared for the November round of meeting still applies with the exception of the advice regarding non-compliance with the statutory wall and roof height requirements.

Additional comments provided by the applicant

The applicant provided additional comments in regards to the objections received from the adjoining property owners (Please refer the letter from Greg Rowe & Associates dated 30 November 2004 in the attachments)

CONCLUSION

Council is advised to reconsider the information provided in the November report to Council. The application does not comply with the acceptable development standards of the R-Codes and it is also considered that the proposal does not satisfy the relevant performance criteria.

It is recommended that the application be refused for the reasons outlined below in the "Officer Recommendation" section.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) REFUSE its Approval to Commence Development for the Aged and Dependent Persons Dwellings/Multiple Dwellings at No 24 (Lot 15) Princes Street, Cottesloe in accordance with the plans submitted on 29th November 2004 , as Council is of the opinion that:
 - (a) The proposal does not comply with the maximum plot ratio of 80 m² required under the acceptable development standard A2 (i) Clause 4.1.2 of the R-Codes, which results in the excessive building bulk;
 - (b) The amenity of the adjoining properties and the streetscape would be negatively affected due to the proposed building bulk;
 - (c) The proposal does not comply with the Acceptable Development Standard A2 (iii) and the Performance Criteria P2 Clause 4.1.2 of the R-Codes, as none of the 8 units fully comply with the AS 4299 (Adaptable Housing) to the adaptable House class B standard;

- (d) Convenience shopping and public transport are not easily accessible from the subject site;
 - (e) The topography of the locality would present difficulty for aged or dependent persons.
- (2) Advise the submitters of Council's decision.

COMMITTEE COMMENT

The Committee moved to defer the matter as per the applicant's request.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **Defer consideration of the application for Approval to Commence Development for 8 Aged and Dependent Persons Dwellings/Multiple Dwellings at No. 24 (Lot 15) Princes Street to the February round of meetings; and**
- (2) **Advise the submitters of Council's decision.**

Carried 9/1

11.1.3 NO 45B (LOT 5) GRANT STREET - ALTERATIONS AND ADDITIONS TO A GROUPED DWELLING

File No:	No 45B (Lot 5) Grant Street
Author:	Mr Angus Money
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant Submissions (3)
Report Date:	30 November, 2004
Senior Officer:	Mr Simon Bain
Property Owner:	Mr & Mrs Linsten
Applicant:	Charlie Robertson
Date of Application:	30 November, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	380m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for ground floor and upper floor additions to an existing grouped dwelling.

Given the assessment that has been undertaken, the recommendation is for refusal.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes
- Strata Titles Act

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1	Wall height – 6.0m Roof height – 8.5m	Wall height – 6m Roof height – 8.5m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Building Heights	Wall height – 6m Roof height – 8.5	Wall height from street – 7m Roof height from street – 9m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
2 – Streetscape			
<i>Northern Lower</i>	Setback from verandah; 5m provided that such projection does not exceed 20% of frontage;	4.3m setback accommodating 54% of frontage	Clause 3.2.2 – P2
3 – Boundary Set Backs			
<i>Eastern Boundary</i>	Garage Eaves 0.75m	0.65	Clause 3.3.1 – P1
Porch, Bed 1, Ensuite	2m	Nil	Clause 3.3.1 – P1 & Clause 3.3.2 - P2
Upper floor bedroom 2 and 3	1m	2m	Clause 3.3.1 – P1
<i>Western Boundary</i>	1m	Nil -1 m	Clause 3.3.1 – P1
Ground floor den and kitchen			
Ground floor garage, store, study, toilet and laundry	1m	1.5m	Clause 3.3.1 – P1
Upper Bath, hall, stairs	1.5m	1m-2.2m	Clause 3.3.1 – P1
4 – Open Space	Portion of grouped dwelling lot to remain as open space 50%.	38.65%	Clause 3.4.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION**REFERRAL****Internal**

- Building
- Engineering

External

- Other

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 Surrounding Property Owners

Submissions

There were 5 letters sent out. There were 3 submissions received with 2 objections and one no objection with comments.

299 Marion Street

- *No objection as long as proposal is correctly constructed; and*
- *Notes a drainage issue currently exists in the ROW, and any upgrade to the ROW should address storm water management. Owners also wish to be consulted regarding any upgrade to the ROW.*

45A Grant Street

- *Objects to the R-Code variation relating to open space requirements and states that if approved, the development will unnecessarily limit the floorspace allowable on their adjoining strata property.*
- *Setbacks proposed along the west rear side to be in accordance with the R-Codes, however has no objection to the boundary walls proposed at the front on the western side.*

301 Marmion Street

- *Concerned with the use of the ROW as the main access to and from the site.*
- *Fencing details not included in the submitted plans*
- *Concerned with possible reflective roofing.*
- *Notes that the open space ratio to floor area is exceeded.*

- *Wish to retain the existing large tree on the eastern side, which provides privacy and shade for their property;*
- *Bedrooms windows proposed on second storey and kitchen on ground floor may overlook their backyard and living room, shower and bathroom.*

STAFF COMMENT

Building Heights

The subject property slopes approximately 0.8m from west down to east from the street elevation. The proposal do not comply with the Council's Planning Policy 005 – Buildings Heights, as the wall and roof ridge heights of the building would exceed 6.0 and 8.5 when measured from the northern and eastern boundary elevation.

Council's height policy can be varied in instances where Council considers that the amenity of the area is not unreasonably diminished. It is noted that no objections were submitted in relation to the proposed heights and the position of the two storey portion of the additions is setback 28m from the front boundary. It is therefore considered the impact of the height variations from the street and surrounding properties will not negatively impact the amenity of the area and are supported.

Front Setback

The proposal involves a verandah positioned 4.5m setback from front boundary taking up 54% of the frontage. At the October 2002 Council meeting, Council made a resolution stating that:

'When assessing applications for Development Approval, Council will:

(a) generally insist on:

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

The 4.5m setback of the verandah also represents a variation to the acceptable development standards in the R-Codes, which allows for a projection to extend up to 1m into the front setback, provided that the projection does not exceed 20% of the frontage. Where the acceptable development standards are not met, compliance with the performance standards set out in clause 3.2.2 (P2) must be demonstrated. The clause states:

"Minor incursions and projections not to detract from the character of the streetscape".

The surrounding land to the east of the subject site includes a ROW and a property positioned on the corner of Grant Street and Marmion Street. The adjoining grouped dwelling has a 14.93m setback and other dwellings on the southern side of Grant Street have a standard 6m setback.

In support, the applicant notes the structure will contribute to the streetscape. It is considered that the incursion into the streetscape is inconsistent with Council's previous resolution and with the existing streetscape, and will detract from the character of the area. The reduced front setback is therefore not supported.

Building Setbacks

The proposal represents the following building side setback variations:

Location	Description	Height	Length	Major openings	Required setback	Provided
Eastern lower	Eaves of garage	n/a	n/a	N	0.75m	0.65m
Eastern upper floor	Bedrooms 2 and 3	5.96m	8.5m	Y	2m (setback adjusted as per clause 3.3.1 (v) of Codes)	1m
Western lower	Den, kitchen	3.1m	9.55m	N	1m	Nil-1 m
	Garage, store, study, laundry	3.1m	17.7m	N	1.5m	1m
Western Upper	Upper floor to bath, stairs and hall	6.0m	10.19m	N	1.5m	1m

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”*

Setback variations to the eastern boundary are considered to address the performance criteria as this side of the dwelling abuts a ROW and no objections have been received in relation to the proposed setbacks.

Proposed setback variations in relation to the upper and lower floor to the rear of the western boundary may negatively affect the owner of 45A Grant due to excessive building bulk. In support of the application, the applicant notes the visual bulk of the wall will be reduced by the inclusion of an indentation 1.2m deep and 2.6m wide along the wall. It is considered, in light of the objection from the adjoining strata owner, that the setbacks proposed do not satisfactorily address the performance criteria and are not supported.

Open Space

The proposed open space is 38.65% of the site area, whereas the minimum in an R20 zone is 50%. It is noted that compliance with the Design Codes requires the assessment of each grouped dwelling in relation to its own exclusive use area and

any proportionate share of any common property, in addition to assessment of open space over the entire parent lot (i.e. including both 45A and 45B Grant Street).

As such, the Strata Title defines a total of 380m² for the exclusive use of 45B Grant Street (refer to attachment).

45B Grant Street – 38.65% open space

45A Grant Street
& 45B Grant Street - 60% open space

It is considered that the acceptable development standards are not met in relation to 45B Grant Street. Therefore compliance with the performance standards set out in clause 3.4.1 – P1 must be demonstrated.

“Sufficient open space around building:

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

It is noted that the adjoining strata owner objects to the proposal as it will compromise their future development potential when open space is assessed over the entire parent lot. A surrounding resident also raised concern regarding the proposed building bulk.

If permitted, the variation will establish precedence through which the adjoining strata owner may receive a similar allowance of floorspace, resulting in a property with excessive building bulk, detracting from the streetscape and contrary to the low (R20) density coding of the area. The development will not allow for an attractive streetscape and does not satisfactorily address the performance criteria.

Visual Privacy

Comments from surrounding owners to the east of the site raised concerns about the loss of privacy in relation to Bedrooms 1 and 2 on the upper floor and the kitchen window on the ground 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.*

Proposed windows are adequately setback to accord with the cone of vision standards of the Design Codes.

However, windows from Bedrooms 1 and 2 may still overlook 301 (Lot 301) Marmion Street given the slope of the property. The kitchen window is not considered to impact on this surrounding property due to existing boundary fencing.

It is recommended Council requires the windows to Bedroom 2 and 3 be converted to highlight windows with a sill height of 1.65m from the floor, if the application is considered for approval.

CONCLUSION

The application has not complied with the acceptable development standards nor the performance criteria in relation to: front setback, open space, and boundary setbacks.

Therefore it is recommended that the application be refused.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) REFUSE its Approval to Commence Development for alterations and additions at No. 45B (Lot 5) Grant Street, in accordance with the application and plans submitted on 29, September 2004 as Council is of the opinion that:
 - (a) The development does not satisfactorily address the performance criteria (3.4.1) of the Residential Design Codes relating to Open Space, as the building bulk will detract from the streetscape and will establish an undesirable precedence in the R20 density coded area.
 - (b) Proposed front setback of 4.5m will detract from the existing streetscape and will set an undesirable precedence on the southern side of Grant Street.
 - (c) Proposed setbacks to the rear western boundary do not satisfactorily address performance criteria (3.3.1) of the Residential Design Guidelines due to the negative visual impact caused by excessive building bulk.
- (2) Advise the submitter and adjoining neighbours of Council's decision.

COMMITTEE COMMENT

Committee resolved to defer the application at the applicants request and for the applicant to address the compliance with the acceptable development standards and the performance criteria.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **Defer consideration of the application for alterations and additions at No. 45B (Lot 5) Grant Street to the February round of meetings.**
- (2) **Advise the submitters of Council's decision.**

Carried 9/1

11.1.4 NO 42 (LOT 349) JARRAD STREET - ALTERATIONS TO SHOP 1

File No:	No 42 (Lot 349) Jarrad Street
Author:	Angus Money
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from owner Plan Photos
Report Date:	29 November, 2004
Senior Officer:	Simon Bain
Property Owner:	Wildwood (WA) Pty Ltd
Applicant:	Alan McGillvray
Date of Application:	29 November, 2004
Zoning:	Town Centre
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R100
Lot Area:	435m²
M.R.S. Reservation:	Urban and Primary Road Reservation

SUMMARY

A site inspection of No.42 Jarrad Street on 26.10.2004 by the Council's Principal Building Surveyor revealed unauthorised works. In response, the owner has submitted an application for additions and alterations to the shops.

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

PROPOSAL

The additions and alterations to an existing group of shops includes: an additional 13.8m² of retail floorspace; the removal of two internal walls dividing shops 1, 2 and 3; upgrading of the façade and the provision of two bays to the rear of the site gaining access via the existing ROW.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No.2
- Metropolitan Region Scheme
- Local Government Act 1995

POLICY IMPLICATIONS

Nil

HERITAGE LISTING

- State Register of Heritage Places N/A

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

- Council has delegation to deal with applications on properties contained within a Primary Regional Road Reserve under the Metropolitan Region Scheme.

ADVERTISING OF PROPOSAL

N/A

BACKGROUND

On the 26.10.2004, Council issued a stop work order on the subject premises to ensure works were completed in accordance with the City's TP Scheme and Building Codes of Australia. A site visit conducted on the 15.11.2004 by Council's Planning Officer confirmed that the following unauthorised works have occurred: internal walls dividing shops 1, 2 and 3 and shop fronts of 1, 2 and 3 have been removed.

STAFF COMMENTProposed Parking

Parking provisions within Town Planning Scheme No.2 require 6.5 bays per 100m² of retail gross floor area (GFA) within the Town Centre Zone. The additional 13.8m² of GFA is the equivalent of an additional 0.897 bay, or one additional bay for the site.

To satisfy parking provisions, the applicant has indicated that the bays provided to the rear of the site accessible via the ROW are additional and the area was never used or approved for car parking. A review of previous planning approvals relative to the site was inconclusive.

The applicant states in the letter dated 15th November 2004, that the area to the rear is not physically or legally accessible from any direction for car parking due to the 300mm high limestone retaining wall abutting the ROW, and the lockable bollards existing on the adjoining property side accessway. (Refer to Attachment).

It is further noted that Council could not support parking to the rear via the adjoining accessway without the establishment of a Right of Carriage Way (ROCW) over 569 (Lot 500) Stirling Highway. A review of the adjoining Certificate of Title indicates that no such ROCW exists.

In considering the above, Council needs to determine whether to accept the proposed bays as additional or whether the extensions warrant an additional bay or a cash-in-lieu payment.

Facade

Modifications involve repainting the building, providing a new canopy, removing existing shop fronts to Shops 2 and 3 and replace with a 12m long render brick wall.

The subject site forms part of a pedestrian network through the Town Centre Zone, outlined in Appendix 1 – Town Centre Zone Development Policy Plan. Further, in considering development applications in the Town Centre Zone:

*“...Council shall have regard to how a proposal would affect the **amenity** of the zone, including such matters, as staging of the development, integration of buildings, access, parking, **pedestrian movement**, services and landscaping’.*

It is considered that the removal of the existing shop fronts will detract from the amenity of the designated pedestrian walkway on the eastern boundary. A blank brick wall along this narrow pedestrian walkway may also reduce safety and the commercial viability of the centre in the longer term, and is not supported accordingly.

The applicant has expressed to Council that the future tenant does not require the two shop fronts, and is concerned with security of the premises at night. It is noted that security concerns can be addressed by security measures on the inside of the shop fronts, used after normal trading hours.

Options Available to Council Regarding Unauthorised Demolition

Council does not have retrospective powers to grant its Planning Consent or Building Licence for demolition completed. Therefore, the options open to Council are as follows:

Town Planning Scheme

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

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

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

Local Government Act

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

CONCLUSION

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

- (1) Take action – against the owner & builder to reinstate the unauthorised demolition.
- (2) Take no action.

It is recommended that Council take no action in relation to the demolition completed and approve the remaining proposed additions and modifications subject to general standard conditions and a specific condition requiring the reinstatement of shop front windows fronting the eastern boundary of the site.

VOTING

Simply Majority

OFFICER RECOMMENDATION

That Council:

- (1) Advise owner of No.42 Jarrad Street that:
 - (a) They have commenced demolition without planning approval;

- (b) They are required to reinstate shop front windows from Shops 2 and 3 within two months of written notification,
- (c) Should they not comply with this direction in part (1)(b), the Manager Development Services is authorised to institute legal action against them by issuing notice under the Town Planning Scheme.

And;

- (2) That Council GRANT its Approval to Commence Development pursuant to the provisions of the Metropolitan Region Scheme, for the Additions/Alterations for the existing shops at 42 (Lot 349) Jarrad Street, Cottesloe, as shown on the plans received on the 3 November 2004, subject to the following conditions:
 - (a) Shop front windows that were fronting the eastern boundary being reinstated as part of the redevelopment with details provided at Building Licence stage.
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) 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 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.
 - (f) 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.

Advice Note:

Please note, retention of the shop fronts to shop 2 and 3 is required to enhance the amenity of the Town Centre Area particularly around designated pedestrian walkways, to enhance safety and ensure long term commercial viability. Security of the premises can be achieved by the installation of lockable roller shutters if necessary.

COMMITTEE RECOMMENDATION

That Council:

- (1) Advise owner of No. 42 Jarrad Street that they have commenced demolition without planning approval;
- (2) That Council GRANT its Approval to Commence Development pursuant to the provisions of the Metropolitan Region Scheme, for the Additions/Alterations for the existing shops at 42 (Lot 349) Jarrad Street, Cottesloe, as shown on the plans received on the 3 November 2004, subject to the following conditions:
 - (a) Shop front windows that were fronting the eastern boundary being reinstated as part of the redevelopment with details provided at Building Licence stage.
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) 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 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.
 - (f) 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.
 - (g) Eastern boundary wall to be painted to the satisfaction of the Manager, Development Services.

COMMITTEE COMMENT

Conditions (1) (b) and (c) be removed and owner to paint the eastern side of the building as per correspondence received on 6th December from the owner.

COUNCIL COMMENT

Condition 2(a) was removed from the committee recommendation.

11.1.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) Advise owner of No. 42 Jarrad Street that they have commenced demolition without planning approval;**
- (2) That Council GRANT its Approval to Commence Development pursuant to the provisions of the Metropolitan Region Scheme, for the Additions/Alterations for the existing shops at 42 (Lot 349) Jarrad Street, Cottesloe, as shown on the plans received on the 3 November 2004, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
 - (b) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (c) 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.**
 - (d) The roof surface being treated to reduce glare if, Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) Air conditioning plant and equipment 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.**
 - (f) Eastern boundary wall to be painted to the satisfaction of the Manager, Development Services.**

Carried 9/1

11.1.5 NO 27 (LOT 42) MARGARET STREET - TWO STOREY ADDITION AND ALTERATIONS

File No:	No 27 (Lot 42) Margaret Street
Author:	Mr Angus Money
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant
Report Date:	30 November, 2004
Senior Officer:	Mr Simon Bain
Property Owner:	Mr Simon Yeo
Applicant:	Bernard Seeber Architects Pty Ltd
Date of Application:	30 November, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	488m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for additions and alterations to an existing dwelling.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks			
Southern boundary	2.2m	1m	Clause 3.3.1 – P1
	Boundary wall not higher than 3.0m with average of 2.7m up to 9m in length, up to one side boundary.	3.9m high, and 5.6m long.	Clause 3.3.2 – P2
No 9 – Design For Climate	Maximum of 25% of the overshadowing onto adjoining site at 21 st June.	48.2% of Pt Lot 43 Margaret Street will be overshadowed.	Clause 3.9.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. No submissions were received.

BACKGROUND

Council is currently pursuing the redevelopment of a sump site at Pt Lot 43 Margaret Street to enable it to be sold as a residential lot. At its meeting in November, 2004 Council resolved to:

'Have staff schedule, for inclusion in the 2005/2006 draft budget, all expenditure and income estimates regarding the replacement of the sump on Pt Lot 43 Margaret Street, Cottesloe with a soak pit system and the sale of that property once the alternative drainage system is in place'.

It is noted the property subject to this development application adjoins Pt Lot 43 Margaret Street to its southern boundary.

STAFF COMMENTBuilding Setbacks

The upper floor of the addition is setback 1m, in lieu of the required 2.2m under Design Codes. Where the acceptable development standards are not met, compliance with the performance standards set out in clause (3.3.1 – P1) must be demonstrated. The clause states:

'Buildings setback from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with the 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 position of the additions near the southern boundary improves solar access for the proposed building given the surrounding buildings and boundary walls. Notwithstanding this, the setback variation will contribute to a loss of adequate direct sun and ventilation to the future residence on Pt Lot 43 Margaret Street. The proposal does not satisfactorily address this performance criteria and is not supported.

The boundary wall proposed along the southern boundary has a height of 3.9m and length of 5.6m, in lieu of the required maximum height of 3m and an average of 2.7m. The relevant Residential Design Code performance criteria states:

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

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*

- *Not have any significant adverse impact on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted”*

Given the small frontage of the lot (approximately 14m) and the applicants’ desire to retain the existing bungalow on the premises, the provision of this boundary wall makes effective use of space and will not have a significant adverse impact. The boundary wall is one storey and does not contribute to excessive overshadowing. It is considered that the boundary wall satisfies the performance standards and is supported.

Overshadowing

The proposal will overshadow 48.3% of Pt Lot 43 Margaret Street, in lieu of the 25% provided in the Residential Design Codes. Where the acceptable development standards are not met, compliance with the performance standards set out in clause 3.9.1 (P1) must be demonstrated. The clause states:

‘Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *Solar heating devices; or*
- *Balconies or verandahs.”*

The applicant submitted an indicative building design on Pt Lot 43 Margaret Street, which demonstrates that; balconies and verandahs in the fronting the street will not be affected and the a future outdoor living area to the south of the lot will only be partially overshadowed.

Future landowners of Pt 43 Margaret Street wanting to achieve northern-orientated major openings on ground and upper floors may not be capable of accessing adequate solar access as a result of this development. Accordingly, the administration considers that the proposal does not satisfactorily address the performance criteria.

The applicant notes that the size of Pt Lot 43 Margaret Street is 363m², which is below the 500m² average lot size required in an R20 density area. An equitable solution would be to allow the development to overshadow the maximum amount permissible, assuming the adjoining lot was 500m². This approach would provide for a overshadowing of up to 125m², (being 25% of 500m²), as opposed to the proposed 175m² of overshadowing.

To reduce overshadowing to 125m², and to provide the future dwelling with access winter sun in upper-northern orientated major openings, the setback of the upper storey addition would have to be increased by 2.56m. This setback increase would enable the development to satisfy the building setback and overshadowing performance criteria of the Design Codes. It is recommended Council supports the application subject to an increased setback between the proposed upper floor and the southern boundary.

CONCLUSION

That the application for additions and alterations be approved subject to the setback from the upper floor to the southern boundary being increased by 2.56m, or an alternative design solution which reducing overshadowing on Pt Lot 43 Margaret Street to no more than 125m².

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Additions/Alterations at 27 (Lot 42) Margaret Street, Cottesloe, in accordance with the plans submitted on the 29 September 2004, and the 29 November 2004, subject to the following conditions:

- (1) Revised plans being submitted for approval by the Manager, Development Services, such plans showing:
 - (a) The two storey addition setback from the southern boundary being increased by 2.56m or an alternative design solution being provided which overshadows no more than 125m² of 27 (Pt Lot 43) Margaret street on midday, 21 June, to the satisfaction of the Manager of Development Services.
- (2) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
- (3) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
- (4) Storm water runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve or adjoining properties. The gutters and down pipes used for the disposal of the storm water runoff from roofed areas shall be included within the working drawings.
- (5) 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.
- (6) 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.
- (7) 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.

COMMITTEE COMMENT

Committee moved that condition (1) (a) be removed from the officers recommendation.

11.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for the Additions/Alterations at 27 (Lot 42) Margaret Street, Cottesloe, in accordance with the plans submitted on the 29 September 2004, and the 29 November 2004, subject to the following conditions:

- (1) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
- (2) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.**
- (3) Storm water runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve or adjoining properties. The gutters and down pipes used for the disposal of the storm water runoff from roofed areas shall be included within the working drawings.**
- (4) The roof surface being treated to reduce glare if, Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) 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.**
- (6) 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.**

Carried 8/2

11.1.6 NO 6 ACKLAND (LOT 292) WAY - DEVELOPMENT APPLICATION - ADDITIONS/ALTERATIONS TO EXISTING RESIDENCE AND A NEW GARAGE

File No:	No 6 Ackland Way
Author:	Ms Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from owner (2) Submission (1)
Report Date:	1 December, 2004
Senior Officer:	Mr Lilia Palermo
Property Owner:	T. & S. Narum
Applicant:	Kirsten Hay
Date of Application:	1 December, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	660m²
M.R.S. Reservation:	N/A

SUMMARY

Council deferred consideration of the application for additions/alterations and a new garage on the subject property at its meeting of 27 April 2004 at the applicant's request.

Amended plans were received on the 10th November 2004. The application was re-advertised to the adjoining property owners. A letter of objection was received from the owner of No 17 Federal Street.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1(c)	6.0m wall height	6.28m

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 2 letters sent out. There was 1 submission received, which was an objection. Details of the submission received is set out below:

No 17 Federal Street

- *The new large windows at the western end of the north elevation will look directly into my kitchen window;*
- *All the major windows on the second storey will be overlooking my outdoor eating area;*
- *It is possible that the ...boundary fence could be a brick wall that is higher than the present....fence?*
- *The proposed renovation does not fit in with the streetscape of Ackland Way, Federal Street or most of North Cottesloe.*

STAFF COMMENT

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

Council deferred consideration of this development application at its meeting of 27th April 2004 at the applicant's request. The owners of the subject property were to discuss the application with the adjoining owners of No 8 Ackland Way in order to achieve a mutually agreeable outcome.

Council received amended plans on the 10th November 2004. The following changes were made:

- The size of the balcony on the northern wall was reduced to 6.8m (previously extended the whole length of the northern wall);
- The western side of the balcony was provided with screening up to 1.65m to prevent overlooking into the No 8 Ackland Way;
- The use of the room on the upper floor was changed from 'Study' to 'Bedroom';
- The Upper floor bedroom windows on the northern and southern walls were setback further from the western boundary and now comply with the privacy setback requirements of the R-Codes;
- The Upper floor bedroom window on the western wall was deleted;
- Windows on the southern and northern elevations were modified.

The proposal complies with the acceptable development standards of the R-Codes for privacy setbacks.

The adjoining property owner to the west previously objected to the proposal due to overlooking from the proposed balcony on the northern wall and the upper level habitable room windows.

The applicant addressed the overlooking issues by reducing the size of the balcony to 6.8m and increasing the setback of the upper level bedroom window from the western boundary. No objection was received to the amended plans from the adjoining owner to the west.

The adjoining neighbour at the rear (No 17 Federal Street) submitted a letter dated 22 April 2004 stating the amenity of No 17 Federal Street would be affected due to overlooking from the upper level northern facing windows and balcony.

As it was previously discussed in the Memo to Council circulated prior to the November Development Services Committee meeting, the proposed setbacks from the rear balcony (13.5m) and the upper level habitable room windows (15.5m) exceed the R-Codes requirements.

It is considered that the proposed development would not affect privacy of the adjoining property to the north.

Proposed Crossover

In response to a query from the Mayor regarding the suitability of the location of the crossover the following comment was provided by the Manager of Engineering Services:

"The proposed crossover location is tight with regard to its distance from Ackland Way, but acceptable. Any possible movement up Federal Street would improve the safety of vehicles backing out".

Wall Heights

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

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

It is considered that the administration believes that the proposal will not adversely affect the amenity of neighbours as any overshadowing will impact the subject lot and not the surrounding lots. In addition setbacks to the upper floors comply with the Residential Design Codes.

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

CONCLUSION

It is recommended that the application be approved subject to the standard conditions. It is considered that the changes made in the amended plans dated 10th November 2004 addressed privacy concerns of the adjoining neighbour to the west.

The objection from the adjoining property owner at the rear are considered to be unreasonable as the proposed setback of 13.5m to the rear balcony and 15.5m to the habitable room windows considerably exceed the privacy setback requirements of the R-Codes.

VOTING

Simple Majority

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **GRANT its Approval to Commence Development for Additions/Alterations and a new garage at No 6 Ackland (Lot 292) Way, Cottesloe in accordance with the plans submitted on 10th November 2004, subject to the following conditions:**
- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) **The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
 - (f) **That the existing redundant crossover in Federal Street be removed, the verge, kerb and all surfaces made good at the applicants expense.**
 - (g) **The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees.**
 - (h) **The crossover being a minimum of 1.5m from the base of verge trees.**
- (2) **Advise the submitters of this decision.**

Carried 10/0

**11.1.7 NO 5 DEANE STREET (LOT 2) DEANE STREET - PROPOSED BALCONY
ADDITION TO AN EXISTING GROUPED DWELLING**

File No:	No 5 Deane Street
Author:	Ms Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from owner Report & Recommendation from November meetings
Report Date:	30 November, 2004
Senior Officer:	Mr Simon Bain
Property Owner:	Denis Manton
Applicant:	Denis Manton
Date of Application:	1 November 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30

SUMMARY

At its meeting of 22 November 2004 Council deferred the application for balcony additions on the subject property to be considered at the December 2004 round of meetings.

The report prepared for the November Development Committee meeting recommended approval of the application subject to a number of standard conditions and two specific conditions.

The applicant tabled a letter addressed to all Councillors, which questioned some of the information provided in the officer's report regarding the existing front setbacks along Deane Street.

Further information is provided in this report in order to clarify the information previously provided in the November Report to Council and to provide a response to points raised in the applicant's letter.

There were no changes made to the proposed development. The letter tabled at the previous Council meeting does not affect the previous officer recommendation.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

All the adjoining property owners signed the plans to certify that they have no objections to the proposed development.

STAFF COMMENT

The applicant is stating that the information provided in the officer's report regarding some of the existing setbacks on Dean Street was incorrect.

No 13 Deane Street has a front setback of approximately 5.5m to the house and 3.1m to the balcony.

No 15 Deane Street is a corner property and has frontage to Avonmore Terrace. In cases with corner properties, 1.5m is considered to be an acceptable setback to a secondary Street under the R-Codes. Therefore in this case it would not be appropriate to argue that this property has a reduced setback to Deane Street as it is a secondary street for property at No 15.

It was not claimed in the previous report to Council that 4.5m is smallest of the existing front setbacks on Deane Street as stated by the applicant in his letter. The report was specifically referring to the southern side of Deane Street, the side where the subject property is located.

The applicant is also referring to a reduced setback of 1.0m of No 41 Broome Street. This property has its primary frontage to Broome Street and therefore setback to Deane Street is a secondary street setback.

CONCLUSION

It is recommended that the application be approved subject to general standards conditions and specific conditions requiring the front setback being increased to 5.0m and the balcony balustrade being of an open aspect design, subject to discussions with the owners No 7 Deane Street.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Strzina made a declaration of proximity interest in regards to being the owner of the property next door (3A and 3B Deane Street), and left the meeting at 7.59pm.

OFFICER & COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Proposed Balcony Addition to an Existing Grouped Dwelling at No 5 Deane Street (Lot 2) Deane Street, Cottesloe in accordance with the plans submitted on 30 November, 2004, subject to the following conditions:

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

- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Revised plans being submitted for approval by the Manager, Development Services, such plans showing:
 - (i) the front setback to the balcony being a minimum of 5.0m from Deane Street; and
 - (ii) subject to part (6), the type of balcony balustrade on the eastern side within the 6.0m front setback area being to the satisfaction of the Manager of Development Services.
- (6) Prior to making a decision in relation to part (5)(ii), the Manager of Development Services is to ascertain the opinion of the owner of No. 7 Deane Street in relation to the type of balcony balustrading to be provided forward of the 6.0m building line.

11.1.7 COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Morgan

That the item be deferred.

Carried 8/1

COUNCIL COMMENT

Council moved to defer the matter as per the applicant's request.

Cr Strzina returned to the meeting at 8.00pm.

11.1.8 NO 14 (LOTS 50 AND 51) EDWARD STREET - PRELIMINARY PROPOSAL FOR CONVERSION OF THE CHURCH INTO A RESIDENCE AND SUBDIVISION OF THE REST OF THE LAND INTO 300M² LOTS

File No: No 14 Edward Street

Author: Ms Lilia Palermo

Attachments: Location plan
Plans

Author Disclosure of Interest: Nil

Report Date: 2 December, 2004

Senior Officer: Mr Simon Bain

Zoning: Places of Public Assembly

SUMMARY

Council considered an application for demolition of the church No 14 Edward Street at its November 2004 meeting and resolved as follows:

That Council:

- (1) *GRANT its approval to Commence Development for the demolition of the vestry and hall at No. 14 (Lots 50 and 51) Edward Street, subject to the following conditions:*
 - o *A photographic record of the existing buildings being submitted to Council prior to a Building/Demolition Licence being issued; and*
 - o *The site being levelled and stabilised to the satisfaction of the Manager Development Services.*
- (2) *Invite the applicants to submit a proposal for consideration by Council for the church to be converted into residential units, prior to considering a request for an amendment to the existing town planning scheme.*

Council received a preliminary proposal from the prospective purchaser of the subject property, who wishes to retain the main church building and convert it into a residence. It is also proposed to subdivide the rest of the land into three lots 300m² each (Please refer to Attachments for a plan of this preliminary proposal).

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

The property is listed on Town Planning Scheme Policy No. 12 and is seen as an important building to the District.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

STAFF COMMENT

The proposal is to retain the main church building and to convert it into a single residence. It is also proposed to subdivide the rest of the land area into three 300m² lots.

An amendment to the Town of Cottesloe Town Planning Scheme would be required to accommodate the use of the subject site for residential purposes.

No 14 Edward Street is currently zoned "Place of Public Assembly". Council would be required to initiate a Scheme amendment rezoning the subject site from "Place of Public Assembly" to "Residential".

Also if Council is in support of the proposed re-subdivision of the rest of the land the subject site would have to be rezoned to Residential with a R30 density coding to allow for 300m² lots.

All four lots would have direct street frontage (two lots facing Edward Street and two lots facing Gordon Street) as the subject property has a corner location.

It is recommended that Council support the proposal in principle in order to give some certainty to the applicant.

It is also recommended that Council request the Planning Department staff to prepare a Town Planning Scheme Amendment to be considered at the February round of meetings.

CONCLUSION

It is recommended that the proposal be supported in principle by Council as it achieves retention of the church building, which is seen as a place of architectural, and heritage significance and an important building in the district.

It is recommended that Council request the staff to prepare the required amendment documents for consideration at the February round of meetings.

Council is required to determine whether the costs of the Town Planning Scheme amendment should be borne by the applicant or Council.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Request the staff to prepare a Town Planning Scheme Amendment that will rezone the land at No 14 (Lots 50 and 51) Edward Street from "Place of Public Assembly" to "Residential" with R30 density coding subject to the costs of the amendment being borne by the applicant;
- (2) Support in principle the proposed conversion of the church building for use as a single residence on 500m² lot and re-subdivision of the remaining part of Lots 50 and 51 into three 300m² residential lots.

COMMITTEE RECOMMENDATION

That Council request the staff to prepare a Town Planning Scheme Amendment that will rezone the land at No 14 (Lots 50 and 51) Edward Street from "Place of Public Assembly" to "Residential" with R30 density coding subject to the costs of the amendment being borne by the applicant.

COMMITTEE COMMENT

The Committee supported the subdivision of the site into 1 x 500m² block and 2 x 450m² blocks. The removal of condition (2) of the officer recommendation would see existing density provisions apply.

COUNCIL COMMENT

The density coding in the committee recommendation was amended to read R20.

11.1.8 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council request the staff to prepare a Town Planning Scheme Amendment that will rezone the land at No 14 (Lots 50 and 51) Edward Street from "Place of Public Assembly" to "Residential" with R20 density coding subject to the costs of the amendment being borne by the applicant.

Carried 6/4

The vote was recorded:

For: Cr Jeanes, Cr Furlong, Cr Robertson, Cr Strzina, Cr Utting, Cr Walsh.

Against: Mayor Rowell, Cr Cunningham, Cr Morgan, Cr Sheppard

**11.1.9 NO 1 (LOT 244) FEDERAL STREET, COTTESLOE - PROPOSED
REMOVAL OF PROPERTY FROM MUNICIPAL HERITAGE LIST**

File No:	No 1 (Lot 244) Federal Street, Cottesloe
Author:	Angus Money
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from Owner
Report Date:	2 December, 2004
Senior Officer:	Mr Simon Bain
Property Owner:	Mr Buckley
Applicant:	Mr Buckley
Date of Application:	3 November 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	574m²
M.R.S. Reservation:	N/A

SUMMARY

Council has received a request to remove the building at No. 1 Federal Street, Cottesloe from the Town of Cottesloe Municipal Inventory. The recommendation is to defer the application.

STATUTORY ENVIRONMENT

- Heritage of Western Australia Act 1990

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The property is located on the western side of Federal Street. The house is a simple design of painted brick and tiled roof on a limestone base with design elements seen in 1920's Mediterranean style houses.

STAFF COMMENT

The property at No. 1 Federal Street is classified as a Category 3 building under the Town of Cottesloe Municipal Inventory. Category 3 is summarised as follows:

“Significant as an Individual Building:

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

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

The Municipal Inventory describes the building as:

The Townsing House, A simple house design of painted brick and tiled roof on a limestone base. The entrance porch is contained within the structure of the projecting front mass of the house which has corbelled end gables and a central vertical vent. The original contrasting brick edging to the entrance, windows and front roof line have been painted out, and a verandah with decorative railing added to the side front of the house. It exhibits many stylistic details seen in the 1920s Mediterranean style houses seen in the suburb.

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

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

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

CONCLUSION

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

VOTING

Simply Majority

OFFICER RECOMMENDATION

That Council defers consideration of the request for removal of No. 1 Federal Street, Cottesloe from the Municipal Inventory until the results of the proposed heritage workshop become known.

COMMITTEE COMMENT

This matter was withdrawn on the advice of the CEO that a Category 3 listing was not likely to mean anything under the provisions of proposed Town Planning Scheme No. 3.

At this point in time only Category 2 buildings are being considered for listing.

The owner is to be advised of same.

11.1.10 DELEGATION DURING JANUARY 2005 RECESS

File No: X4.6
Author: Mr Simon Bain
Author Disclosure of Interest: Nil
Report Date: 1 December, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

To seek additional delegation powers during the Christmas and January 2005 Council recess.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The following resolution was passed by Council at its December 2003 meeting:

That Council

- (1) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Manager of Development Services under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from Tuesday, 16 December, 2003 to Friday, 6 February, 2004 in conjunction with the Chief Executive Officer.*
 - (2) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Chief Executive Officer under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from the 5 January, 2003 to 27 January, 2004 when the Manager, Development Services is on leave.*
 - (3) The exercise of those powers referred to in (1) and (2) are granted subject to:*
 - (a) the relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the application; and*
-

- (b) *a list of items to be dealt with under this delegation, is to be identified and included in the weekly list of Delegated Authority Items that:*
 - (i) *is to be circulated on a weekly basis to all Councillors; and*
 - (ii) *subject to the current call in arrangements for Delegated Authority Items.*

STAFF COMMENT

It is requested that the Manager of Development Services and the Chief Executive Officer be granted additional delegated authority, to determine applications beyond their current delegation powers, in consultation with the Development Services Chairperson, during the Christmas and January recess.

Part (3) has been modified so that any decisions to be made using this delegation, are subject to the current delegated authority call in powers.

VOTING

Simple Majority

11.1.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council

- (1) **In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2), Council hereby further delegates to the Manager of Development Services under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from Tuesday, 14 December, 2004 to Friday, 4 February, 2005.**
- (2) **The exercise of those powers referred to in (1) is granted subject to:**
 - (a) **The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the application; and**
 - (b) **A list of items to be dealt with under this delegation, is to be identified and included in the weekly list of Delegated Authority Items that:**
 - (i) **is to be circulated on a weekly basis to all Councillors; and**
 - (ii) **subject to the current call in arrangements for Delegated Authority Items.**

Carried 10/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 7 DECEMBER 2004**12.1 ADMINISTRATION****12.1.1 SCULPTURE BY THE SEA – MODIFICATION TO EXISTING APPROVAL**

File No: X 2. 1
Author: Ms Carolyn Ryder
Author Disclosure of Interest: Nil
Report Date: 26 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put forward *Sculpture by the Sea's* request for approval to extend the duration of the marquee structure on Cottesloe beach to include Friday, 18 March, 2005.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Councils *Beach* policy applies.

Significant Beach Events

- (i) Subject to
 - the provisions of the *Beaches and Beach Reserves Local Law*,
 - consideration of how timing, location and activities may affect other beach users and residents,
 - using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation, and
 - the payment of the fee as set out in Council's List of Fees and Charges,the CEO may approve applications for significant beach events without reference to Council in the following circumstances.
- (ii) Only one significant beach event per month to be approved without specific referral to Council.
- (iii) Significant events with any commercial or profit making goals will not be approved by the CEO in the first instance. At the CEO's absolute discretion, applications for such events may be referred to Council for approval which may or may not be granted by the Council.
- (iv) Beach event organisers are required to submit evidence to the CEO's satisfaction that:
 - An appropriate public liability insurance is in force.
 - A suitable risk management plan has been prepared.
 - Safety measures are in place, which are appropriate for the event. An aquatic safety plan is considered an appropriate

safety measure for significant events with more than 3000 attendees.

- All relevant statutory requirements have been met (eg health, traffic, safety regulations).
 - The Town of Cottesloe is indemnified against all claims arising from the event.
 - A strategy is in place to clean up after the event.
 - Noise limits from any equipment will not exceed statutory levels.
 - Public access to facilities will not be impeded.
 - Relevant emergency authorities have been informed of the event.
- (v) Beach event organisers are required to observe the directions of authorised Council officers throughout any event.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

No direct financial support is being requested from Council, as the exhibition will be funded by a mixture of corporate sponsorship, private donations, philanthropic foundation grants, government grants, sculpture sales and catalogue sales. However to assist with the staging of the event it is requested that Council provide a reasonable amount of in-kind support that will enable the exhibition to be produced for a modest budget.

This support includes:

- (a) staff time during consultations with Sculpture by the Sea staff for the staging of the exhibition;
- (b) the provision of extra garbage bins and their collection; and
- (c) waiving of any fees for the staging of this free to the public event.

BACKGROUND

Sculpture by the Sea Incorporated received approval (28 June, 2004) from the Town of Cottesloe to stage *Sculpture by the Sea, Cottesloe* as a free to the public event in March 2005. If the event is successful it is the intention of Sculpture by the Sea Inc. to request approval to stage the exhibition annually or biannually.

An official opening will be held in a marquee structure on Cottesloe Beach on Thursday, 17 March, 2005. One of the more recent sponsors, Alcoa World Aluminium Australia, have expressly requested the opportunity to have a dinner for approximately 50 guests on Friday, 18 March, 2005 in the same marquee structure. This will require Council approval to extend the duration of the marquee structure (15mx15m) on the beach to facilitate the dinner. An additional smaller marquee (6m x6m) will also be required to be used as a kitchen.

CONSULTATION

Subsequent progress meetings have been held between Sculpture by the Sea Inc, the Mayor, Community Development Officer, Senior Range and Works Supervisor.

STAFF COMMENT

It is my recommendation that Sculpture by the Sea be granted approval to extend the duration of the marquee structure on Cottesloe Beach to accommodate the Alcoa World Aluminium Australia dinner.

VOTING

Simple Majority

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council grant approval to extend the duration of the marquee structure on Cottesloe Beach to accommodate the Alcoa World Aluminium Australia dinner on Friday, 18 March, 2005.

Carried 6/4

The vote was recorded:

For: Mayor Rowell, Cr Cunningham, Cr Furlong, Cr Jeanes, Cr Robertson,
Cr Sheppard

Against: Cr Morgan, Cr Strzina, Cr Utting, Cr Walsh

12.2 ENGINEERING

12.2.1 ADDITIONAL METROPOLITAN REGIONAL ROAD FUNDING

File No:	E 8
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	25 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Minister for Planning and Infrastructure has announced the 'return' of \$23.4m in road funds which were reallocated to other State Government expenditure areas over the last two years. These funds are available for expenditure in 2004/05 but will require, as is normal practice for MRRG funding, a contribution of \$1 from Local Government for every \$2 provided as a grant. Main Roads WA (MRWA) has now provided lists of projects previously 'mothballed' or rejected in the past two years for Council consideration.

The Town of Cottesloe has been offered two projects; Railway Street-Grant Street to Parry Street and Curtin Avenue-southern boundary to Victoria Street.

This report recommends that Council accept the extra \$172,334 in grant funds and fund the \$86,167 one third matching proportion.

STATUTORY ENVIRONMENT

There is no specific legislation relevant to this report, other than State Government budget legislation reducing or changing the level of State Regional Road Grant funding in any annual State budget. This type of grant applies to roads vested in Local Government for care, control and maintenance.

POLICY IMPLICATIONS

There are no policy implications relating to this report.

STRATEGIC IMPLICATIONS

The Railway Street project had previously been rejected for funding in 2004/05 or 2005/06. The Curtin Avenue works were previously approved for 2005/06.

This extra funding will allow a 'catch up' or works on arterial roadworks.

No particular provision within the Strategic Plan applies to this matter.

FINANCIAL IMPLICATIONS

This offer of additional road grants come mid budget year, with no specific provision for the required \$86,167 one third provision of matching Council funds. The Town of Cottesloe should not lose the opportunity of \$172,334 in road grants which have been removed from State Government budget provision over the last two years. There has been a 'carry over' of finance from last financial year into 2004/05 in excess of original projections. This, and other financial changes, will be considered

in the next budget review. The acceptance of this grant funding and Council's matching funding would be considered at the same time. Other proposed expenditure may then have to be considered for a 'carry over' into the next budget, and that funding made available for this work.

BACKGROUND

Local Government authorities, throughout the State, including the Town of Cottesloe, have been strongly vocal over the past two years over the reduction of State road funding grants. The most recent demonstration of this has been the WALGA 'Outrage' campaign.

The Minister for Planning and Infrastructure has been aware of this vocal concern and due to the availability of a large State Government budget surplus, has been successful in having Cabinet and Treasury agree to this 'return' of \$23.4m to its original purpose of road funding. These extra funds are available for expenditure by 30 June, 2005, with the fine details yet to be worked out.

CONSULTATION

Local resident consultation has not taken place on this matter. State wide consultation has occurred with WALGA regarding the road funding issue, with this problem being a component of most State conferences involving Local Government.

STAFF COMMENT

Council has adopted a five year program which includes the expectation of grant funds for Railway Street (Grant to Parry) and Curtin Avenue (southern boundary to Victoria Street) in 2005/06. Information from MRWA, prior to this announcement, was that only Curtin Avenue would be funded in 2005/06. This extra funding now brings that project forward one year and provides for Railway Street in 2004/05. The figures quoted by MRWA were the same as submitted in April 2004 by the Town of Cottesloe.

One impact, across the State, of this return to normal grant expectations will be a reconsideration by MRWA of what will be successful/approved projects for 2005/06, because of so many of these jobs now being undertaken in 2004/05.

For Cottesloe, further sections of Marine Parade and Broome Street would be considered.

On the Wednesday after the Minister's announcement (on Friday, 19 November) MRWA had provided lists of projects available for individual Councils to claim, to all Chairmen of Regional Road Groups. Those Chairmen had to know what Councils would want to proceed with the offered projects by the next day, for a MRWA meeting.

After discussions with the CEO, it was agreed that the Regional Chairman, Mr Martin Glover (Town of Mosman Park) would be informed that the Town of Cottesloe would want to proceed with both projects in 2004/05, with the one third cost contribution to be made available.

Due to the reduced time to complete these projects, the State Government has acknowledged that there may be a carryover of funds or expenditure into 2005/06.

VOTING

Absolute Majority

12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Stzrina

That Council:

- (1) Accept the \$172,334 Regional Road Grant funding offered by Main Roads WA for additional roadworks on Railway Street and Curtin Avenue; and**
- (2) Agree to provide the required one third cost contribution of \$86,167, from surplus funds carried over from the 2003/04 budget year, funds saved during 2004/05 and through budget changes to be made at the next budget review.**

Carried 10/0

12.2.2 CLOSURE OF WESTERN END OF ROW2 BETWEEN LITTLE MARINE PARADE & MARGARET STREET

File No: E13. 1.02
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 29 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The owner of 170 Little Marine Parade purchased this laneway in 1990. In 1997 the western end was partially closed (leaving a 1.5m walkway) to legalise the location of the house on 170 Little Marine Parade, which was built partially into the laneway. The eastern end of the laneway is to be built, as a condition on the construction of a house on Lot 58. The western end, partially closed, section of this laneway was the subject of a Water Corporation concern in 1997 when the partial closure was considered by Council, due to a sewer line existing in the laneway. Council resolved that a 5.0m easement should apply to protect Water Corporation access to the sewer.

The owner of this laneway requests closure of the narrowed portion (west end) and gives a number of reasons for that request.

This report recommends that this application for closure be rejected.

STATUTORY ENVIRONMENT

The laneway is privately owned but has Right of Way (ROW) on the title and has been used by the public for many years, to a minimal extent. It cannot be closed unless a complex procedure is followed.

This process is explained as follows:

Closure of a Private Road or Laneway

Prior to the commencement of the LAA on 30 March, 1998 private streets were closed and disposed of pursuant to section 297A of the *Local Government Act 1960 (Miscellaneous Provisions)*. Such closures are not affected by taking action pursuant to Section 52 of the LAA with the land then becoming Crown land and being disposed of under Section 87 of the LAA. Section 67 of the LAA 1997 provides that closure actions commenced under section 297A of the LGA prior to 30 March 1998 may be completed under the provisions of that section.

Closure procedures under section 297A of the LGA are administered by the Department of Land Information (DLI). The procedures of section 52 of the LAA and Regulation 6 of the *Land Administration Regulations 1998* are similar to those described above for public road closures, except that the relevant local government must take all reasonable steps to give notice to the holder of the subject land, and the holders of freehold land abutting the private street.

Closure of a Public Road or Laneway

An abutting landowner, wishing to seek the permanent closure of a public road or laneway, should initially approach the local government to enquire as to whether or

not it is prepared to undertake road closure. The process must be in accordance with Section 58 of the LAA, Closure of Roads.

There are five basic stages in the public road closure/disposal process:

1. The local government is approached to ascertain whether or not it is willing to consider a road closure request.
2. The local government's compliance with Section 58 of the LAA and Regulation 9 of the Land Administration Regulations 1998, dealing with public advertising, any objections and service authorities' responses, formally resolving to close the road, and advising DLI in writing.
3. Consideration by DLI and determination of a purchase price.
4. Acceptance by the proponent and payment of purchase price and any other costs associated with the proposal.
5. Completion of road closure and disposal actions, and the lodging of a Road Closure Order and Amalgamation Order for registration in DLI.

Proposed road closures are assessed on their individual merits and DLI acts on the advice of the relevant local government. For a wide range of reasons a road closure may not necessarily be undertaken.

Depending on the circumstances of a proposed road closure (and the proponents intended development of the land) a service authority may require relocation of its facilities at the proponent's expense or request a Land Administration Act easement to protect its installation in situ.

Subject to LAA requirements being complied with and there being no impediment to closure, the local government will resolve whether or not to proceed with permanent road closure and will advise DLI in writing.

However, if Council wishes to not proceed with this format because it does not support the requested closure, then the matter stops with that resolution.

POLICY IMPLICATIONS

There are no current adopted policies involved with this closure request.

STRATEGIC IMPLICATIONS

There are no directly applicable provisions in the Strategic Plan dealing with closure of ROW's/Laneways.

There is little strategic value to Council, at present, in this laneway, however future needs may be met by its retention.

Water Corporation retains a strategic need to gain legal access to their sewer line at all times.

FINANCIAL IMPLICATIONS

The main implication is the cost and time required for staff to advertise and handle the administration of this complex procedure, if it is to proceed.

BACKGROUND

This laneway has been the subject of a range of closure applications and Council debates for many years. The partial closure of the western end in 1997 was approved by Council to legalise the previously constructed house location on 170 (Lot 61) Little Marine Parade over the property boundary into the laneway.

A 2.0m width was closed from an original 3.5m width, leaving a 1.5m width for pedestrian access. With that closure, a variety of comments were received both for and against the proposal. After extensive debate, it appears Council's decision to approve a partial closure of a section of this laneway involved several main attitudes:

1. The partial closure of portion of ROW No. 2 was only approved to overcome the irregularity of the house on No. 170 Little Marine Parade being built partially on the laneway/ROW.
2. Water Corporation had to have an easement of access to their sewer main.
3. Council was not prepared to expand upon the new expanded property boundary for No. 170, even if redevelopment or alterations occurred to that building.
4. Council generally opposed the idea of ROW's/laneways being closed, due to existing and possible future use by the general public.

CONSULTATION

No general consultation with residents has occurred on this matter.

STAFF COMMENT

The reasons given for the closure request – security improvement, drunken weekend revellers, peace of mind, less ROW maintenance, access rarely used, paving of east end will enhance the surrounds; if applied to many laneways in Cottesloe would lead to a number of closures.

This laneway will remain private property and hence should not receive Council funding for maintenance, regardless of being closed or retained.

Any laneway in Cottesloe can be subjected to illegal use – theft, vandalism, graffiti, etc. The same problems apply with all other Local Government Authorities and the Police Department works closely with Rangers to reduce the incidence and effects of such use.

The future of un-used or rarely used laneways in the Town of Cottesloe is being determined over many years, as development proposals evolve, new networks of public services are established beyond their original uses eg; gas pipeline networks, high speed computer networks, cable TV networks etc. Laneways can then be used to keep the impact on major street alignments to a minimum.

With the procedure established by State Government to close private laneways, the lack of capacity in DLI to quickly process these requests, the heavy 'red tape' applying, and the heavy cost in staff time and advertising/consultation, such closures will normally take in excess of two years to complete.

The existence of a sewer main in this laneway and Water Corporation requirements for access to such mains is another factor in this application.

For the above mentioned reasons, staff cannot see any benefit to the Town of Cottesloe in the closure of this laneway.

VOTING

Simple Majority

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Stzrina

That Council inform the applicant that it does not wish to proceed with the closure process required to close the western portion of ROW 2, between Little Marine Parade and Margaret Street, Cottesloe.

Carried 10/0

12.2.3 PERTH BICYCLE NETWORK GRANTS 2004/05

File No: X 8.23
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 24 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The Minister for Planning and Infrastructure has approved grants totalling \$13,800 for three different cycle facilities within the Town of Cottesloe, in 2004/2005. The grants are for 50% of the estimated total installation costs. This report recommends that Council agree to receive these grants and provide the matching 50% funding of \$13,800.

STATUTORY ENVIRONMENT

Through the Local Government Act, Council has the powers and responsibilities for care, control and maintenance of the road reserve. All works proposed involve Council infrastructure and the road reserve. All line marking and signage involved must be approved by Main Roads WA if it involves the control and direction of vehicles and bicycles. This applies, in particular, to Jarrad Street between Railway Street and Stirling Highway and the interaction between all types of traffic and pedestrians.

POLICY IMPLICATIONS

No existing policies apply to this matter.

STRATEGIC IMPLICATIONS

The main area of applicability with the Strategic Plan is in District Development, under 'Environment' – Traffic Management and Safety – A system which promotes safety and the 'Travel Smart' concept, incorporates widespread use of 50km/h speed limits and a community bus service, removes through freight traffic and resists any move to a four lane highway on Curtin Avenue.

FINANCIAL IMPLICATIONS

The total of the four grants offered (within three categories) is \$13,800, with the Town of Cottesloe being required to provide a matching contribution to a total budget of \$27,600. No budget allocations to these projects were made.

Generally, no provision is made for any matching funds required for Government grant offers. A budget change is required if Council wishes to proceed with these works.

BACKGROUND

The Department of Planning and Infrastructure invited submissions for grants under the Perth Bicycle Network 2004/2005 Local Government Grants in June, 2004.

Engineering staff and the Travelsmart Officer arranged submissions covering the following works:

1. Installation of 2 x 'U' rails for bicycle parking on the pavement fronting the 'Boatshed', Jarrad Street.
Total cost \$800 (funded 50/50 DPI/Council).
End of Trip funding.
2. Improve path on north side of Jarrad Street across the rail crossing, through the carpark on the corner of Jarrad Street and Railway Street (NW corner), across Railway Street and Jarrad Street (to the south side footpath of Jarrad Street), brickpaving and removal of obstructions on the footpath, ending at the Jarrad Street/Stirling Highway intersection.
Total cost \$15,850 (funded 50/50 DPI/Council)
Local Bicycle Route funding.
3. Linemark Grant Street from Curtin Avenue to Marine Parade and install improvements (pram ramps, widen existing path) for cycle paths on the existing asphalt road surfaces.
Total cost \$6,200 (funded 50/50 DPI/Council)
Generic Minor Works funding.
4. Carpark, west side of Marine Parade (No. 1). Widen path along west edge of carpark by 0.7m to remove safety problem of vehicle overhang on the existing path, plus paint centreline on path.
Total cost \$4,750 (funded 50/50 DPI/Council)
Generic Minor Works funding.

These grant submissions have been accepted by the Department. Formal agreements have to be signed if Council is to receive the grants, based on various conditions, including a 50/50 joint funding status.

CONSULTATION

No formal large scale consultation has occurred. The Travelsmart Officer has had complaints from cyclists on these areas and the need for improvements.

STAFF COMMENT

These changes will improve safety and ease access for particularly, cyclists on Grant Street, on Jarrad Street from Curtin Avenue to Stirling Highway and past the No. 1 carpark on the Cottesloe Beach foreshore. All of this infrastructure is on land vested in Council and any Government grant offered to improve a Council facility should be considered for acceptance.

With the two proposed roundabouts on Grant Street and the Grant Street/Curtin Avenue intersection being undertaken in 2004/05, linemarked cycle lanes on Grant Street will greatly improve cyclists use of this street.

The grant for Jarrad Street includes the brick paving of the concrete slab path on the south side, from Brixton Street to Stirling Highway. Two trees will be required to be removed from this section, but staff are investigating two new trees being planted in 'nibs' in front of the kerb line.

No funding is generally included in the normal budget document for matching any grant approved by State or Federal Departments. A large range of grant submissions can now be requested of local government after a financial year's budget is adopted. Staff apply for any grant if the project involved can return value to Council. Consideration is needed in future budgets for an annual allocation to meet such financial needs.

The \$13,800 matching funds required should be available from surplus residential street resurfacing currently being completed, mainly due to a lower cost asphalt tender being accepted.

VOTING

Absolute Majority

COMMITTEE COMMENT

There was general discussion that the use of Forrest Street would be more successful as it is a more attractive cycle route for recreational riders and that it is a direct line access from the river to the ocean. It was also noted that Jarrad Street is not bike friendly.

The Manager Engineering Services advised that Bikewest and the Council's TravelSmart Officer have considered the route and Jarrad Street is the one proposed. Bikewest have approached Main Roads WA requesting modification of the island in the middle of Stirling Highway.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council:

- (1) Accept a total of \$13,800 Perth Bicycle Network Grants for 2004/05 from the Department of Planning and Infrastructure, with matching funds being provided from projected surplus road funds; and**
- (2) Consider the creation of an annual budget allocation to meet expected requirements of matching funds for a variety of Government grants, for the draft 2005/06 budget document.**

Carried 9/1

12.2.4 RETICULATED AREAS AND GROUNDWATER BORES - FORWARD PLANNING

File No: E11. 2
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 25 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council received, at its meeting in October, 2004 a report on “Reticulated Areas and Groundwater Bores”, including a five year plan to fund and undertake works involving bores, delivery pipelines, storage tanks and reticulated areas.

As per Council policy and resolution, this matter has been advertised for public comment. This report recommends the adoption of the five year forward plan.

STATUTORY ENVIRONMENT

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

3.1 General function

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

3.2 Relationship to State Government

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

3.18 Performing executive functions

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

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

10. Functions

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

11. Powers

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Reduction of numbers of bores, pumps and area reticulated will reduce costs of running these systems and the water volume used.

The five year program will involve commitment to the restoration of these systems to a high efficiency level, but at an annual cost for capital works.

BACKGROUND

The October, 2004 report provided a full discussion on the existing reticulation and bore infrastructure, its problems and the concerns regarding the need to provide sufficient quality and volume of bore water to the town's reticulated grassed areas. The background underlined the need for a long term approach on this matter.

CONSULTATION

This five year program was advertised and placed on the Council web page. Copies were sent to Mr Steve Appleyard (Department of Environment), the North Cottesloe Primary School, the Sea View Golf Club and the Cottesloe Tennis Club.

STAFF COMMENT

The only comments received were from the Sea View Golf Club. Their comments are included as an attachment.

Discussions have been held with the Sea View Golf Club regarding their submission. There had been some confusion regarding the use of the proposed bore water 'ring main' and the connection of Golf Club bores to that main. Once discussed, the Golf Club supported the details of the report and five year program.

The main points regarding this discussion were:

1. Apart from a water crisis, probably caused by a failure of a Council bore or a dramatic salt increase in a bore in a short time, the Town of Cottesloe would only use water from its own resources.
2. The proposed storage tanks would normally only be used by the Town of Cottesloe.
3. In a time of crisis, the Golf Club may be able to get short term water supplies, at night, from Council bores using the ring main system.
4. Again, in a crisis, Council may request Golf Club bore water supplies into Council storage tanks during daylight, when the Golf Course was not being watered.
5. Variable speed drive pumps are already being researched for future Town of Cottesloe bores.

There being no other submission, no changes are proposed to the Five Year Plan for Bores and Reticulation Improvement.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council resolve to adopt the Five Year Plan for Bore and Reticulation Improvement, for future consideration for funding in the draft 2005/06 budget document.

COMMITTEE AMENDMENT

That in year three (3) of the program relating to the Tennis Courts – Broome Street and Napier Street the reference to '(new asphalt parking areas to be covered in other program)' be deleted.

COMMITTEE AMENDMENT

That the references to closing off the reticulation to the Broome Street verge (year 3) and Eric Street verge (year 4) be deleted from the program

COMMITTEE COMMENT

It was generally agreed that it is important that Eric Street is to be kept green, as it is the entrance to Cottesloe. It was also noted that the Broome Street verge should not be changed to cater for carparking for patrons of the Civic Centre and the Hotels.

12.2.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council adopt the Five Year Plan for Bore and Reticulation Improvement, subject to the above amendments, for future consideration for funding in the draft 2005/06 budget document.

Carried 10/0

12.2.5 RIGHTS OF WAY AND LANEWAYS POLICY

File No: E13. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 1 December, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in October 2004, Council resolved to invite public submissions on the draft Rights of Way and Laneways policy, closing on Friday, 26 November, 2004.

That advertising and consultation process has now been completed, with six submissions received.

This report recommends adoption of the new policy.

STATUTORY ENVIRONMENT

Relevant legislation for roads and laneways:

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Main Roads Act 1930*
- *Public Works Act 1902*
- *Transfer of Land Act 1893*
- *Town Planning and Development Act 1928*

The Acts of most significance to this report are:

The *Local Government Act 1960* which was, until 1 January 1996, the State's primary legislation dealing with creation, management and closure of roads. On 1 January 1996, the 1960 Act was mostly replaced by the *Local Government Act 1995*, with some of its road sections being incorporated into the *Land Administration Act 1997* instead.

The *Land Administration Act 1997* (LAA) is the State's primary legislation providing for the disposition and management of Crown land. This Act is administered by the Minister for Lands and the Department of Land Information (DLI) a body formerly known as Department of Land Administration (DOLA).

The *Main Roads Act 1930* also contains provisions in relation to roads, in particular highways, main roads and secondary roads. This Act gives the Commissioner of Main Roads similar powers as a local government in relation to the primary road network.

Definitions

(a) *Public Laneway*

A laneway is a narrow road located along the rear and/or side of a property boundary. Laneways are generally not the primary street from which a property may access the local road network. Laneways are typically used in more dense residential areas when smaller lot layouts justify rear garaging, and where alternative vehicular access is needed for lots fronting busy streets.

In all other respects laneways conforms to the definition of a public road.

(b) *Public Road*

A road consists of the entire road reserve or “casement” between abutting property boundaries that define the legal limits of the road corridor. Roads may vary in width, may or may not be surveyed, and may or may not be constructed.

In general terms, a road or road reserve includes the constructed road, kerbing and verge areas (eg street lawns in urban areas, roadside vegetation in rural areas) up to the boundaries of abutting land holdings.

Most roads are dedicated by order of the Minister for Lands or by approval of a plan of subdivision. Such dedicated roads are termed public roads, and as such the entire road reserve is vested in the Crown. Public roads are controlled and managed by the local authority or the Main Roads WA. A public road can also be referred to as a dedicated or gazetted road or street.

There are a number of different definitions of a public road, including the following:

- **The *Local Government Act 1960*** defines a “road” to have the same meaning as a “street”, which was then defined to include “a highway; and a thoroughfare; which the public are allowed to use; and including every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it”.
- **The *Local Government Act 1997*** dispenses with “roads”, “streets” and “highways”, using instead the term “thoroughfare”, which is defined as “a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end”.
- **The *Land Administration Act 1997*** defines a road to mean “land reserved, declared or otherwise dedicated under this Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both”.

- **The *Main Roads Act 1930*** defines:

“Road” to mean any thoroughfare, highway or road that the public is entitled to use and any part thereof and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culvert, grids, approaches and other things appurtenant thereto or used in connection with a road;

“Declared Road” to mean a road declared to be a highway, main road or a secondary road under this Act, and including any part of any such road.

(c) *Private Laneway or Road*

The definition of a Private road is a roadway on privately held or freehold land, which is generally restricted in use to certain abutting landowners. Further, it means an alley, court, lane, road, street, thoroughfare or yard on alienated land which is shown on a Plan or Diagram of Survey deposited with the Registrar of Title and which:

- a) is not dedicated, whether under law or a common law, for use by the public;
- b) forms a common access to the land or premises, separately occupied; or
- c) is accessible to an alley, court, lane, road, street, thoroughfare or yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public (Section 3 of the *Land Administration Act*).

In addition, Section 3.49 of the *Local Government Act 1995* defines a “private thoroughfare” as a thoroughfare that is not dedicated to use by the public and that connects lands, or premises, separately occupied to a thoroughfare or place that is dedicated to use by public.

Most private streets were created by subdivision of freehold land prior to 1962, with the land remaining in the ownership of the sub-divider. In many cases such owners are long-since deceased, or are defunct companies. Such streets are usually subject to easements or rights of carriageway created by instruments registered under the provisions of the *Transfer of Land Act 1893*.

In 1967 the *Town Planning and Development Act 1928* was amended by insertion of section 20A, providing for rights-of-way and pedestrian accessways to be vested directly in the Crown, upon approval of a plan of subdivision creating such ways. These ways are not subject to easements in favour of adjoining landowners. The Crown is the owner of land in such ways.

A private road not otherwise vested in or owned by the Council or the Crown is rateable land within the provisions of the *Local Government Act 1995*.

(d) *Other*

The Department of Land Information (DLI) identifies the following definitions in their ‘Land Lingo’ document. These definitions are provided for further clarification of the terms used throughout this report:

Land	All land within the limits of the State, including coastal waters and seabed.
Crown Land	<p>Defined in the Land Administration Act as all land, except alienated (freehold) land, that includes:</p> <ul style="list-style-type: none"> • All land within the limits of the State, • All marine and other waters within the limits of the State, • All coastal waters of the State, including the seabed and all islands. <p>Around 93% of the State's area of 2,527,620 square kilometres (above high water mark) comprise Crown estate, the remaining 7% consisting of freehold land. The major categories of tenure within the Crown estate comprise;</p> <p>33% Unallocated Crown land, 16% Reserved land, 34% Pastoral Lease, 3% Other leases (LAA and War Service Land Settlement Scheme Act).</p>
Alienated Land	Land held in Freehold or fee simple land.
Dedication	<p>The acquisition as crown land or any alienated land or private land which has been used by the public, following a request from a local government to the Minister of Lands under Section 56 of the <i>Land Administration Act 1997</i>.</p> <p>Dedication as applied to a public road reserve is the "setting apart" or registration of a portion of land for a public road. It has the effect of vesting freehold land in the Crown.</p> <p>A dedicated road is one that has been created by lawful process, whether by approval of a plan creating the road, or by publication in the Government Gazette or State newspaper of a notice of dedication, or (as now required by the LAA in certain cases) by registration against a Crown Land Title (CLT) of an order declaring that the land has been set aside for such purpose. A road may also be declared a highway, main road or control of access under the <i>Main Roads Act 1930</i>.</p> <p>The manner of dedication depends on the requirements of the relevant legislation in force at the time the road was created.</p>
Road	A route trafficable by motor vehicles; in law, the public right of way between boundaries of adjoining properties.

Closed Road	A public road closed by legal processes. The land involved is usually disposed of to the owners of adjoining properties.
Main Road	Main Road means a road declared by proclamation to be a main road for the purpose of the <i>Main Roads Act 1930</i> .
Highway	Highway means a road declared by proclamation to be a highway for the purpose of the <i>Main Roads Act 1930</i> .
Road Reserve	The entire right of way devoted to public travel including footpath, verges and carriageways, ie the whole width between adjacent property in a road reserve.
Public Road	A public place that has been provided for use by the public for traffic movement and has been declared or proclaimed, notified or dedicated.
Public Access Route	Tracks across Crown land providing public access to coastal recreation areas, where formal declaration as a road is not appropriate.
Right of Way	A right of way is a strip of land available either for use by the general public, or a restricted section of the community, and may be created by subdivision, specific transfer, or continued use over a period.
Public Right of Way	Land vested in the crown as a condition of subdivision.
Private Right of Way	A narrow strip of land generally in a private subdivision and legally available only to owners of blocks in the subdivision.
Road Reserve, Road Casement	Property boundary to property boundary.
Pedestrian Access Way (PAW)	Land acquired by the Crown for use as a footway.
Underwidth Road	A purely descriptive term for a road or laneway which is of a lesser width than normal. The standard road reserve is generally 20.12m.
Easement	An easement is a grant of rights over land by the property owner in favour of another person, to enter onto land for the purpose of installing and maintaining facilities such as cables, pipelines etc. An easement may also be to grant the right to cross over land in order to gain access to another parcel of land. In the case of Crown lands, section 144 of the LAA allows for the Minister of Lands to grant easements over Crown land to any person for any purpose.

POLICY IMPLICATIONS

Council has no policy on rights of way and laneways. This report proposes a new policy on this subject.

STRATEGIC IMPLICATIONS

The increase of land values, the growing complexity of development applications, the increase in legal cases relating to injuries or damages suffered on roads, streets and laneways all impact on laneways. The need to clearly define Council's future requirements and attitudes regarding these routes or accesses all push towards much greater control and definition of the Town of Cottesloe's requirements and obligations in this matter, in a strategic and forward planning sense.

FINANCIAL IMPLICATIONS

Council currently funds the maintenance of laneway surfaces and the control of vegetation in these areas. There is little definition as to whether private sections of laneways should be maintained, the level at which heavy maintenance should become construction and included in a 'Capital Works' budget, and what liabilities Council takes on by general maintenance of private laneways used by the general public.

This report seeks to establish a financial framework to deal with these issues, as well as to determine if a five year programme for laneway upgrading is necessary.

BACKGROUND

Council received an extensive report in October, 2004 on the laneway/ROW network within the Town of Cottesloe, including a draft policy for ROW's/Laneways. This was developed after every laneway was inspected for length, width, condition, construction type, obstructions etc. Investigations then took place regarding ownership status, possible encroachment from private properties and an aerial inspection using the town's GIS photography capacity.

As per Council policy (and resolution) the draft policy has now been advertised, included on Council's web page and staff have been available for discussion on this matter.

CONSULTATION

The requirements of Council's draft consultation policy have been applied to this subject, to assess community concerns.

STAFF COMMENT

The following submissions were received regarding the proposed ROW/Laneways Policy:

1. Owner 2/499 Stirling Highway:

Concern regarding the existing width of Rockett Lane, with all truck deliveries not being able to use the lane due to the width. Requests that this lane be checked to see if fences have been incorrectly located.

Staff Comment:

This lane is narrow at each end, but these widths appear correct and are not affected by incorrect fence alignments. Future widening could only be considered as a condition of subdivision or by forcible resumption.

2. **Owner 261 Curtin Avenue:**

A request for the retention of the rear laneway behind the property. The lane provides the only rear access to the property.

Staff Comment:

No proposals exist for the closure of this laneway. Initial inspections have revealed possible illegal private property encroachment into the laneway, which will be further investigated.

3. **Owner 19 Jarrad Street:**

Supports the draft policy, its objectives and resolutions. Makes reference to ROW56 between Jarrad Street and Rosser Street regarding promised truncations, an illegal closure at the western end and a variety of problems this closure and a lack of truncations have caused.

Staff Comment:

All unapproved closures, obstructions and private property encroachment will be followed up, now that these problems have become obvious from the laneway inspections and use of the GIS aerial photograph capacity. Truncations can be gained as new development proposals are considered and conditions imposed. Both problems identified will be inspected for solution.

4. **Owner 8 Ozone Parade:**

First submission –

- Odd that naming is not proposed.
- ROW 3 (north of Grant Street, between Broome Street and Ozone Parade) 10 residents committed to funding the sealing of the southern end of this ROW. Will Council supervise this work?
- Support has been gathered for two years for this work, including resident meetings. Views this matter as very important.

Staff Comment:

The reasons for not naming laneways are included in the original report. The new policy does not stop or reject the idea of a laneway being sealed, totally at private cost, with solid public support. Staff could supervise this work, undertaken by contractors.

The Ozone Parade/ROW 3 upgrade could be approved by Council and the work completed this financial year, if required.

Second submission –

Reasons for sealing laneways:

- Maintenance includes spraying grass and weeds which stabilise the sand. Small cars are damaged due to the sand moving, causing car bottoms, exhausts and wheel alignment damage.

- Safety of vehicles improved if the laneways are sealed, allowing more vehicles to be parked via rear laneway access – theft of vehicles occur when parked on the verge or kerbline.
- Rear access of ROW's allows a second alternative for a flat/level entrance for people with injuries or disabilities.
- More use of laneways will make them safer. Possible future lighting?
- Built laneways will mean improved drainage.
- ROW's as sand tracks can cause damage to side fences, due to truck use.
- Sand laneways can become smelly areas due to dog use, rubbish dumping/burial, fish carcass burial.
- Vehicles drive faster down sand laneways to avoid being bogged in dry sand, causing rutting and broken fences.
- Lanes are valuable assets if sealed. Numerous other Councils have sealed their laneways.
- Dust from unsealed laneways cover houses, cars and enter houses, particularly on windy days.
- More value in installing soakwells in laneways than in Ozone Parade.
- No logic in installing soakwells at a larger separation distance on streets than on laneways.
- Owners of rental properties should be encouraged to contribute via an annual levy. These owners are not contributing to the possible sealing of ROW3.
- Suggestion that all residents should contribute half the cost of sealing via an annual levy for \$150/year over 10 years.
- A piece meal approach is less efficient than a major program.
- All new buildings with access should fund their section of the laneway to be sealed. Many are not.
- Infill development should have a requirement for off street parking, via a built laneway. For all developments this would protect the verge streetscape.

Staff Comment:

Most of these points have been covered in the previous report or are self explanatory. Particular comments are:

- (a) Lighting of laneways is generally not proposed. Most laneways are too narrow to install light poles.
- (b) Soak wells being installed on Ozone Parade are to protect a private property from flooding. These soak wells are much larger than the soak wells installed on laneways. For long lengths of laneways, more precise drainage design is proposed ie larger pits further apart.
- (c) No forced laneway levies are proposed. If residents don't want their laneway sealed then it is not proposed to force that sealing with some form of levy.

5. Owner 16 Ozone Parade:

- (a) Remove first 17 words of the policy section 4 (6). Replace with "when an existing property adjoining a ROW/Laneway is redeveloped to an estimated cost of more than \$....., or when new access is sought (eg new gate) from an existing property". Contribution should not be tied to

redevelopment because pedestrian and vehicle access can be achieved after redevelopment.

- (b) Policy section 4, 9(d)(ii) reference should be to #6 not #7.
- (c) Policy section 4, 9(e) replace “a ROW or Laneway” with “ROW/Laneway or section thereof”. This is to cover sections of a ROW/Laneway only.
- (d) Policy section 4, 9(e)(iii) add a new sentence “If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditures outlined will be treated as a contribution in order to access priorities and make up the minimum of 50%. This point covers the situation where several short sections may already be built as development conditions, hence the contribution has already been made.

Staff Comment:

- (a) Council is normally not informed if a resident or land owner creates a new pedestrian or vehicle access gate onto a laneway. The use may not be for parking – eg delivery of firewood, gardening material etc. A redevelopment does include the requirement to supply plans and specifications against which a condition of laneway upgrading can be placed. Putting a minimum value on a redevelopment, below which no contribution is required, has been previously considered.

Any vehicle use of a laneway to gain access to a private property, for parking, builders constructing a redevelopment or delivery of goods and materials should require the laneway contribution because such use should impact on neighbouring properties ie dust, noise, drainage etc. A low cost carport or ‘lean to’ against an existing wall could house one or two cars, but the value may be minimal.

- (b) Agreed, the reference should be to #6.
- (c) Agreed, sections of ROWs/Laneways should be noted.
- (d) Agreed, constructed sections (due to upgrading conditions on development approvals) should be seen by Council as contributions already made to that laneway upgrading.

6. Owner 66 John Street

- (a) Objective 1 of the policy encourages the use of laneways to travel around Cottesloe. This should be restricted to streets and footpaths. Laneways are often used by thieves targeting homes and should be for the use of residents for property access. Therefore change Objective 1 to:
“To provide a safe environment and trafficable surface for residents to access their properties and reduce the public liability risk to the Town of Cottesloe.”
- (b) The policy should discourage the use of laneways as shortcuts, particularly vehicle use, with the use of severe speed bumps. Therefore add a new Principle 6:
“To discourage pedestrians and motorists from using laneways as de-facto streets and footpaths or using laneways as shortcuts”.
- (c) Clause No. 11 of the policy reads:
“Only in special circumstances are laneways or ROW’s to be considered for closure, with all such applications being the subject of a report to

Council.” A number of laneways have limited to no use due to previous closures, steep slopes, narrow width, lack of intersection corner locations etc. This limits the use of such laneways to residents. In such cases, closure may be the best option therefore change clause #11 to read:

“As a general rule it is Council policy to keep laneways open. Applications for closure are to be considered by Council”.

- (d) Policy clause No. 13:

Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of Laneways/ROW's showing the ROW number is supported.

Installing a number plate for laneway/ROW makes it just as easy to apply for “normal services of a street” as a name place. This will also encourage traffic. Therefore remove clause 13.

Staff Comment:

- (a) Changing Objective 1 to underline a reduced use of laneways for residents only is worthy of adoption of the change. In reality, thieves will still do what they have done in the past and people knowledgeable of Cottesloe laneways will still use them in an unrestricted way.

It is proposed that small speed humps will be installed at drainage pits to direct water into those pits. This method is used in Subiaco with good results.

- (b) The adoption of a new Principle 6, to discourage shortcut use of laneways can be incorporated into the policy. Large speed humps creates a liability concern. More small speed humps (see previous item (a)) would be a more applicable treatment. Pedestrian use of laneways is legal and difficult to discourage, apart from possible signage.
- (c) This proposed clause change will have a similar result to the existing proposal. Road or laneway closure is a heavy ‘red tape’ matter, dealing with many State Government departments (DPI, DLI, Western Power, Water Corporation, Telstra, Alinta Gas etc) with at least a two year time period. Unless there are outstanding reasons, most staff recommendations will be negative.
- (d) A metal plate with a ROW number is not a public street status. It would allow people to find a particular location more readily rather than have ‘lost’ drivers wandering up and down laneways not shown on all street maps. This will reduce undue use of laneways by people searching for a particular property on a laneway.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council adopt the Rights of Way/Laneways policy, with the following improvements:

- (1) Change Objective #1 to read:
 - (a) "To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe."
- (2) Include a new Principle No. 6:
 - (b) To discourage pedestrians and motorists from using laneways as de-facto streets and footpaths or using laneways as short cuts.
- (3) Change Policy item 9(d)(ii) to refer to point #6 not point #7.
- (4) Add a new sentence to Policy Item 9(e)(iii):
 - (a) "If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
- (5) Change the first sentence of Policy Item 9(e) to read:
 - (a) "ROW/Laneway or section thereof".
- (6) Change clause 11 of the policy to read:
 - (a) "As a general rule it is Council policy to keep laneways open, even if unconstructed. Applications for closure are to be considered by Council".

AMENDMENT

Moved Cr Utting, seconded Cr Sheppard

That 2(b) be amended to read:

- (b) To discourage motorists from using laneways as de-facto streets and using laneways as short cuts.

Carried 7/3

12.2.5 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council adopt the Rights of Way/Laneways policy, with the following improvements:

- (1) Change Objective #1 to read:

- (a) “To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.”
- (2) Include a new Principle No. 6:
 - (b) To discourage motorists from using laneways as de-facto streets or using laneways as short cuts.
- (3) Change Policy item 9(d)(ii) to refer to point #6 not point #7.
- (4) Add a new sentence to Policy Item 9(e)(iii):
 - (a) “If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
- (5) Change the first sentence of Policy Item 9(e) to read:
 - (a) “ROW/Laneway or section thereof”.
- (6) Change clause 11 of the policy to read:
 - (a) “As a general rule it is Council policy to keep laneways open, even if un-constructed. Applications for closure are to be considered by Council”.

Carried 10/0

12.2.6 STREET TREE POLICY

File No:	E17. 5
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	16 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

Council adopted a total of 21 policies in 1999 on street trees. The policies included a large amount of material covering the procedures to be followed by staff regarding street trees. The policies should be combined into one simple document, with all procedures being separated from the policy manual.

STATUTORY ENVIRONMENT

All street and road verges in the Town of Cottesloe are vested in Council's control for care, control and maintenance. Council's Local Law on "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" also provides extensive powers and control.

POLICY IMPLICATIONS

This item is a restated, reformatted version of the 21 Street Tree policies adopted in 1999. The new Residential Verge Policy also has impact on this policy.

STRATEGIC IMPLICATIONS

Within the Strategic Plan the following provisions apply:

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

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

District Development – Town Planning - Preservation of nominated properties on the Municipal Inventory, verges, trees and the foreshore and dune system.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council currently includes in its Policy Manual a document prepared in 1999 by a tree consultant, P & PG Luff, "Policies and Procedures for Street Trees". The document is extensive and generally worthy of preservation.

In its content there are 21 policy statements relating to street trees. A number of these duplicate intentions or are of a procedural nature, not policy. Also, the policies

are not written in the standard format and are too extensive for the general public to easily understand.

Therefore, a new policy is proposed, based on the intentions of this original document.

CONSULTATION

No formal consultation has taken place on this matter. The content relates to and follows a previously adopted policy on the same matter which would have received community comment.

STAFF COMMENT

Council has staff qualified in horticulture, tree surgery and turf management. Care for street trees, and in particular, the Norfolk Island Pine tree, has occurred for many years. Engineering staff are very well aware of the icon status of the Norfolk Island Pine tree, the care required for tree pruning and that removal is a last resort when a tree is dead, dangerous or causing a safety concern to the general public.

The following is a series of existing street tree policies and officer comments on these policies:

Policy No. 1

That the Town of Cottesloe recognises that the Norfolk Island Pine tree is the symbol of Cottesloe and should be preserved.

Comment: Agreed, understood. To be included in new policy.

Policy No. 2

The Town of Cottesloe will plant street trees in an endeavour to have at least one tree at each property frontage to enrich the physical and aesthetic quality of the streetscapes, providing shade within the community and to assist with the establishment of green corridors for native birds and animals in the urban areas.

Comment: General attitude of one tree per property frontage, planted only by Town staff. This will and does improve physical/aesthetic/shade characteristics of road verges. Green corridors/native species movement in urban areas becomes more of a ground level aim, met more by the new Residential Verge policy (promotion of indigenous species planting on verges).

Policy No. 3

Street trees shall be planted in such locations that optimise the streetscape attraction, comply with any legal requirements and minimise conflict with property development, public utilities, traffic and pedestrian management systems installed prior to the planting.

Comment: Relates to procedure of staff in establishment of suitable trees without creating future problems. Include in procedures, not policy.

Policy No. 4

In instances where road verge size does not permit adherence to Policy Statement on Street Trees No. 2, then other endeavours shall be made to effect tree planting to compliment the streetscape without compromising vehicle, staff or pedestrian safety.

Comment: This is partially met by the new Residential Verge policy. Staff have worked to achieve this aim where residents wish to care for street trees on narrow verges. To be included in procedures.

Policy No. 5

In instances where road verge distance from the front property line to the road verge is greater than ten metres (10m.) or the road is of regional significance, the Council may convene a public meeting of the relevant landowners to recommend action to upgrade the street planting scheme.

Comment: The Residential Verge policy applies, as does the new Communication policy. All such wide road verges are already planted with street trees. If there are major roadworks affecting such trees, particularly a number of trees then the Consultation policy applies, including the possibility of a meeting. Relevant landowners are already informed on all infrastructure changes, including paths and roadworks. Individual property owners are consulted/advised regarding changes affecting any single street tree. To be included in procedures.

Policy No. 6

Council shall maintain an operations manual related to planting of street trees and that this manual shall be used as a staff training aid and information document for ratepayers.

Comment: There are a variety of technical manuals, information sources and details on successful treatment of street trees for use by parks and gardens staff. A tree and shrub species list is being developed for resident use under the new Residential Verge policy. To be included in procedures.

Policy No. 7

A list of zones of common horticultural criteria for growing street trees together with recommended species suitable for street trees in each be submitted for Council approval and this list shall be reviewed for Council's consideration from time to time as additional species, conditions or technological changes are recognised.

Comment: This matter is best controlled through parks and gardens staff, under the direction of the Manager Engineering Services. The planting and maintenance of street trees is an area fully undertaken by town staff, not residents. Staff stay aware of new findings, species or technology changes through industry publications. To be included in procedures.

Policy No. 8

A determination of the numbers and species of new street trees to be planted shall be prepared far enough in advance to enable the plants to be purpose grown to Council's specifications.

Comments: Advanced specimens of all common street trees used in the Town of Cottesloe are now readily available in specialist nurseries. A small stock is kept available at the depot. Not required to be included.

Policy No. 9

Only planting approved in writing by Council, other than a street lawn, shall be permitted in any street reserve.

Comment: This is already included in Council's Residential Verge Policy and Council's Local Law "Activities on Thoroughfares & Trading on Thoroughfares & Public Places". Not required to be included. General note in procedures.

Policy No. 10

A suitable maintenance management plan for the 'Norfolk Island Pine' trees planted in the streets of the Town of Cottesloe shall be specifically prepared and put in action to ensure their best health, safety and longevity.

Comment: Generally covered in previous policies and comments. Include requirement for all trees in new policy.

Policy No. 11

Further requirements for planting 'Norfolk Island Pines' within the Town of Cottesloe controlled areas shall first be submitted to Council for approval and this will only be given subject to the planting not compromising the specimen image potential of existing trees.

Comment: Any extension of Norfolk Island Pine trees into other streets would first require the removal of existing trees of other species. Such changes would require application of the new Consultation policy and a report to Council. Include in procedures.

Policy No. 12

Council shall maintain a management manual related to the formative maintenance and post planting requirements for street trees and this manual shall be used as a staff training aid and as a basis for an information document for ratepayers.

Comment: Previously handled with other policies and comments. Not included in policy form.

Policy No. 13

Council Staff shall arrange the pruning of street trees in an economically viable and efficient manner to produce a full canopy that is typical of the species, while at the same time addressing legal obligations and not compromising public safety.

Comment: The new policy should retain comment on the aims of pruning.

Policy No. 14

When it required to amend a street tree canopy that is in excess of seven metres (7m.) high, the Manager, Works and Special Projects shall consider the community

contact necessary as well as the need to seek experienced professional opinion and shall recommend action to Council for resolution.

Comment: The new policy should retain comment on the aims of pruning.

Policy No. 15

A Strategic Management Plan for Street Trees within the Town of Cottesloe shall be maintained and reviewed every three years with any amendments resulting from the review being referred to Council for approval.

Comment: The Town of Cottesloe's stock of street trees could be viewed as infrastructure requiring a five year plan, to set in place Council's requirements of what will be achieved with all street trees by five years time. Do not include in policy. Staff to provide Council with a five year street tree plan.

Policy No. 16

In the instance of a complaint arising from a street tree inhibiting vision of advertising signage or landscape views, pruning or removal of the tree(s) shall not take place for the purpose of resolving the conflict.

Comment: The new policy should retain comment on the aims of pruning.

Policy No. 17

Where there is an urgent requirement to remove a street tree or amend a street tree canopy because the tree has been reasonably determined as being dangerous, the Manager, Works and Special Projects or his Delegated Officer, shall resolve on and authorise action as necessary and then advise the residents as soon as possible.

Comment: This requirement should be included in procedures. The Consultation policy would apply to any removal or major change to a street tree.

Policy No. 18

- (a) To remove a tree that is not an immediate hazard but is over five metres (5m.) high, in a high profile location or historically significant, a report shall be obtained from an appropriately qualified and competent person on the condition of the tree together with a recommendation for a Council resolution.
- (b) To remove a street tree that is beyond rehabilitation and is of a height between three (3m.) and five metres (5m.), the matter with appropriate documentation for justifying the action shall be referred to the Manager, Works and Special Projects for authorisation to proceed.

Comment: To be included in procedures.

Policy No. 19

To remove multiple street trees from a single street, an expert report shall be obtained on the condition of the trees and a resolution on the time frame and the process made by Council in context with a recommendation from the residents affected and in the case of a high profile street from a public meeting.

Comment: This level of change would be handled with the new Consultation policy. The requirement of a report to Council regarding multiple tree removals in one street should remain in the policy.

Policy No. 20

For consideration of Planning or Building Licence applications, plans/drawings submitted must indicate the exact position of any street trees existing on abutting road verges and designs/plans must be empathic to the retention of suitable healthy street trees.

Comment: This aim should be included in the Street Tree policy.

Policy No. 21

A persons or company identified as having damaged or removed a street tree(s) without council approval, shall be pursued under council by law number 10 and also be required to compensate council for all costs associated with the re-establishment of a tree together with any amenity or aesthetic value as determined by the application of a formula previously accepted for this purpose in an Australian court of law.

Comment: The aim of having compensation paid to Council by any builder or developer damaging or removing a street tree without approval should be included in the policy, to allow for re-establishment with an advanced specimen tree. The cost of this full re-establishment should be predetermined.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Rescind resolution W1 of the 28 February, 2000 dealing with 21 Street Tree Policy Statements;
- (2) Advertise, for public consultation and comments, the draft new Street Tree policy, with the new policy to be considered by Council at its February, 2005 meeting, inclusive of any changes proposed from the public consultation program; and
- (3) Prepare a Five Year Plan covering the development of street trees in the Town of Cottesloe over that period.

12.2.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council:

- (1) **Advertise, for public consultation and comments, the draft new Street Tree policy, with the new policy to be considered by Council at its February, 2005 meeting, inclusive of any changes proposed from the public consultation program; and**

- (2) Prepare a Five Year Plan covering the development of street trees in the Town of Cottesloe over that period.**

Carried 10/0

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER, 2004**

File No:	C7.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2004 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It will be noted from the Operating Statement on page 3 that net change in assets is \$225,125 more favourable than the year to date budgeted estimate. This appears to be due, in part, to timing differences and depreciation not being run for October. As in past years a detailed review of revenue and expenditure to date compared to the budget will be conducted following production of the December end statements and any notable items reported to Council.

VOTING

Simple majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2004 as submitted to the December meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 NOVEMBER, 2004

File No:	C7.14
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2004 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 33 of the Financial Statements shows that \$3,523,261.22 was invested as at 30 November, 2004. Of this, \$546,906.34 was reserved and so restricted funds. Approximately fifty three per cent of the funds were invested with the National Bank, forty per cent with Home Building Society, and six per cent with Bankwest.

The Schedule of Loans on page 34 shows a balance of \$475,133 as at 30 November 2004. Of this, an amount of \$57,147.56 represents a current liability to Council.

VOTING

Simple majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2004 as submitted to the December meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 NOVEMBER, 2004

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 November, 2004 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the list of accounts on page 27 of the Financial Statements brought to Council's attention include:

- \$11,059.86 and 11,233.42 to Local Government Super Scheme for employee superannuation contributions relating to two pay periods.
- \$29,573.50 to Major Motors for the net cost of purchasing truck (old truck traded in for \$22,700).
- \$28,916.91 to Wasteless for rubbish collection services.
- \$21,622.70 to Swan TAFE for wall restoration and mouldings works.
- \$10,231.26 to ATO for October BAS.
- \$200,000 to Cottesloe Tennis Club, loan funds.
- \$24,497.72 to FESA for levies collected last quarter 2003/04.
- \$31,705.00 to Municipal Workcare Scheme for insurance premium.
- \$27,863 to Municipal Liability Scheme for insurance premium.
- \$11,861.47 to Flexi Staff for temporary employees.
- \$26,594.15 to Roads 2000 for asphalt works.
- \$19,206.16 to WMRC for transfer station fees for October and November.

- \$47,557.80 and \$50,414.80 for November payroll.

VOTING

Simple majority

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 30 November, 2004, as submitted to the December meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 NOVEMBER, 2004**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 November, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on page 32 of the Financial Statements shows a balance of \$17,172.47, of which \$11,699.50 relates to the current month.

The Property Debtors Report on page 31 of the Financial Statements shows a balance of \$1,423,129.15. Of this amount, \$913,826.41 relates to ratepayers who have opted to pay via instalments, \$249,867.84 relates to rates that have been deferred or may be deferred in the current financial year, \$16,200 relates to payment plans, \$134,085.32 relates to Emergency Services Levy and \$109,149.61 relates to accounts that are in some phase of the collection process.

VOTING

Simple majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 November, 2004; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 November, 2004.**

Carried 10/0

12.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.4.1 NEW YEARS EVE - BAN ON GLASS**

File No:	X7.2
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	7 December, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to authorise members of the WA Police Service to perform any of the functions of an authorised person under Council's *Local Government Property Law*

STATUTORY ENVIRONMENT

Section 9.10.(1) of the *Local Government Act 1995* provides that "The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Under Council's *Local Government Property Law* an "authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under the local law.

Specific provisions of the local law provide the following:

- 3.15(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless-
 - (a) that is permitted under the *Liquor Licensing Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- 3.15(2) Subclause (1) does not apply where the liquor is in a sealed container.
- 8.1 A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.
- 8.2 An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.
- 9.3(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law is prohibited from doing, commits an offence.
- 9.3(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000...

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Town of Cottesloe's vision is for "A clean, safe and attractive town."

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

For the last several years, officers of the Town of Cottesloe and operators of licensed premises have worked together with the WA Police Service in seeking to minimise adverse impacts arising from New Year's Eve celebrations on the Cottesloe beachfront.

The overall approach has been one of seeking continuous improvement largely on a trial and error basis.

Broken glass presents a huge problem in terms of accidental injuries for revellers on the night and beachgoers in the following days. The clean up effort severely taxes the Council's immediate resources.

The condition of the Indiana Teahouse public toilets on the night is such that it presents a significant safety hazard in terms of people attempting to use the toilets without slipping on broken glass and injuring themselves. Rather than attempt to use the toilets, many of those present will simply use the next available thing.

As a result, the lessees of the Indiana Teahouse will be closing the public toilets on the night and the Town of Cottesloe will be providing portable toilets in the No.1 carpark in lieu thereof.

In addition, it is intended that illuminated mobile display boards will be put in place with the following safety message (or something similar) "No glass containers allowed west of Marine Parade".

Obviously if this direction is to be enforced then members of the WA Police Service must be given the power to exercise power and direct people to behave responsibly when using local government property.

There are other powers that are automatically available to members of the WA Police Service under Council's *Beach and Beach Reserves Local Law No. 3* but they are not as specific in terms of dealing with alcohol as is Council's *Local Government Property Law*.

CONSULTATION

The OIC of the Cottesloe Police Station supports the proposal subject to Council's own authorised officers being present on the night to provide advice and support where required.

STAFF COMMENT

Historically the response to broken glass has been to improve lighting in known trouble spots, confiscate alcohol from under age drinkers, supply SULO bins rather than metal bulk rubbish bins and ensure that a First Aid post is there on the night.

This year it is intended that we go beyond this and trial a chill – out area and a “no glass policy”.

VOTING

Simple Majority

12.4.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council authorise members of the Western Australian Police Service to perform any of the functions of an authorised person under Council’s *Local Government Property Law*.

Carried 10/0

12.4.2 TOWN PLANNING SCHEME No. 3

Cr Sheppard raised the following items for consideration:

1. Marine Parade.
We may or may not know what it is that the community does not want for Marine Parade, but I would like to know what they do want.
2. Housing for those seeking to downsize.
Those wishing to downsize must inevitably leave Cottesloe, so we are not catering for our changing demographic. Accordingly I would like staff ideas on spot rezoning to accommodate this, and community to be asked for their input on this concept.
3. The Town Centre.
Again I would like the community views on what they seek here.

12.4.2 COUNCILLOR & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That the Town Planning Scheme No. 3 precinct community consultation, scheduled for March 2005, include the following brief:

1. **to determine the community's wish for what they consider acceptable for an upgrade of Marine Parade and its environs;**
2. **to determine the community's views on housing for residents seeking to downsize;**
3. **to determine the community's suggestions to improve the Napoleon Street shopping precinct; and**
4. **that this be referred to the Strategic Planning Committee.**

Carried 8/2

The vote was recorded:

For: Mayor Rowell, Cr Cunningham, Cr Furlong, Cr Jeanes, Cr Morgan, Cr Robertson, Cr Sheppard, Cr Strzina.

Against: Cr Utting, Cr Walsh.

13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 29 NOVEMBER 2004**13.1 GENERAL****13.1.1 MEDIA POLICY**

File No:	X4.11
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	25 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to update Council's *Public Relations Policy*.

BACKGROUND

Two of the strategic plan actions identified for implementation in 2004/05 are a review of Council's media policy and an investigation of the criteria for press releases.

A policy document which addresses both issues follows. It contains much of Council's existing *Public Relations Policy* and includes a new section on media releases.

Proposed additions to the existing policy are shown in blue text. Proposed deletions are shown wherever the text has been struck out.

~~PUBLIC RELATIONS~~ MEDIA POLICY**OBJECTIVE**

To provide guidelines for communication with the media.

PRINCIPLES

- 2.1 Others have a right to know about decisions and actions that affect them and respond with information which enables elected members and staff to make informed decisions themselves.
- 2.2 Only those persons who hold the positions nominated in this policy are authorised to speak on behalf of Council.
- 2.3 Councillors have the right to discuss Council resolutions with the media on the basis that it is made clear to the media that they are not speaking on behalf of Council.
- 2.4 Councillors and staff must not divulge to the media details of discussions which occur as part of the decision making process on items which are resolved by the Committee or Council as being confidential.
- 2.5 Media releases should be used to;

- Promote specific Council projects and initiatives,
- Relay accurate and up-to-date information to electors,
- Congratulate/commend individuals and organisations,
- Defend Council from unwarranted criticism.

ISSUES

- 3.1 The Town of Cottesloe encourages open communication with the media, with an emphasis on promoting a positive, progressive and professional image of Council and staff. Communications should be accurate, polite and professional. A coordinated approach is therefore essential in dealing with the media.

~~Without a coordinated approach to dealing with the media, the image of Council can be substantially undermined. Conflicting statements coming from Council and/or staff claiming to represent Council will present a poor image to the community. It is therefore important that the recommendations of committees and resolutions of Council as stated in the published minutes should be accurately reported by individual Councillors, while they remain free to express their personal view.~~

- 3.2 Some meetings, or some parts of a meeting, may be closed to the public under Sec. 5.23 of the Local Government Act when dealing with certain matters. ~~Council, as Council as a whole and while operating in committees, has the capacity to declare items to be of a confidential nature and consider the matters 'in camera'. These may include discussions which occur in reference to matters outlined in S5.23(2. inclusive, of the Local Government Act 1995. While the final decision is public knowledge in that it is reflected in the resolution of Council, participants in the discussion~~ meeting have an obligation to ensure that the meeting discussion itself remains confidential.
- 3.3 Although the Freedom of Information Act facilitates ~~requires the Council to enable~~ public access to Council documents, at times, there are documents and issues of a sensitive nature which are required to be kept confidential. This includes papers distributed to assist in decision making which are either tabled as 'confidential' or marked 'confidential'.
- 3.4 ~~It is occasionally difficult for media present in the Council chamber to follow exactly the wording of resolutions, particularly when they are amended.~~

POLICY

- ~~4.1 The spokespeople for the Council are the Mayor and the Chief Executive Officer.~~
- ~~4.2 The Mayor may refer media enquiries to an appropriate Councillor or the Chief Executive for response, or the Chief Executive Officer may refer a matter to an Officer to respond on behalf of Council.~~
- ~~4.3 All Council press releases must be approved by the Mayor or in his/her absence, the Deputy Mayor or the relevant Committee Chairperson.~~
- ~~4.4 The local media is to have access to a copy of the published Full Council agenda and minutes from the same day they are circulated to Councillors.~~
- ~~4.5 Each Committee Chairperson is responsible for drawing to the attention of the Mayor or Chief Executive Officer any matter on which he/she believes Council should make a public statement.~~

Mayor

- 4.1 The Mayor is the primary Council contact for the media.
- 4.2 The Mayor is authorised to make media comment and issue media releases on behalf of the Council on local, state and national topics that directly affect or relate to the Town of Cottesloe.
- 4.3 The Mayor has the discretion to nominate a Councillor with specific knowledge or skills on a topic to provide media comment on that topic subject to the nominee complying with the following condition that applies to media comments made by the Mayor.
- 4.4 Media comment by the Mayor or his/her nominee must accurately reflect the Council's position on the topic as determined by the Council in adopted documents including Council's,
- Strategic Plan
 - Town Planning Scheme
 - Policies
 - Minutes and
 - Meeting notes

Councillors

- 4.5 Each Councillor has the right to make independent “personal” statements to the press media on matters of Council business provided:
- (a) it is made clear to the media that such statements are not made on behalf of Council and do not necessarily reflect the views of the Council;
 - (b) where the matter has yet to be determined by the Council, disclose that fact.
 - (c) the statements do not include comments on discussions which were resolved by the committee or Council to be of a confidential nature;
 - (d) the statements in all circumstances:
 - (i) fairly and accurately reflect the conduct of Council business, proceedings in Council or committee meetings;
 - (ii) are intended to either provide the community with a clear expression of the opinion of the Councillor making the statements to the media; and
 - (iii) are not intended to bring the Council into disrepute or lower its standing in the community.

CEO

- 4.6 The CEO is the principal media spokesperson for the Town of Cottesloe as an organisation.
- 4.7 The CEO may also respond to media enquiries on behalf of the Council if requested by the Council or Mayor to do so for a particular topic.
- 4.8 The CEO may authorise a staff member to provide media comment on a particular request or topic where appropriate.
- 4.9 Departmental Managers may provide media comment on operational, procedural and statutory matters within their areas of responsibility subject to the prior approval of the CEO.

Council Staff

- 4.10 All media requests received directly by staff shall be referred immediately to the CEO or in his/her absence, the Department Manager.

- 4.11 No media comment can be made unless prior authorisation has been received from the CEO or in his/her absence, the Department Manager.

Media Releases

- 4.12 Council media releases should benefit and inform the community rather than aggrandise any individual.
- 4.13 Any media release issued on behalf of Council as an elected group must be approved by the Mayor or (in his/her absence) the Deputy Mayor.
- 4.14 Where a media release refers to, or quotes an elected member, or other persons and organisations, the elected member, person or organisation must also approve the media release.
- 4.15 Councillors are free to issue their own press releases as individuals but should do so with the best interests of the Town of Cottesloe in mind. Personal attacks on other Councillors and Council staff are to be avoided.
- 4.16 Council staff are encouraged to prepare their own media releases subject to the CEO's approval and editorial control.
- 4.17 Media releases must quote someone (whether it be an elected member or a staff member) and must contain the details of a contact person for media follow up.
- 4.18 All ~~Council Press~~ media releases issued shall be ~~faxed~~ emailed to Councillors at the time of release to the ~~Press media~~, or be delivered within the week, where ~~fax~~ email facilities are not available to Councillors.

RESOLUTION NO: ~~P04~~ **TBA**
ADOPTION DATE: ~~27 July, 1996~~ **13 December, 2004**
REVIEW DATE: ~~July, 1999~~ **December 2008**

(Replaces ~~P69, 22/03/95~~ **P01, 27/07/96**)

CONSULTATION

As the proposed policy is a very much an internal operating policy it is not intended that it be published for public comment under the draft *Community Consultation Policy*.

STAFF COMMENT

While the alterations are largely self-explanatory, the following points are made:

1. The principle of using the media to inform electors and receive feedback as a means that enables better decision making is specifically acknowledged.
2. A positive rather than negative “spin” is placed on the release of information.
3. The hierarchy, roles and obligations of the Mayor, Councillors, the CEO and Council staff are clearly set out.
4. A new section on media releases has been inserted that lays out some basic rules for media releases. The intent here is to “legitimise” the use of media releases and encourage their appropriate use.
5. The objectives behind media releases are clearly laid out.

POLICY IMPLICATIONS

If adopted by Council the new policy will take effect immediately.

STRATEGIC IMPLICATIONS

One of the key strategies for 2004/2005 is to establish positive public relations as measured by the quality and amount of information published. The target is greater than 85% customer satisfaction.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council adopt the proposed *Media Policy*.

AMENDMENT

Moved Cr Morgan, seconded Cr Strzina

That the Media policy be amended to replace the word ‘councillors’ to ‘elected members’.

Carried 10/0

13.1.1 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council adopt the proposed *Media Policy*, as amended.

Carried 10/0

13.1.2 STRATEGIC PLAN 2003-2005 ENGINEERING SERVICES REPORT

File No: X12. 4
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

This report provides an Engineering Services comment on the various items included in the Action Plans within the Strategic Plan, where these actions are to be undertaken by that department.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are financial implications associated with many of the proposed actions.

Many actions can be covered within normal budget allocations regarding infrastructure maintenance, staff training etc. Other strategic issues have been or will be presented to Council individually with all aspects, including financial, being addressed.

BACKGROUND

Council has resolved to receive a status report on the various items listed in the Strategic Plan/Action Plans, including comments on the main issues raised in the 2002 Community Survey.

CONSULTATION

The Strategic Plan has previously had a variety of community involvement, including advertising for comments, the Services Survey in 2002 and a number of meetings.

STAFF COMMENT

The following comments apply to the adopted Action Plans:

GOAL	ACTION	COMMENTS
Goal 1: Corporate Governance <i>Strategy 1.2:</i> Provide professional development for staff.	1. Arrange appropriate training – external provider.	Staff Attend training seminars and conferences where appropriate. Staff visit other

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		<ul style="list-style-type: none"> • Sustainable Road Pavement Management. • Muderup Rocks – Public Safety. • Metropolitan Regional Road Programs. • Cottesloe Beach Groyne. • Drainage Sump Development. • Local Government Road Funding. • North Cottesloe Surf Life Saving Boatshed Deck. • Town Centre Zone – Street Furniture.
Strategy 1.6: Utilisation of Council's Assets.	1. Council Depot – Report on alternative locations.	Ongoing meetings have taken place involving Engineering input from Cottesloe, Claremont and Nedlands. The major site receiving specific attention is a Crown land site in Nedlands, off John 23 rd Avenue, between John 23 rd College and the Western Power Depot. In the near future a consultant will take all committee findings, compose a report and this report will be presented to WESROC for final presentation the three involved Councils.
Goal 4: Infrastructure Strategy 4.1:	Commitment to Civic Centre.	Issues involving Engineering will be part of a future report by Manager Corporate Services.
Goal 4: Infrastructure – Enhance Streetscape Strategy 4.2:	2. Review documents re Cottesloe Beach/Marine Parade.	<p>The following comments are given regarding relevant Engineering items:</p> <ul style="list-style-type: none"> • Streetscape Policy and Manual: the sections applying to the Beach Zone are being followed. New concrete paths North of Eric Street are to the limestone colour, as required. • Street Tree Manual: The Street Tree Manual/Policy is larger than the entire rest of Policy Manual! The majority is procedure not policy. It is proposed to re-

		<p>address this document, to provide a more simple policy, separated from a larger procedure document.</p> <ul style="list-style-type: none"> • Street tree species list: this is being revised for the new Residential Verge Policy. • Local Street Improvements: A 5 year program has been adopted for local streets. Other adopted programs involve drainage and footpaths. Streetscape, landscaping and traffic control will be addressed in 2005. <p>Cottesloe Beachfront Development Objectives: matters raised under this document:</p> <ol style="list-style-type: none"> 1. The current Parking Study will provide proposals for Marine Parade, No. 1 and No. 2 parking areas, including traffic flows. 2. The idea of reducing lane widths on Marine Parade to reduce traffic numbers must be balanced with public safety needs and the minimum needs of buses and delivery trucks. 3. New street furniture, lights, trees etc will be reported on, in addition to current major development proposals. Private funding of such improvements as part of developments would be expected. 4. Safer footpaths are being considered for the entire town. Marine Parade is part of that consideration, within the five year plan. 5. Safer pedestrian crossings will be part of the Marine Parade road surface replacement, through MRRG funding in the next 3 years. <p>Forward plans have been adopted for paths and road surfaces. Parking areas will be reported to Council this year. New street furniture and light</p>
	3. Compare beachfront workshop outcomes and documentation.	

		designs will be considered this financial year for the beachfront. Bores and reticulation systems have been reported on. Visual pollution/ signage and public toilets have not been dealt with so far.
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Comments on results of Services Survey, 2002, regarding Engineering Service provision:

Beach facilities/beach condition:

Range of comments, many dealing with non Engineering issues. Several expensive demands for better facilities possibly from non ratepayers. Ongoing efforts needed for rubbish control, beach access steps improvements, extra sun shelters, reticulated lawns at the central beach area and parking.

Note: Council will receive a proposed five year program for beach facilities in 2004/05, addressing all issues.

Playgrounds, recreational ovals, parks/reserves:

General positive comments. Requests for shade at playgrounds, additional play gear. Need for extra efforts to remove weeds from general reserve areas. Preserve remnant dunes. General parks need more seats, features, water features. More play areas requested. Ovals and active use areas well maintained.

Comments: A variety of playground improvements have occurred in the past two years. More effort is going into weed control. A report will be provided to Council on forward plans for playgrounds. The main impact on main ovals/recreation grounds is the improvements to reticulation water supply.

Streets:

The majority of comments regarding streets were satisfactory. The areas of concern were:

- Jarrad Street, west end – related to the Sea View Golf Course closure.
- Curtin Avenue – relates to the future alignment and when decisions would be made on its future, plus traffic volumes.
- Marine Parade – already covered, re Marine Precinct.
- Napoleon Street – extra parking in the area needed. This is being addressed in the Station Street parking area debate.
- Rights of Way/Laneways – poor to no maintenance, speeding issues, drainage problems, rubbish dumping, need to bituminise. Comment: the laneway/ROW report addresses all of these issues.
- General street condition – speeding, potholes, drainage damage on verges, resurfacing needed, noise. Comment – five year resurfacing program adopted. Extra need for funding recognised. Report to go to Council in 2004/05 on speed controls in streets.

Parking:

A report will be provided to Council on the condition and proposed works on all existing parking areas in 2004/05. This will use the findings of the current parking study.

Pedestrian Amenities:

The five year path report deals with the slab replacement issue. Pedestrian crossings and 'pram' ramps are part of the slab replacement program. Dual use/cycle paths and lanes are being addressed in conjunction with travelsmart principles. Bus shelters will be reported to Council in 2004/05. General satisfaction levels were high, with negative comments (in 2002) on bus stops, footpath condition and advertising on rubbish bins.

Pedestrians crossing Curtin Avenue also have ongoing problems. These are being addressed with Blackspot installations in some locations.

Other Engineering Services:

Comments range from high satisfaction to dissatisfaction, many times on the same issues.

Watering of verges and parks is seen as a water waste and an urgent need for increase. Native, unwatered species on the verges are supported. Protection of Norfolk Island pines is supported.

Street lighting comments also range from support to inadequate. Generally, comments indicate inadequate levels of residential street lighting. Particular locations will be investigated.

Verge mowing – most comments are that property owners should mow their verges. More mowing demanded by others.

Drainage:

More drainage maintenance, particularly in sumps, is requested. Negative comments on low maintenance causing street flooding. Remove or improve eyesore sumps. No drainage in car parks.

Comment: Drainage and sump maintenance has increased. Reports to Council involve three private property sumps being redeveloped. The five year drainage program deals with these issues.

VOTING

Simple Majority

13.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council resolve to accept and note all comments reported by the Manager Engineering Services on the Engineering aspects of the actions listed in the Strategic Plan.

Carried 10/0

**13.1.3 STRATEGIC PLAN 2003-2005 - CORPORATE GOVERNANCE –
UTILISATION / RATIONALISATION OF ASSETS – CIVIC CENTRE****File No:****Author:** Mr Alan Lamb**Author Disclosure of Interest:** Nil**Report Date:** November, 2004**Senior Officer:** Mr Stephen Tindale

SUMMARY

The purpose of this report is to meet the requirements of Action 2 of Goal 1 of the Action Plan, Strategic Plan 2003-2005 (Civic Centre – undertake a cost benefit analysis of the various utilisations). Also to address Action 1 and 2 of Goal 4 of the Action Plan (Review the division of costs of maintaining Civic Centre, undertake and report on a preliminary identification of issues surrounding the various uses). Additionally to make a recommendation in relation to rationalising the uses of the Civic Centre to make better provision for Council's administration and local community requirements.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Section 3.58) provides that where a Local Government intends to dispose of property (including leasing) it is required to dispose to the highest bidder at an auction or call tenders except in certain circumstances. These circumstances include where the value of the market value of the property is less than \$20,000 (Section 31 of Local Government (Functions and General) Regulations).

Another exception is provided for in the Local Government Act (Section 3.58(3)) which sets out that a local government can dispose of property other than by auction or tender if before agreeing to do so it gives state-wide public notice of its proposal and then considers any submissions made. The notice is to give details of the proposed disposition including the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If implemented, the recommendation will result in net income being reduced by less than \$40,000 per annum and a capital expenditure requirement in the order of \$300,000.

BACKGROUND**Brief History** (as extracted from the Cottesloe Civic Centre Conservation Plan – Considine and Griffiths)

The original sections of the Civic Centre were built, for the then owner R W Pennefather (born in Tipperary Ireland in 1851, studied and practiced law in Melbourne before arriving in WA in 1896, became MLA in 1897 and Attorney General 1897) , in 1897 in a style described as a “Federation Queen Ann Bungalow. The five acres of land selected by Pennefather, in an area that had been fashionable for seaside homes of the wealthy (generally their second or summer homes), contained one of the original district wells. The house was built of limestone, quarried from a nearby quarry (currently Council’s depot site), and had imported Marseilles patterned terracotta roof tiles. The grounds featured a number of other buildings including the summer house and some of the limestone retaining walls that remain today. The lower level included a kitchen (later the billiard room and now the RSL Hall) and house keeper’s accommodation (later a smoking room/study and now the kitchen area). The current War Memorial Hall and Lounge areas were a number of separate bed and living rooms. Cypress hedging was planted around the two and a half acre house grounds to protect the gardens from coastal conditions.

In 1911 C A. de Bernales purchased the property and named it Overton Lodge after his birthplace in England. He continued to develop the house and surrounding estate until the mid 1930s and as early as the 1920s he commenced structural alterations which continued till 1937. The process of transforming the house into a palatial Inter-War Spanish Mission style mansion was commenced in 1930. Works included the addition of the northern wing that includes the areas now used as Council Chambers (was the dining room), Mayor’s Parlour (was a number of bed rooms), and a garage (now the Lesser Hall). Stables and servants quarters were refurbished. In 1929 a jarrah lined billiard room (now RSL Hall), smoking room/study (now the kitchen area) and the portico, billiard room verandah (now the games room and areas occupied by Mustard Catering) were added on the lower level. Jarrah lining was a feature of much of the new and renovation works as was parquet flooring. The cypress hedge was removed in 1935 and the balance of the perimeter, and other, limestone walls, steps, paving and gate ways were constructed.

Cottesloe Council purchased the property in 1950 and sold four and a half acres of the western side to assist with the funding. Council modified Overton Lodge to create offices. Other works included glazing the east and north of the garden lounge (now the games area and area occupied by Mustard Catering) to create a supper room that doubled as a café. Also to convert the smoking/study room into kitchens. The RSL and the Women’s Guild took use of the billiard room, walls were removed to create the main hall and lounge rooms, the dining room became the Council Chambers with the addition of the jarrah horseshoe shaped table set up to face the fire place, and the garage was converted into the Lesser Hall The tennis court was converted into a children’s playground as was the rose garden east of the caretaker’s lodge. The summer house was used by local Scouts as a kiosk for selling icecream and drinks (the summer house was demolished in 1959 following a partial collapse during renovations). The water tank (Spanish tower) became a viewing platform for the coast line and the lawns a venue for garden fetes, folk dancing and many other community uses. The halls and café area also became significant venues for a variety of community functions.

At the end of 1952 Council said that “The Centre has more than realised the ambition of your Council and has become an important part of community life, not only in Cottesloe but the whole Metropolitan area” (Civic Centre News Dec 1952). “Day or night the Civic Centre is a hive of activity with meetings, luncheons, recitals, cultural and technical classes. Gradually, the Centre has become a part of life for Cottesloe Residents” (Civic Centre News August 1954). In 1954 Council carried out major repairs to limestone boundary walls. The gate way, toilets and ticket boxes on the northern boundary were constructed in 1957 in response to a request to stage industry fairs such as the annual motor shows. Oldham’s water garden was constructed in 1962 and the Spanish Tower (water tank) was demolished in 1966 (one option put forward for its replacement was an archives room indicating space problems for Council’s offices) and nothing was erected to take its place. In 1968 large extensions to the west of the building were looked at.

A number of other alterations, repairs and alterations were carried out over the years and relevant works include the following:

- 1970-71, ground floor and basement of the northern east/west wing added to provide more office accommodation;
- 1974, alterations to kitchen area;
- 1978-81, the northern wing was extended (ground floor) to current footprint, adjustments to general office area, various shuffling of offices, RSL kitchen upgraded for use as staff kitchen and games room became a staff amenities room;
- 1983 part of the café enclosed to provide reception and office space for Mustard Catering and a new kitchenette servery installed upstairs;
- 1984-86 Architectural firm engaged to undertake a major survey of the building and grounds and propose a master plan. In 1984 a report was provided that had a plan to restore the badly deteriorating walls in the garden and provide accommodation required by office staff. The report included details of neglect and deterioration and identified reinstatement work required. Council worked through options that included selling the site, selling part of it to raise funds to do required works and improvements, phase out the existing use as a function centre, lease the facility for twenty years with contractual arrangements to upgrade and restore the buildings and grounds. It was agreed that to do nothing was not an option, that to renovate entirely was complicated by the current lease and community uses, and it was decided that a staged approach to renovations was feasible. The latter was supported by, among other, the following two reasons:
 - 1) *A change of use or allowing the premises to fall into a state of disrepair would not be acceptable by the community.*
 - 2) *It was a facility that the residents of the Municipality and indeed the region, relate to as being the hub of Cottesloe administration, and activity and its use as an administration and community centre, as well as a function centre, is historically established and accepted.*
- 1985 Council considered tenders and a loan (loan 77 for \$200,000) for upgrading works;

- 1986 stage 1 commenced with a new coolroom, store, toilets, kitchens upstairs, and new stairs to the upper lounges. Work was also done on the Lesser Hall, walls and a two story addition to the east gable;
- 1990 stage 2 commenced with a new toilet block replacing the old well and pump room (sunken lawn area);
- 1991 stage 3 entailed office renovations to create more office space. This involved enclosing part of the east facing portico with glass, removing the toilets and brides room and re-siting a number of walls to reorganise the space. This included front office counters and room dividers;
- 1992 a second story to the office wing was added Councillors reception room (Mayor's Parlour) was remodelled in an attempt to match the Council Chamber. The extensions provided a committee room and a Mayor's office, and toilet and shower facilities;
- 1996 Conservation Plan prepared and its recommendations adopted by Council. The Civic Centre was included on the Heritage Council's Register of Heritage Places;
- 1998 ground floor office space modified and staff occupied the new Committee Room (built in 1992);
- 1999 Rangers relocated from ground floor office area to northern tower of Indiana building; and
- 2000 further modifications to ground floor office and part of the front portico enclosed to create a new entrance and provide more space.

Maintenance/conservation works at the Civic Centre has been sporadic. A detailed study of required works in 1984 highlighted the magnitude of what was required and this was reinforced by similar information in the Conservation Plan (1996). Following recommendations contained in the latter, more detailed studies were conducted to establish cost estimates and a list of priorities. Costs estimates indicated a funding requirement of \$3 million, more than half of which related to external screen, retaining walls, associated stairways, pavements and ornate mouldings etc. Works to address the most urgent requirements began in 2003 with the employment of a skilled person to work full time on the project. Lottery Commission grants have eased the financial burden and a trust appeal is being pursued. The currently employed approach of having the works overseen by a Structural Engineer and Heritage Architect, utilising the trade, general building and organisational skills of the new employee, and the valued input by TAFE, have resulted in lower than expected costs and a very high quality of work.

Office Space

As reported to Council in August 2002 and February 2003 and as noted in the preceding history summary, office space has been a problem for many years (probably since 1966 when the Spanish Tower area was looked at as a potential area for an archives room. Council addressed the problems by building significant additions, by regular reshuffles within the offices and by giving up important elected member spaces such as the Committee Room and Mayor's Office to general office space six years after they were constructed and fitted.

The August 2002 report to Council noted that staff numbers had increased from nine in 1990 to eighteen in 2002 and that whilst modifications were done to the offices in the intervening years they have not fully met demand. Also, that some office areas

were made less useable due to noise. The planner's office was noted as being next to the airconditioner plant room and affected by the constant hum from that plant. It is also fairly open with a low ceiling (it cannot be closed off or the ceiling raised due to airconditioner ducting arrangements) and so is adversely affected by foyer noise (as are most of the ground floor areas), and it is a relatively small area. It is also a thoroughfare to the Manager of Development Services office and the stationery cupboard (built under the stairway). Exit interviews conducted with planning staff indicated that a lack of office space and noise distractions were significant problems. This report also noted that the Corporate Services team was split up with some occupying the Committee Room upstairs and the balance being located on the ground floor and that this reduced the team's overall effectiveness in the customer service area and resulted in aspects of operation being disjointed at times.

The August 2002 report to Council noted that the lease with Mustard Catering was due to expire in August 2003 and that this represented an opportunity for Council to use space occupied by Mustard to resolve its office accommodation problems. It is noted that this option was also looked at in 1985 when consideration was given to phasing out "the existing use as a function centre and adapt it to community use and administrative centre". This option was constrained at the time by the then existing ten year lease which would have had to be bought out and the cessation of the stream of income that the functions activity provided.

In, or about, 1990 an architect was engaged to redesign the office layout to make more space and the works included removal of office toilets and brides room and creation of a number of offices, the current counter and enclosure of part of the portico with glass. The work was done in two stages with the new toilet block being constructed in the lower lawn area in 1990 and the other works being done in 1991. The area created by removal of the toilets and brides room was divided up into a number of narrow offices. This area has been reconfigured a number of times in the years since. In 2003 an interior designer was engaged to review current and future office accommodation requirements. The following recommendations were made to the CEO after lengthy discussions with staff and a detailed analysis of the current office:

- The existing space cannot provide for your current or future staffing needs.
- Your ratepayer and public service facilities are not adequate for the public or staff.
- Important and valuable council records are not being housed and stored correctly and are spread in five separate locations and need to be centralised and kept in a safe and secure environment, with sufficient growth for the future.
- The current staffing levels are not being adequately provided for so that they can perform their duties in a productive, efficient and professional manner.
- With the addition of new services planned for the future and no space to house those staff to provide those services the only option would be to place them in a separate facility away from your current offices which is not desirable for all of the obvious reasons.
- There are staff that are currently housed in accommodation away from your main offices and these staff should be located with their departments and the management that goes with those departments.

The designer drafted a revised office layout that included Council utilising all of the ground floor space currently leased to Mustard as offices and records storage. It also entailed offices being created in the games room area and made provision for an interview room. Indicative costs, based on these plans, totalled around \$300,000 (notable items were records storage units \$30,000, airconditioning \$24,000, and furniture \$84,000).

Whilst looking over the fence is not always a good indicator of what to do, it is noted that Mosman Park is embarking on an office extension

Civic Centre usage

It appears that the Civic Centre and grounds were well used by the community in the early years of Council's ownership and that the function centre aspect was added only to offset costs. When Council purchased the property in the 1950s it converted a ground floor room into "kitchens". It is not clear if these were for exclusive use of a function organising company at that time or for community use. The earliest lease that could be located is dated 1956. The premises in this lease are the same portions of the ground floor area of the main building and areas of the Lesser Hall as in the expired lease that Mustard held. The earlier leases (till 1961) included the Summer House (used as a kiosk). It appears that all leases included the exclusive catering rights clause that effectively stops catering by any other entity. Up until 1983 much of the lease space on the ground floor was used as a café (on plans it is referred to as the supper room). In 1983 this space was converted into office, storage and cool room facilities for the lessee.

The lease with Mustard Catering expired 1 August 2003. In February 2003 Council resolved to commence the statutorily required process to extend the lease for a further twelve months to August 1 2004 to enable it time to look at office accommodation problems and the option of not continuing on with the lease. The required valuations and advertising were carried out and a lease agreement was drawn up. Two copies of the lease extension document were forwarded to Mustard Catering on 17 July, 2003 with a covering letter requesting that the two copies be signed and returned to this office for Council's signatories. It has been confirmed that the letter and lease copies were received by Mustard but the lease copies were not returned and so not signed by Council's signatories. Legal opinion is that the lease may be continued on a month by month basis, so long as this is not carried on indefinitely, however a fixed term longer than that would require the process set out under Statutory above. There is however a need for the lessee to take forward bookings from its clients and so a month by month based lease extension is not expected to be satisfactory to them.

Current practice has been for the Civic Centre lessee to occupy more of the building space than provided for in the lease. These areas include; an old shed off the sunken lawn (used exclusively by Mustard), a store room on the upper floor (Council keeps some cleaning products in this room and so uses a small portion of it but it has become the main store area for Mustard), the verandah area off the War Memorial Hall (for storage of table bases) and an area adjacent to the Lesser Hall where an ice machine has been located. None of these additional space requirements appear to have been formalised. They have not been provided for in any expired leases and do not appear to have been sought to be included in any new leases. It is suggested

that their value has not been included in negotiated lease rentals. The shed is in such a poor condition that it is to be demolished, the storage space would be of great advantage to Council and the verandah is not a suitable storage area.

The War Memorial Hall is used mainly by Mustard Catering for catered functions. It is also used for concerts and Council holds occasional meetings there. It has been the practice to have staff open up before uses and lock up afterwards for all hirers other than Mustard. It has been suggested that all Council meetings should be held in the main hall because the currently used facility is regularly too small to accommodate all of the public who attend Council meetings.

The Lesser Hall is used by a variety of entities for a variety of purposes. Users are provided a key and asked to return it later. This facility is used by the community more than the lessee.

The grounds are used for wedding ceremonies and associated photographs, film shoots and functions which Council derives some income from. They are also used by the community for a variety of purposes. Wedding ceremonies entail some setting up (chairs and a table generally) and Council used to provide this service (for a fee) with the caretaker performing the functions in the earlier years and in more recently by the contact cleaner caretakers. With changes in cleaning arrangements and to reduce the load on admin staff for bookings etc, this activity was transferred to Mustard Catering with them being charged a ground hire fee for ceremony bookings they take. Film shoots are generally low impact as are wedding photos and the like. Functions can be disruptive, result in wear and tear, and occasional damage.

Options for usage of the Civic Centre include leasing out the entire complex and taking or building offices elsewhere, operating the facility for community and administration purposes only and keeping the status quo.

Option 1: Information obtained from the Valuer Generals Office (VGO) provides that a market rental for the whole of the property would be between \$250,000 and \$300,000 per annum. Also, that any rental agreement should incorporate both a base rental and a percentage rental as the value of the rental may grow once the business is established. They also note that the nature of any heritage works may impact on the rental especially if these are to be undertaken the lessee's cost and are seen to derive or generate little or no income or any additional business.

Regarding the option of renting office space, the VGO notes that difficulty may be locating accommodation of sufficient quality and quantity within the Town. Council could expect to pay between \$200 and \$250 per m², net of outgoings, for office space. Based on the current area occupied (offices and Council rooms) this would cost between \$148,200 and \$185,250 per annum. It is noted however that the current office space is not sufficient and so it is expected the additional area required (including records storage) would push costs to the range \$188,200 to \$235,250. This does not allow for the two halls that would be lost to public use and if space for these was also included that range would increase to \$341,200 to \$426,500.

The VGO suggests that the third option (to build accommodation) would not generally be based on a market rental but on a return on capital investment by the developer.

The VGO adds though that it is not uncommon for such deals to disclose, when analysed to a rental, rates in the order of 50% higher than so called normal commercial office space lettings, say \$300 to \$350 per annum net of outgoings.

Based on the foregoing information, leasing the Civic Centre out would produce more income (say \$300,000) than office and Council room space would cost to rent (say \$235,250) but this does not take into account the maintenance and restoration requirements of the Civic Centre. It is suggested that these works would be more diligently done, with appropriate reference to the historical significance of the place, by Council than by a commercial operator. This factor plus the loss of hall facilities to the community, some of which may have to be replaced, reduces the beneficial variance this option might yield.

Also based on the foregoing, the converted rental equivalent of building office and Councillor accommodation (say \$329,350) would result in a net cost to Council after taking the estimated Civic Centre rental into account (say \$300,000).

Costs/Income

The following information was derived by analysing actual expenditure and revenue for 2003/04. Some of the information is based on estimates.

Total operating expenditure for the Civic Centre for 2003/04 was \$346,763 against revenue of just under \$79,000. the following table sets out the division of costs and income over the various areas, income from Mustard is shown separately as is the estimated portion of costs that are linked to the income (that is the level of work done would be less if the area was not being hired out).

	<u>RELATED COSTS</u>	<u>COSTS</u>	<u>COSTS</u>	<u>MUSTARD HIRE</u>	<u>MUSTARD LEASE</u>	<u>Mustard</u>	<u>MUSTARD INCOME</u>	<u>OTHER</u>	<u>INCOME</u>
GROUNDS									
Tank stand	927	7,902	8,829				-	614	614
Main lawn stage	4,103	7,602	11,705	2,206	4,994	1,091	8,291	511	8,802
Two palms	2,058	24,461	26,519	1,124	2,544	556	4,224	239	4,463
Playground 1	411	4,891	5,302		-	-	-	272	272
Playground 2	870	3,386	4,256		-	-	-	576	576
Rotunda	310	6,397	6,707		-	-	-	205	205
Sunken lawn	15,174	16,066	31,240	5,486	12,419	2,713	20,618		20,618
Other	3,337	95,600	98,937		-	-	-	2,210	2,210
BUILDINGS									
Office		91,197	91,197		-	-	-		
Governance		14,567	14,567		-	-	-		
Lesser Hall	9,444	3,450	12,894	1,020	2,309	504	3,833	5,470	9,303
War Memorial Hall	12,748	6,370	19,118	10,341	23,409	5,114	38,864	2,321	41,185
RSL Hall		3,790	3,790				-		-
OTHER									
Heitage Appeal, Dep'n etc		11,025	11,025				-		-
One Off Events - Main lawn	300			12,360			12,360		12,360
							-		
TOTAL	49,682	296,704	346,086	32,537	45,675	9,979	88,191	12,418	100,609

Note, the foregoing does not include all administrative costs associated with hirings. Also the lease income has been apportioned to areas based the level of hire fees paid by Mustard Catering. The second column from the right is reimbursements from Mustard for costs such as electricity and gas.

It will be noted that the lease returns a profit, after allowing for estimated costs directly associated with the income generation (not including administrative costs) for all areas that Mustard hire. Taking out extra ordinary income items, the overall net income from Mustard is around \$40,000 however this does not take account all

administrative costs associated with this aspect of operation and so the real net income will be somewhat less than this.

With regard to the maintenance/restoration requirements, whilst these have been estimated to cost \$3,000,000 costs can be spread over a number of years with a staged works program, and grant funding assistance has, and is expected to in future, ease the burden. Council is also embarking on a National Trust Appeal that should provide a good portion of the required funding. In addition, the current approach to works (that is use of heritage experts to provide advice and oversee works, the employment of a skilled trades person to work fulltime on the project and utilisation of TAFE training options) is effective and results in lower than estimated costs. In addition, Council is contemplating selling freehold sump sites and other land holding initiatives that should produce significant income. Whilst it is recognised that there will be many competing need, such as improving the standard of infrastructure assets (roads, paths, lanes, parks etc) some of this funding could be applied to the Civic Centre project.

CONSULTATION

The matter has been talked about extensively with staff over time. It has also been discussed at Council and Committee meetings and with external entities including Mustard Catering.

STAFF COMMENT

It is suggested that clearly office accommodation is a problem and one immediate solution would appear to regain the ground floor area of the Civic Centre which is currently leased out.

It is noted that the functions aspect of Civic Centre operations was added in the 1950's to offset costs and that the prime purposes for the purchase of the property was community and administrative use. As the net income of functions is now less than \$40,000 per annum, and as the lease has expired, perhaps its time to consider not continuing with this activity. Replacements for functions in the main hall could include more community concerts and the like and may provide for Council meetings.

It is therefore recommended that the expired lease with Mustard Catering not be renewed but it be allowed to continue on a month by month basis till no later than 31 December 2005. Also that Council obtain plans and costings for works that create more office space in the Civic Centre building in preparation for inclusion in the 2005/06 budget with a view to commencing works early in 2006.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council

- (1) Not renew the expired lease with Mustard Catering but it be allowed to continue on a month by month basis till no later than 31 December 2005.

- (2) That Council obtain plans and costings for works that create more office space in the Civic Centre building in preparation for inclusion in the 2005/06 budget with a view to commencing works early in 2006.

COMMITTEE COMMENT

It was felt that freeing up potential office space by simply terminating current lease arrangements with Mustard Catering would not provide a good solution to what is currently a poor situation.

13.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council:

- (1) **Confirm its commitment to:**
- (i) **retaining the Civic Centre as its administrative centre;**
 - (ii) **ensuring that a good standard of office space is provided for staff and in turn;**
 - (iii) **ensuring that customers are better served.**
- (2) **Obtain architectural plans for potential additions to the Civic Centre.**

Carried 10/0

13.1.4 ACTION PLANS

File No:	X12.4
Author:	Ms Ruth Levett
Attachment:	Action Plans
Author Disclosure of Interest:	Nil
Report Date:	25 November, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to receive the updated Action Plans report (see attached).

BACKGROUND

The Action Plans report is provided with a view to updating elected members on progress being made with Council's Strategic Plan and to obtain feedback.

CONSULTATION

Nil.

STAFF COMMENT

This agenda item represents an opportunity for elected members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

13.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That the Council receive the updated Action Plans report for the period ended 30 November, 2004.

Carried 10/0

13.1.5 WALGA TRAINING OPTIONS

File No: X4.3
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 22 November, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made

BACKGROUND

One of the things the CEO has been asked to do under Council's Strategic Plan is to promote additional Western Australian Local Government Association (WALGA) training options to elected members.

A summary of WALGA's *Elected Members Development Program* was distributed to all elected members together with a request to rank the various training modules offered by WALGA in terms of importance.

Eight elected members responded and the following table summarise those responses.

Module	Description	Rankings by Councillor								Total	Duration	Cost per head
		1	2	3	4	5	6	7	8			
1	Legal responsibilities of an elected member	4	1	1	1	5	1	1	1	15	1 day	\$270
2	Land use planning	1	2	11	2	3	6	4	4	33	2.5 days	\$675
8	Community consultation and participation	7	7	5	5	4	5	2	2	37	0.5 day	\$135
9	Ethics and conduct for elected members	8	3	8	6	6	3	3	3	40	0.5 day	\$135
6	Strategic planning	3	8	6	3	8	4	5	5	42	0.5 day	\$135
5	Meetings	2	9	4	11	1	2	13	6	48	1 day	\$270
3	Performance appraisals of the CEO in local government	5	5	10	7	11	7	7	11	63	0.5 day	\$135
7	Local government finance	11	11	12	4	2	9	8	7	64	0.5 day	\$135

4	Teamwork, communication and conflict in local government	6	6	9	8	9	8	10	10	66	0.5 day	\$135
11	Policy development	9	10	3	10	7	13	11	8	71	0.5 day	\$135
13	Customer service and complaints handling	12	4	7	9	13	11	6	13	75	0.5 day	\$135
10	Change management	13	13	2	13	12	10	9	9	81	0.5 day	\$135
12	Regions and resource sharing	10	12	13	12	10	12	12	12	93	0.5 day	\$135

CONSULTATION

N/A.

STAFF COMMENT

Quite clearly the module entitled *Legal Responsibilities of an Elected Member* stands out as the number one priority.

The *Land Use Planning* module would have been a fairly close second but for one response that rated it as a very low priority.

This module is broken into three sections in terms of its actual delivery i.e.:

1. Legislative framework (half day)
2. Local Strategic Planning & Policy Making (full day)
3. Planning Application Assessment & Decision Making (full day)

The next four most important modules that can be grouped together (given the points spread) are:

- *Community Consultation and Participation*
- *Ethics and Conduct for Elected Members*
- *Strategic Planning*
- *Meetings*

Council has \$5,000 set aside in its budget for elected member training.

If the *Legal Responsibilities of an Elected Member* and *Land Use Planning* modules were to be fully subscribed by all elected members, it follows that the budget would be exceeded by 100%.

However the likelihood of such an eventuality is remote since many of the courses are held on working days.

As an alternative Council may wish to arrange the in-house delivery of the training modules at a cost of \$3,000 per day.

This alternative is the least cost-effective but gives greater control over the dates of delivery and is therefore open for debate.

In the meantime it is recommended that Council policy be changed so that a more proactive stance is taken in terms of encouraging elected member training.

POLICY IMPLICATIONS

Council has a *Conference* policy which is intended to "Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training" (see attached).

Unfortunately the policy is silent on the matter of approving the attendance of elected members at training courses.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

An amount of \$5,000 has been set aside in the 2004/2005 budget for elected member training.

VOTING

Simple Majority

13.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council include the following under the Policy heading of the *Conferences Policy*:

The Chief Executive Officer is authorised to actively promote and approve the attendance of Members at training courses provided under WALGA's *Elected Members Development Program*.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

Carried 10/0

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

13.2.1 REVIEW PROTOCOL FOR VOLUNTEER ADVISORY GROUPS

Discussion was held in relation to establishing procedures and protocol for volunteer advisory groups.

13.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Strzina

That Council staff be requested to prepare a report on protocol for the Design Advisory Panel and other advisory committees.

Carried 10/0

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

Nil.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**15.1 TOWN PLANNING ADVICE**

Cr Walsh spoke in relation to an email that he circulated to Councillors and proposed to move a motion in relation to obtaining expert planning advice on outcomes of zoning the beachfront R160 whilst maintaining a 12 metre height limit.

Councillors expressed the view that they had not received enough time to consider Cr Walsh's motion and that the matter was not of an urgent nature.

15.1 COUNCIL RESOLUTION

Moved Cr Morgan, seconded Cr Cunningham

That Cr Walsh be given the opportunity to present his arguments on the urgency of the matter.

Lost on the Mayor's casting vote 6/5

16 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.00pm.

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