

# **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, 17 MARCH, 2008**



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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Mayor announced the meeting opened at 7.03 pm.

**1.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE****BACKGROUND**

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

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

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

**Suspension of Standing Orders**

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

**OFFICER RECOMMENDATION**

Moved Cr Dawkins, seconded Strzina

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

Carried 9/0

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

Mayor Kevin Morgan  
Cr Jay Birnbrauer  
Cr Greg Boland  
Cr Daniel Cunningham  
Cr Jo Dawkins  
Cr Bryan Miller  
Cr Victor Strzina  
Cr John Utting  
Cr Ian Woodhill

**Officers in Attendance**

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Miss Kathryn Bradshaw	Executive Assistant

**Apologies**

Cr Patricia Carmichael

**Leave of Absence (previously approved)**

Cr Jack Walsh

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME****Brenda Pearson, 4/118 Broome Street – Item 12.1.4 Unbudgeted Loan Funds – Proposed New Library**

Mr Pearson stated that she was a respondent to the community consultation for the proposed library last year and had commented on the overwhelming support for the library. Why is the process being delayed?

The Mayor said that there had been no delay by the Town of Cottesloe on this matter. It was dealt with at Council's May 2007 meeting where authorisation was given to progress to the preliminary design and costing stage. Council is at a stage where it can now consult with the community regarding costs and financial arrangements pending a decision being made at tonight's meeting.

There is certainly a delay with some land tenure paperwork which the Shire of Peppermint Grove is dealing with. Tenders cannot be called until the land tenure issue is resolved and ownership of the land is confirmed.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Strzina, seconded Cr Dawkins

**That Cr Woodhill's request for leave of absence from the April, May and June meetings be granted.**

Carried 9/0

**6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Strzina, seconded Cr Utting

**The Minutes of the Ordinary Meeting of Council held on Monday, 25 February, 2008 be confirmed.**

Carried 9/0

## **7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

### **Local Planning Scheme 3**

The Mayor announced that Council has finally obtained approval to advertise the draft Local Planning Scheme 3 and that it had been two years since it was first submitted by Council. The Mayor acknowledged that the delay in obtaining approval had resulted from a few issues that took time to resolve – namely building height limits and the two beachfront hotels in particular.

Mayor Morgan advised that an Enquiry by Design process will be undertaken to determine whether the Council's preferred 3 storey height limits or the Minister's preferred 5 storey height limits will apply to the two hotel sites.

Mayor Morgan added that the Enquiry by Design process will also apply to the railway reserve land near the town centre.

The Mayor explained that the State Government's position was that there should be no height limits for the Council depot, Wearne and WA Institute for Deaf Education sites until they were settled through a structure planning process which would involve community consultation. While the town's 2 storey height limit will remain in the advertised scheme text, it will contain an added note that the Minister would like these height limits removed and settled through the proposed structure planning process. Community feedback on the height limit issue during advertising is therefore critical.

The Mayor advised that formal advertising of the new scheme will be early to mid April and urged ratepayers, residents and non-residents to put forward written submissions when responding. He warned that some developers will be well prepared and may attempt to swamp the process with submissions against the town's proposed height limits. The Mayor urged the community to understand that this submission stage is the most important part of the whole scheme adoption process. The results of all the preceding submissions over the years to limit building heights could all be undone in the absence of any submissions being made during the advertising phase.

### **Claremont-Cottesloe Rotary Club**

The Mayor raised a concern directed to him by the President of the Claremont-Cottesloe Rotary Club in relation to how the club is suffering a decline in membership. Council has been asked to assist in attempting to raise public awareness of this issue and to urge community members to consider becoming involved in their local Rotary Club.

## **8 PUBLIC STATEMENT TIME**



Mr David Caddy, The Planning Group, 182 St Georges Terrace – Item 11.1.3 No. 12 (Lot 20) Deane Street – Two-Storey Residence with Basement & Swimming Pool

Mr Caddy appreciated that the plans had been amended but he still supported the Committee recommendation. He reiterated a concern about the first floor level being more than 0.5m above the natural ground level.

Mr Caddy expressed his opinion regarding interpretation of the town planning scheme and the residential design codes in relation to the roof style and its affect on the building height.

Mr Caddy concluded that the privacy issue will only be satisfactorily resolved by lowering the ground floor as requested.

Mr Howard Read, 10 Deane Street - Item 11.1.3 No. 12 (Lot 20) Deane Street – Two-Storey Residence with Basement & Swimming Pool

As an owner and ratepayer of 10 Deane Street for several years, Mr Read commented that it was fair to note that his rights and obligations are not being observed and the proposal unduly affects his property. He argued that the first floor level should not be 0.5 metre above the natural ground level and appealed to Council to respect his arguments to maintain his privacy.

Mr Tim Wright, 7 Margaret Street - Item 11.1.3 No. 12 (Lot 20) Deane Street – Two-Storey Residence with Basement & Swimming Pool

Mr Wright stated that when they design a building they try to design in a style to ensure everyone is happy with the outcome and all design aspects are within the scheme's requirements. In this case they have not asked for the exercise of any discretion, yet after discussion at Committee level they have come back with a design that has no overlooking to the neighbours.

Mr Wright stated that Council employs professional planners who are impartial to applications and queried why the officers' recommendation was not being accepted.

Mr Wright then presented a diagram highlighting the roof design and advised that it may not look like a roof but it does act as a roof and collects rainwater. He further added that due to the underlying limestone another half metre of excavation will be extremely costly as the space was already allocated to proposed water tanks beneath the house. He concluded by requesting that Council support the original officers' recommendation.

Ruth Greble, 47 John Street – Item 12.1.3 Proposed New Library – Tender Process and Item 12.1.4 – Unbudgeted Loan Funds – Proposed New Library

As a retired librarian Mrs Greble advised she doesn't automatically follow or support library proposals but she has been following this particular development because it's a beauty. She spoke in favour of the proposal and

said that Council should go ahead with the tender using unbudgeted loan funds, arguing that they need to be approved to keep the process on track.

Mrs Betty McGeever, 7 George Street - Item 12.1.3 Proposed New Library – Tender Process and Item 12.1.4 – Unbudgeted Loan Funds – Proposed New Library

Mrs McGeever said there was concern within the community about the proposed library development and questioned why Council, unlike the other Councils involved did not have their finances arranged already when costings had been known for some time. Council is lacking leadership in this matter.

Mrs McGeever asked why a year has passed and it is only now that an item has been raised regarding unbudgeted funds? What is Council doing now to commit to that finance and what effort is being made to sort out the land tenure issue?

Mrs McGeever thanked those elected members who are working hard to progress the project.

In response to the questions raised by Mrs McGeever's Mayor Morgan commented that as previously advised Council is following a legal and formal process. It would not have been prudent for Council to pluck a figure out of the air and make a commitment at an earlier stage.

In relation to the leadership comments, Mayor Morgan stated that Council had been pushing hard for the resolution of a number of outstanding issues in order to move the project forward. It was this Council that had raised concerns over the land tenure issue as the number one item to resolve and it had still not been resolved. He said the view of Council is a very prudent one. The Minister's sign-off should not be taken as a given.

For as long as the Shire of Peppermint Grove continues to work on this matter, this Council cannot intervene.

Mayor Morgan was not aware of any actions by this Council that have actually delayed the project to this point in time.

Marion Ewing, 11 Rosser Street - Item 12.1.3 Proposed New Library – Tender Process; Item 12.1.4 – Unbudgeted Loan Funds – Proposed New Library and Item 11.1.5 Planning for Future Curtin Avenue – Update Report & Next Steps

Ms Ewing stated that she would not continue with anymore comments regarding the library. She felt that the Mayor will lead the floor in advancing the process. She further added that Cottesloe has always been a leader amongst the western suburb councils.

Ms Ewing then addressed the Curtin Avenue planning item and reminded newly elected members that the whole process has been going on for a very long time and Cottesloe's views have always been represented as a minor

consideration in being able to influence proposed future works. She stated that Council should not allow Main Roads WA to think that Cottesloe will do anything to resolve the issue and that Council should keep pushing for the ditch solution and also resolve the bicycle path issue too.

Mayor Morgan assured Ms Ewing that Council is not rushing to resolve the matter and advised that concessions were coming from the side of Main Roads WA and Department of Planning and Infrastructure. It was now apparent that dual-lane roadway and railway can be accommodated side-by-side. Council now needs to convince them to put it in a ditch or a tunnel.

He agreed that it was critical for Cottesloe to have effective east-west connectivity and noted the current debacle of having two major roads essentially running parallel less than 50 metres apart.

Mr Rod Eagleton, (on behalf of Friends of the Library), 7 Nailsworth Street - Item 12.1.3 Proposed New Library – Tender Process and Item 12.1.4 – Unbudgeted Loan Funds – Proposed New Library

As President of the Friends of the Library, Mr Eagleton advised he would like to present a retrospective view on the matter. He stated that it should come as no surprise that the proposal has been on the cards since 2002 where it gained in-principle support from Council. In 2005 Council voted in favour 10 to 1 commit to the new library. He stated that the focus groups in 2005 showed an 80% public approval rate and that the costs put forward then were very accurate.

Mr Eagleton noted that the proposal is support by ProCott and that the potential rate increase to residents equates to less than half a cup of coffee per week. He added that the expected return on such an investment of this nature is approximately \$4 for every \$1 spent and the number of visitors will increase when new facilities are built.

*Mr Geoff Trigg left the meeting at 7.48 pm.*

Mr Eagleton said that the other Councils have already signed-off and he questioned why Cottesloe Council won't sign-off until the land tenure issue is resolved. He also stated he has discussed the land tenure matter with Hon. Colin Barnett yesterday who has promised to raise the matter with the Minister.

Ms Sue Freeth, (on behalf of Friends of the Library), 1 Florence Street - Item 12.1.3 Proposed New Library – Tender Process and Item 12.1.4 – Unbudgeted Loan Funds – Proposed New Library

Ms Freeth noted that the proposal is not only an important point for the library itself but also for the wider community. It has been a very long and thorough process to date, which has lead to the balance being right. The proposed library addresses not only the needs of current users, but those of future users.

Ms Freeth announced that the plans looked excellent and covered a broad range of aspects, such as quiet reading areas, kids area, history section, access inclusion and facilities and digital/online information, while not excluding the segment of the community that are currently not able to access online resources. It includes community resource areas, meeting rooms and the ability to run classes/workshops. Ms Freeth noted that the library is more than a service provider, but is also a place that adds to community well-being by allowing social meeting and interaction between all facets of community from kids, to parents to senior citizens. It is critical that Council support the proposal which will provide a benefit for at least the next 40 years.

## **9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

*Mr Geoff Trigg returned to the meeting at 7.53 pm.*

**10 REPORTS OF COMMITTEES AND OFFICERS**

Agenda items 12.1.3, 12.1.4, of the Works and Corporate Services Committee and Council agenda items 10.1.1 and 10.1.2 were dealt with first and then the Development Services Committee agenda items and then the Strategic Planning Committee items.

**10.1 CHIEF EXECUTIVE OFFICER****10.1.1 FINANCIAL IMPLICATIONS - COTTESLOE CIVIC CENTRE & PROPOSED NEW LIBRARY**

**File No:** SUB/398 & SUB/168  
**Attachment(s):** [Cost Estimates](#)  
[Architects Report – Pre-Tender Estimate Review](#)  
[Loan Repayment Schedule](#)  
[Process Schedule and Timeframe](#)  
[Refinancing or Early Retirement of Debt Report](#)  
[20 Year Model Reports](#)

**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to receive this report.

**BACKGROUND**

At the Works and Corporate Services Committee held on 11 March 2008 the following recommendations were made to Council:-

**Civic Centre Restoration and Extensions**

That subject to;

- the architect re-visiting the scope of works and identifying any possible cost savings, without unduly compromising the quality and character of the proposed redevelopment, and a report being presented to Council, and
- a report on the financial implications of the proposed development, in conjunction with the proposed library development, being presented to Council in a comprehensive and transparent manner, comparing all possible repayment scenarios, and
- a Special Council meeting being called to consider the above reports, if necessary,

Council proceed with the following:

- (1) Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-

Selection Criteria

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The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

#### Compliance Criteria

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

#### Qualitative Criteria

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:
- Method for completing the sequence of work:

#### Price consideration

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
- (3) Call tenders for the Civic Centre works.
- (4) Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$3.08m

#### **Proposed Loan No 105 – Cottesloe Civic Centre**

That Council not proceed with the raising of Loan No.105 of \$1.4m, to be repaid over 10 years, for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate, until the conditions of the Committee Recommendation at agenda item 1.1 are met and resolved.

Further investigations have been made in relation to a potential reduction in costs for the proposed Civic Centre works and the financial implications of raising loans for the proposed Civic Centre works and proposed new library.

#### **Architect's Report**

As advised at the committee meeting, a number of additions were made to the scope of works. The additions and their associated costs were broken out and presented to

the Works and Corporate Services Committee meeting so that Council could decide whether those additions should be retained or deleted (see Attachment 1).

The CEO advised that of the amount of \$624,000 in additional costs, an amount of \$278,365 was critical to the project and that it could be funded by the surplus of \$280,000 received from the recent sale of land in Margaret Street.

The additional costs relate entirely to the staged movement of staff to and from the War Memorial Town Hall namely:

Staging	\$120,000
Temporary floor	\$75,000
Temporary power	\$46,200
Alterations to the main hall	\$7,300
Builders preliminaries and margins	\$29,865

When these additional costs are added to the \$40,000 increase in costs for the base building costs (i.e. \$2,370,000 up to \$2,410,000), the percentage increase in overall building costs amounts to 13.4% (or 11.5% of the total cost of \$2.77m provided to Council in May 2007).

As requested at the Works and Corporate Services Committee meeting held on 11 March 2008, the architect has been asked to review the scope of works and identifying any possible cost savings, without unduly compromising the quality and character of the proposed redevelopment.

A copy of his report is shown as Attachment 2.

Based on the architect's report, the following table identifies the value of works that could be deleted and their impact on functionality:-

Impact on Functionality	Value of Works
Low	18,000
Low to medium	9,600
Medium	132,060
Medium to high	126,000
High	36,000
<b>Total</b>	<b>321,660</b>

It should be noted that the architect's report recommends the retention of new ceilings throughout the existing ground floor offices (\$26,000).

To sum up, in the architect's view, an amount of \$295,660 in potential cost savings is available to Council or, to put it another way, the potential cost range for the proposed work is \$2,792,705 to \$3,114,365

**Note:** The potential savings are confined to office accommodation only. They do not include any potential savings associated with the town hall restoration and improvement works.

**FINANCIAL IMPLICATIONS****Loan Borrowing Capacity**

The Manager Corporate Services and the Accountant met with staff from the WA Treasury Corporation (WATC) to determine funding availability and borrowing conditions. Financial statements and a template were provided to the WATC prior to the meeting to facilitate calculations of borrowing limits.

WATC advice is that the proposed loans for the library and Civic Centre renovations and office extensions fall within the borrowing limits calculated for a local government of the size of Cottesloe based on the financial information provided.

Proposed loan borrowing schedules for both the library project and the Civic Centre appear as Attachment 3.

**Timing**

A timeline for library project is attached (Attachment 4) and it indicates that construction of the library will not commence until the first fortnight in October 2008. Unfortunately it has not been possible to obtain a schedule of potential progress payments to the builder (i.e. cash flow) as that can only be determined with some certainty once the contract has been awarded.

With regards to the Civic Centre extensions and renovations, a completion date of January 2009 means that the whole of the proposed loan of \$1.4 m will have to be drawn down in the 2008/09 financial year.

Therefore a worst-case scenario would see one six-monthly repayment for both loans being repaid in the first half of 2009. The loan amounts would be \$99,399 for the Civic Centre and \$218,759 for the library or a grand total of \$318,158 to be repaid in the first half of 2009.

**Rate Increases**

Assuming the loan repayments are paid entirely out of rate increases in July of 2008 then based on a budgeted general rate income of \$5,586,138 for 2007/08, a 3.92% increase in rates will be required for the library and a 1.78% increase will be required for the Civic Centre.

These increases will need to be replicated in the following financial year (2009/10), all things being equal, to cover the cost of two loan repayments in one financial year rather than one.

**Loan Sinking**

Discussions have held on the possible sale of the Council depot site and the possibility of extinguishing all or part of existing and proposed loan debt. Advice from the WA Treasury Corporation (see Attachment 5) is that there are no fees or penalties for early repayment of loans except for those associated with changes in the prevailing interest rate at the time of the original loan and the prevailing interest rate at the time of extinguishing the loan.

In other words, the market value of the debt outstanding is determined at interest rates prevailing on the day a termination is required and a financially neutral position



occurs for both the borrower and lender (hence, there is no real 'cost') if there is no difference in the interest rates. However, when the following occurs:

- If interest rates have risen (in comparison to the interest rate at which the loan was taken out by the borrower); a discount will occur.
- If interest rates have fallen (in comparison to the interest rate at which the loan was taken out by the borrower); a premium will occur.

To summarise, the Town of Cottesloe would receive a discount on the amount to be repaid if interest rates have risen or pay a premium if interest rates have fallen.

### **Long Term Financial Modelling**

The long term impact of increased debt servicing has been modelled using South Australian local government software (see Attachment 6).

Using existing knowledge of likely capital and operating expenditure and revenue over the next 10 years, the modelling indicates areas of potential concern (or little concern) using a red (or green) 'traffic light' background in the table.

The red and green traffic light indicators on the model show some of the indicators switching from exceeding our predetermined expectations (green background) to falling within an acceptable range (white background).

This is noticeable for:

- Net Finance Costs to Rates Revenue
- Net Finance Costs to Total Operating Revenue

This indicates that if the library and the Civic centre projects go ahead and the loans are raised as proposed, then it is highly unlikely that the Town of Cottesloe would be placed in an unsustainable financial position.

It is important to note however that the model has not been independently audited and the financial outcomes verified. It can only be used for indicative purposes only.

### **CONSULTATION**

N/A

### **STAFF COMMENT**

As Council is aware, the raising of a loan for the Civic Centre project and the use of sale proceeds from 35 Margaret Street has been provided for in the 2007/08 Council budget.

No similar provision has been made for the library project.

The issue therefore reduces to one of affordability and the desirability of calling tenders in the full knowledge that funding is in place and absolutely certain for both projects.

From an affordability point of view, it is the opinion of staff that both projects are affordable. Further, that in the interests of public accountability and transparency, the proposed loan for the library should be advertised if the project is to be expedited.

Given that the library tender will not be awarded until late September 2008, the delay in calling tenders by seeking community input into the proposed library loan does not seem unduly burdensome. The proposed building timeline is capable of being compressed if required.

It is also certain that the proposed library loan will not be required in this financial year. The probability of sufficient financial provision being made in next year's budget would seem to be high – particularly if it is coupled with some significant belt-tightening at the time of adopting the budget.

At its simplest, the question is one of whether Council wants to make the new library happen and that of course, is very much a political decision for Council to make.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**10.1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the report.**

Carried 9/0

**10.1.2 WA LOCAL GOVERNMENT ASSOCIATION - SYSTEMIC SUSTAINABILITY  
DRAFT REPORT**

**File No:** SUB/100  
**Attachment(s):** [Executive Summary and Recommendations](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 11 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The following recommendations are made:

That Council:

1. Commend WALGA for the development of the draft discussion document *The Journey: Sustainability into the Future*
2. Generally support the draft discussion document subject to the opportunity for discussion and possible amendment of specific proposals.
3. Note that the broad thrust of the draft discussion document reflects the collaborative regional co-operation being successfully developed and applied by the Western Suburbs Voluntary Regional Organisation of Councils (WESROC).
4. In co-operation with WESROC:
  - a) Analyse the recommendations.
  - b) Work with WALGA to amend and enhance specific recommendations.
  - c) Identify and prioritise the recommendations which are actionable by local government (as opposed to those requiring action by others such as the State Government or WALGA).
  - d) Develop an action plan to implement relevant recommendations either regionally via WESROC or otherwise by the Town of Cottesloe where appropriate.

**BACKGROUND**

The Western Australian Local Government Association (WALGA) has provided a copy of their Systemic Sustainability Study (SSS) Draft Report – *The Journey: Sustainability into the Future* – which was launched at the University of Western Australia on 28 February 2008.

The SSS was created out of a request from member Councils of WALGA in 2004 to investigate sustainability in the sector. Independent research found that 58% of Western Australian Councils were unsustainable given their current source revenue and made a number of recommendations for action.

The sector, through a SSS Taskforce and five separate working groups, has considered these recommendations, culminating in a draft plan proposing a new structure to improve delivery of services to communities while retaining local representation.

The draft report is open for feedback and comment from local governments and key stakeholders for the next six weeks. Following this period, the final report will go through WALGA's zone meeting process before being considered by the WALGA State Council early in June.

The Town of Cottesloe's feedback to the draft report is required prior to Tuesday 15 April 2008.

### **CONSULTATION**

N/A

### **STAFF COMMENT**

The draft report is a lengthy document (approx 400 pages).

A copy of the Executive Summary of the draft report is attached together with the 61 recommendations that were made in the report.

The core of the document hinges on the findings of five working groups that addressed the areas of:-

- Leadership
- Finance
- Revenue
- Services and
- Capability

The CEO was a member of the Revenue working party.

In a nutshell, the report is founded on the assumption that forced amalgamations are not an acceptable solution to structural reform within the industry.

Having made this assumption early on in the piece, the energies of all participants were then focussed on the question of what else will it take to effect the structural reform that is so evidently needed?

All of the recommendations are therefore geared towards:-

- The reform of reporting and accountability measures.
- The creation of industry support mechanisms.
- Legislative change.
- The effective and efficient use of regional councils.

### **POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

- (1) Commend WALGA for the development of the draft discussion document "The Journey: Sustainability into the Future"
- (2) Generally support the draft discussion document subject to the opportunity for discussion and possible amendment of specific proposals.
- (3) Note that the broad thrust of the draft discussion document reflects the collaborative regional co-operation being successfully developed and applied by the Western Suburbs Voluntary Regional Organisation of Councils (WESROC).
- (4) In co-operation with WESROC:
  - a) Analyse the recommendations.
  - b) Work with WALGA to amend and enhance specific recommendations.
  - c) Identifies and prioritises the recommendations which are actionable by local government (as opposed to those requiring action by others such as the State Government or WALGA).
  - d) Develops an action plan to implement relevant recommendations either regionally via WESROC where appropriate or otherwise by the Town of Cottesloe individually.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Strzina

**That the following be added as point (5):**

**Join with the Shire of Peppermint Grove in providing contributory funding, to the Town of Mosman Park, towards a proposed study and master plan for the Mosman Park Council depot incorporating joint use facilities.**

Carried by Absolute Majority 9/0

**10.1.2 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Commend WALGA for the development of the draft discussion document “The Journey: Sustainability into the Future”**
- (2) Generally support the draft discussion document subject to the opportunity for discussion and possible amendment of specific proposals.**
- (3) Note that the broad thrust of the draft discussion document reflects the collaborative regional co-operation being successfully developed and applied by the Western Suburbs Voluntary Regional Organisation of Councils (WESROC).**
- (4) In co-operation with WESROC:**
  - a) Analyse the recommendations.**
  - b) Work with WALGA to amend and enhance specific recommendations.**
  - c) Identifies and prioritises the recommendations which are actionable by local government (as opposed to those requiring action by others such as the State Government or WALGA).**
  - d) Develops an action plan to implement relevant recommendations either regionally via WESROC where appropriate or otherwise by the Town of Cottesloe individually.**
- (5) Join with the Shire of Peppermint Grove in providing contributory funding, to the Town of Mosman Park, towards a proposed study and master plan for the Mosman Park Council depot incorporating joint use facilities.**

Carried 9/0

**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 10 MARCH 2008**

The agenda items were dealt with in the following order: Item 11.1.3, 11.1.1 and then the balance in numerical order en bloc.

**11.1 PLANNING****11.1.1 NO. 25 (LOTS 18 & 82) CONGDON STREET – DOUBLE CARPORT & FRONT FENCE ALTERATION**

**File No:** 1393  
**Author:** Mr Lance Collison  
**Author Disclosure of Interest:** Nil  
**Report Date:** 28 February, 2008  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Mr & Mrs Richards

**Applicant:** Phil & Robynne Richards  
**Date of Application:** 15 February, 2008

**Zoning:** Residential  
**Use:** P - A use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 535 & 266m<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

A double carport is proposed in the front setback. The front fence will also be altered to allow for the carport. This is an architect-designed solution to the constraints of the site in order to be in keeping with the dwelling and streetscape.

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

**PROPOSAL**

The proposed double carport is setback 1.5m from the front boundary and nil from the southern boundary. The carport has a 2.4m high solid wall on the southern boundary, abuts the house to the west and is open on the northern and eastern side boundaries. The carport is 5m deep by 5.5m wide and is 4.5m high at the top of the roof ridge. The applicant suggests the carport cannot be further setback due to the well established residence on site.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

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

**HERITAGE LISTING**

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

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town Planning Scheme Policy**

<b>Policy</b>	<b>Required</b>	<b>Provided</b>
TPSP 003 Garages and Carports in Front Setback Area	4.5m setback for carports where vehicles are parked at right angles to the primary street alignment	1.5m setback, vehicles parked at right angles to primary street alignment

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A.

## ADVERTISING OF PROPOSAL

The two applicable side neighbours have signed the plans in support of the proposal. This satisfies Council's requirements.

**BACKGROUND**

The original house was built in 1924. Since that time the house has been significantly added to. In 1984, a rear storage shed and rear house extension was approved and erected. This storage shed can park two cars. In 1993, a second storey rear addition



was approved and built. The current owners park their cars in the driveway which is unprotected from the elements.

### STAFF COMMENT

#### Carport

The carport is proposed to have a 1.5m setback from the front boundary. This is a variation to the requirements of the Garages & Carports in Front Setback Area Policy which requires carports to be setback 4.5m from the front boundary where vehicles are parked at right angles to the street alignment.

Variation to this setback requirement may be allowed subject to meeting the following criteria:

- (a) shall not significantly affect view lines of adjacent properties; and*
- (b) shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.*

*The Council shall also have regard to:*

- (a) the objectives of the RDC;*
- (b) the effect of such variation on the amenity of any adjoining lot;*
- (c) the existing and potential future use and development of any adjoining lots;*
- and*
- (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

View lines to the southern neighbouring property are not ideal from the proposal. The carport is a semi-open structure with a 2.4m high wall on the southern side boundary, and would still afford a restricted view line toward the driveway of the adjacent southern property as it is setback 1.5m from the front boundary. It should be noted the 2.4m high wall on the southern edge of the carport cannot be removed from the design due to the Building Code of Australia requirements for fire rating. The existing fencing within 1.5m of the front boundary on the southern boundary is open aspect except for a pier on the front boundary. It is noted the southern neighbour has supported this plan and the new wall will abut the existing fence on the neighbour's property.

The view line to the north is satisfactory. The proposal includes modification to the front fence; which will remain open aspect immediately to the north of the carport apart from a 1500mm wide pier parallel to the carport. This pier should not significantly reduce sight lines.

The proposal shall maintain adequate maneuvering space for the safe ingress and egress of motor vehicles. The crossover is being increased in width to meet this criterion.

The carport somewhat meet the objectives of the RDC. The RDC specify "*that a carport can be within the street setback area provided the width of carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right-of-way or equivalent*".

The carport is 5.5m (31.1%) wide of a 17.7m frontage and complies. The RDC also require two spaces per single house and that the design meets standard bay dimensions. This application partially meets the criteria. A standard carport depth is a

minimum of 5.5m and the proposed carport depth is only 4.56-5m. Because of this it may not be possible to fit a large sized car under the roof of the carport. The owners of the property are satisfied with the carport length and do not propose to put a door to the carport.

The RDC also have a preference to have any walls and fences reduced to no higher than 0.75m within 1.5m of where a driveway meets a public street. The proposal complies apart from the pier on the neighbouring property's front boundary and this is seen to be satisfactory.

It can be argued that the carport also meets the criterion "*the effect of such variation on the amenity of any adjoining lot*" The carport should not provide any adverse amenity impact onto the neighbours. This is because any shadow from the carport will fall onto the neighbour's driveway and should not affect this driveways function.

The application also meets "*the existing and potential future use and development of any adjoining lots*" criterion. The location of the carport in the front setback should not have any significant impact on the southern neighbour's opportunity to redevelop their property if they choose to do so.

However, the application does not meet the final criterion being "*existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment*". The proposed carport having a 1.5m setback from the front boundary is well in front of the southern and northern neighbouring properties which are setback between 4.5 to 6m from the front boundary. The carport being setback 1.5m to the front boundary is a large projection and interrupts the streetscape.

This is not desirable and alternative solutions should be explored if physically possible. In determining what is seen as a reasonable setback in this situation, the existing built envelope should be assessed. The existing residence is setback is 6.06m from the front boundary and cannot setback the carport further at its proposed location.

It is also acknowledged the property has a rear, freestanding garage/shed which is capable of storing 2 cars. A paved single width driveway is located along the southern side of the property to this shed. The applicant claims the shed is used for storage and is not easy or convenient to park vehicles. This is because of the angled, slight incline and the long length of driveway to reverse out of the shed to Congdon Street. The applicants claim is noted. Also at only 2.75m wide this side access is sub-standard.

The applicant does not wish to relocate the carport to the northern side of the front boundary setback area due to the design of the home and the landscaping present. If relocated here, the applicant would potentially lose the crossover at the southern edge of the property as it is unlikely permission would be granted for a single and a double width crossover for the property. For this same reason, relocating the carport 0.9m to the north from its proposed location, so that the carport will no longer need the 2.4m high wall for fire rating, is not seen as practical as the carport pier would block any future vehicle access to the rear of the property.

In terms of streetscape, the carports' roof design is complimentary to the residence which lessens the impact of the setback concession. The carport is a relatively low key addition to the streetscape and in keeping with its character of the dwelling and street. The carport sits well below the roof lines of the residence and has a matching roof pitch and gable treatment, which represents good urban design for the site and streetscape.

#### Front fence alterations

Part of the existing open aspect front fence shall be removed to make way for the double carport. The new fencing includes a 1.5m wide, 1.8m high solid pier and an open aspect side gate. The 1.5m wide solid pier does not meet the Fencing Local Law but it is not considered detrimental to the streetscape and is consistent with other recently approved front fence applications. The remainder of the front boundary fence will remain open-aspect.

### **CONCLUSION**

It is recommended that the application be approved subject to conditions. The 1.5m front setback proposed is supported as the carport cannot be pushed back further due to the existing residence behind it. No other alternative solution is recommended due to the existing constraints of the site. Overall the proposal makes sense to the design of the dwelling and streetscape, including the interrelationship with the similar southern neighbouring dwelling.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee briefly discussed whether another forward carport was appropriate and the general streetscape and precedent considerations raised. Mr Jackson mentioned that as reported there is no rear lane access, the side driveway is too narrow and the RDC support on-site parking; adding that while the streetscape would change the architect's design is sympathetic and the structure would fit-in against the solid side boundary wall and neighbouring dwelling.

### **11.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development of a Double Carport and Front Fence Alteration at No. 25 (Lots 18 & 82) Congdon Street, Cottesloe, in accordance with the plans submitted on 15 February 2008, 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) The applicant applying to the Town of Cottesloe for approval to modify the existing a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (f) The carport shall not be enclosed on any of the open sides as approved and shall not have any solid gates or door.

Carried 5/4

**11.1.2 NO. 1 (LOT 125) PRINCES STREET – TWO-STOREY RESIDENCE**

<b>File No:</b>	<b>1378</b>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>26 February, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Anna &amp; Ron Farris</b>
<b>Applicant:</b>	<b>Donaldson &amp; Warn Architects</b>
<b>Date of Application:</b>	<b>23 January, 2008</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>
<b>Lot Area:</b>	<b>347m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

**SUMMARY**

A two storey residence is proposed on the subject lot. The design is integral to the smaller lot resulting from subdivision and the built form is compatible with the other recently-approved dwellings on the other lots and adjacent.

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

**PROPOSAL**

On the ground floor two single carports and two porches are proposed externally. A low retaining wall and rainwater tank is also found. Internally a foyer, living, bath, laundry and two bedrooms are proposed.

On the upper floor, a porch, bedroom, bathroom, WIR is proposed. A living/kitchen area opens up to the balcony at the front of the residence. A staircase links the two floors.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

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

**HERITAGE LISTING**

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

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

## APPLICATION ASSESSMENT

### AREAS OF NON-COMPLIANCE

#### Town of Cottesloe Council Resolution

Resolution	Required	Provided
TP128a October 2002	6m front setback for residential development in the district; however, it is noted the RDC allow a 1.5-2.5m setback in this circumstance.	1.5m front setback for balcony, with main building a minimum of 2.7m.

### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 – Boundary Setbacks	Upper east wall - 1.2m	1m	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	Upper west wall - 1.2m	1m	Clause 3.3.1 – P1
No 8 – Privacy	Bed 3 – 4.5m	3.85m line of sight facing west, 4m facing south-east & south-west	Clause 3.8.1 – P1
No 8 – Privacy	Living 2 - 6m	3.5m line of sight	Clause 3.8.1 – P1
No 8 – Privacy	Kitchen - 6m	5m line of sight	Clause 3.8.1 – P1
No 8 – Privacy	1 <sup>st</sup> floor Porch - 7.5m	3.85m line of sight	Clause 3.8.1 – 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 a Letter to Adjoining Property Owners

### **Submissions**

There were 5 letters sent out. There was 1 submission received, of which was an objection. Details of the submissions received are set out below:

#### Stephen O' Mahony of 56A Marine Parade, Cottesloe

- *Request conditions to west-facing windows and porches that overlook his property*
- *This includes windows and the porches to areas nominated as living 2, porch 3 and bed 3*

### **BACKGROUND**

An original two level brick and iron residence was demolished to make way for a 3 lot green title subdivision on the corner of Marine Parade and Princes Street. Two of the lots front Marine Parade and the other faces Princes Street. This subdivision was given approval by the WAPC in 2003 and all conditions were completed in 2005.

Since that time a two storey residence at 56 Marine Parade (corner of Princes Street) has been erected while the newly created property at 56A Marine Parade has gained planning approval for a two storey residence. 1 Princes Street is the last of the three created lots to seek planning approval.

It should also be noted the neighbouring eastern property, 1A Princes Street gained a planning approval for two by two storey grouped dwellings at the Ordinary Council Meeting in November 2007 with a 3.5m front setback. The redevelopment of 1/3 Princes Street at the Ordinary Council Meeting in May 2007 was approved with a 3.97m front setback. Hence the proposal fits in with this pattern.

### **STAFF COMMENT**

#### Natural Ground Level

The natural ground level at the centre of the site is determined to be RL 10.1. This was determined in March 2005 through a preliminary assessment in relation to the subdivision in order to set levels for each of the three lots as a precursor to development applications. This appears to be a fair level and the site survey re-confirms this level. This is an attachment with the report. This level allows a staggered arrangement of dwellings in the streetscape.

#### Building Height

The applicant proposes a flat roof designed house with a 7m (RL 17.1) overall height. This is compliant with the Residential Design Codes for flat roofed residences and fits in with the adjacent roof designs.

#### Front Setback – Streetscape Implications

The front balcony is proposing to be setback 1.5m and the main dwelling a minimum of 2.7m from the front boundary for the living room 2 on the upper floor and 3.2m to the living room on the ground floor. This lot was created as part of a subdivision and the RDC do allow a reduced front setback as per Clause 3.2.1 as shown below:

*A1 Buildings other than carports and garages set back from the primary street in accordance with Table 1: or*

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

- a Single House results from subdivision of an original corner lot and has its frontage to the original secondary street; the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent;*

This lot faces Princes Street which is considered to be a secondary street, the other two remaining lots which were created from the subdivision face Marine Parade.

However, it is also noted that Council has adopted a resolution requiring a preferred 6m front setback for residential development (which is the R20 and not the R30 standard in the RDC) for the district generally. As this proposal is a departure from this resolution, the impact on the streetscape should be assessed.

The proposal has both a “reduced” setback and a lightweight-open look. The height is consistent with the design standard for flat roofs and the setback should not interrupt the streetscape. The adjacent buildings to the east along Princes Street have approved setbacks of 3.5m at 1A Princes Street and 3.97m at 1/3 Princes Street. The western neighbouring property faces Marine Parade and therefore has a 1.5m setback to Princes Street, being its secondary street. The proposed 1.5m for the balcony and a minimum 2.7m setback for the main dwelling should compliment the staggered setbacks in the streetscape and it can be seen that this is suitable for this lower section of the street.

The proposed setbacks are recommended for approval.

### Boundary Setbacks

The following side boundary setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC. The setback variations are therefore required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) of the RDC which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Upper East wall	Kitchen	7m	8.5m	No	1.2m	1m
Upper west wall	Living 2	7m	8.5m	No	1.2m	1m

#### *3.3.1 – Buildings Set back from the Boundary*

*P1 Buildings set back from boundaries other than street boundaries so as to:*

- Provide adequate direct sun and ventilation to the building*
- Ensure adequate direct sun and ventilation being available to adjoining properties;*
- Provide adequate direct sun to the building an 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 proposal is to have a 1m setback to the upper floor west wall. This is usually required to be setback 1.2m from the boundary. The setback meets the Performance Criteria of the RDC. The proposal ensures that ventilation is adequate and that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The proposal meets the amelioration of bulk criterion as this section of wall is only 8.5m long and the remaining upper floor wall is setback 3.8m. The wall does not create any privacy concerns and this is a minor variation of 0.2m. The proposed setback is recommended for approval.

The proposal is to have a 1m setback to the upper floor east wall. This is usually required to be setback 1.2m from the boundary. The setback meets the Performance Criteria of the RDC. The proposal ensures that ventilation is adequate and that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The proposal meets the amelioration of bulk criterion as this section of wall is only 8.5m long and the remaining upper floor wall is setback 3.8m. The wall does not create any privacy concerns and this is a minor variation of 0.2m. The proposed setback is recommended for approval.

#### Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC. The setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC which are also below:

<b>Window of room or Open habitable space</b>	<b>Required</b>	<b>Provided</b>
Bedroom 3	4.5m setback	3.85m setback facing west, 4m facing south-east (east window) & south-west (west window)
Living 2	6m setback	3.5m setback
Kitchen	6m setback	5m setback
Porch 3	7.5m setback	3.85m setback

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

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

The proposal asks for variations to bedroom 3's cone of vision setbacks. The proposal partially complies with the Performance Criteria of the RDC. In relation to the west facing window, the setback to the western boundary is 3.85m to the west and 4m to the southern property on a 45 degree angle. While the possible overlooking to the southern property is on an acute angle, the overlooking to the west

is of concern. The window faces the neighbour and could overlook habitable rooms of the neighbouring property. It is recommended that this window is partially fixed and obscured or screened to prevent overlooking to the western neighbour.

In regards to the eastern facing window, this is a variation to the southern neighbour. This window on a 45 degree angle is a 4m setback to the southern boundary. As the cone of vision is very limited to this southern neighbour, and the window meets the privacy requirements when looking to the east, the window is recommended for approval.

The proposal asks for a variation to the living 2 room's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC. In relation to the south facing window, the setback to the western boundary is 3.5m on a 45 degree angle. A screen jutting out from the side wall is proposed to remove much of this overlooking, however, there remains a variation. As the cone of vision is on an acute angle only to this neighbour, and the window meets the privacy requirements when looking to the south, the window with the screening provided is recommended for approval.

The proposal asks for a variation to the kitchen's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC. In relation to the south facing window, the setback to the eastern boundary is 3.5m on a 45 degree angle. A screen jutting out from the side wall is proposed to remove much of this overlooking, however, there remains a variation. As the cone of vision is on an acute angle only to this neighbour, and the window meets the privacy requirements when looking to the south, the window with the screening provided is recommended for approval.

Porch 3 also asks for a variation to the cone of vision setbacks. The proposal does not comply with the Performance Criteria of the RDC. The porch is setback 3.85 to the western boundary. Balustrade is provided to a height of 1m above finished floor level. The porch could overlook habitable rooms of the neighbouring property. It is recommended that the porch be screened to a height of 1.65m to prevent overlooking to the western neighbour.

#### Perforated Screens

The applicant proposes two perforated screens. One is located on the entire eastern edge of the kitchen and the other on the entire western edge of living room 2. There are window openings in the walls behind each of these screens. The applicant advises that the sill height of two of the three windows is above 1.6m from finished floor level and the sill height of the third window (from the kitchen facing east) is 1.1m above FFL and that fixed translucent glazing will be installed. However, as this is not entirely clear from the plans condition is recommended to control the detail.

#### Two Crossovers

It is noted the design requires two crossovers. The Town Of Cottesloe generally only allow one crossover per property which may be up to a double car width. In this circumstance the two crossovers will be of single car width each.

The two carports and associated crossovers are not considered to the detriment of the streetscape due to the unique design of the proposed dwelling and the crossovers are recommended for approval. Also the street is quiet whereby traffic safety is not a concern.

Retaining wall

A low retaining wall is proposed at the front boundary up to a height of 0.55m. While this is in excess of the maximum 0.5m allowed for in the RDC, this allows for a level lawn court area and does not detract from the streetscape. This low retaining wall is recommended for approval.

**CONCLUSION**

The proposed design of the residence compliments the recent development of the Princes Street/Marine Parade streetscape. The residence does not present a bulk issue and is a lightweight-looking building with largely compliant setbacks and does not feature any boundary walls. The privacy variations either meet the performance criteria and some variations will be controlled by conditions.

The proposed front setback meets the Residential Design Code provisions and will compliment the staggered setback with the other residences in the street. The application is recommended for approval subject to conditions.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee sought clarification regarding any garage doors and the screens in relation to the side setbacks. Officers explained that the carports would be open as approved on the plans and that the feature / privacy screens would function appropriately. Committee also discussed the front setback situation in relation to the adjoining row of dwelling approvals and on balance felt that the staggered pattern of setbacks would work well. Mr Jackson reinforced this in explaining that the setbacks essentially complied and enabled shared ocean views along the street at this lower end.

**11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

- (1) **GRANT its Approval to Commence Development of a two-storey residence at No. 1 (Lot 125) Princes Street, Cottesloe, in accordance with the plans submitted on 24 January 2008, 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) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
  - (f) The applicant applying to the Town of Cottesloe for approval to construct the two single-width crossovers, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
  - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:
    - (i) The west-facing window to bedroom 3 being modified to prevent overlooking into the adjoining property by having a minimum sill height of 1650mm above the FFL or fixed obscure glazing or screening to a minimum height of 1650mm above the finished floor level;
    - (ii) Porch 3 being modified to prevent overlooking into the adjoining property by a screen on the western edge to a minimum height of 1650mm above the finished floor level; and
    - (iii) The east-facing window from the kitchen being modified to prevent overlooking into the adjoining property by being fixed obscure glazing or screening to a minimum height of 1650mm above the finished floor level.
- (2) Advise the submitters of Council's decision.

Carried 9/0

**11.1.3 NO. 12 (LOT 20) DEANE STREET – TWO-STOREY RESIDENCE WITH BASEMENT & SWIMMING POOL**

<b>File No:</b>	<b>1379</b>
<b>Attachment(s):</b>	<a href="#"><u>Additional Information</u></a>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>29 February 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Mr D Jagger</b>
<b>Applicant:</b>	<b>Wrightfeldhusen</b>
<b>Date of Application:</b>	<b>24 January 2008</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>
<b>Lot Area:</b>	<b>569m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

A two storey residence with basement and swimming pool is proposed.

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

**PROPOSAL**

A four car garage, cellar, storage, store and pool plant and equipment rooms are proposed in the basement.

On the ground floor, three bedrooms, bath, ensuite, study, laundry, entry area and a theatre/living open area is proposed. Externally an entry court, front and rear terraces and lap pool is proposed.

On the upper floor, a master bedroom, WIR, ensuite, pantry, powder and a lounge/dining/kitchen/bar open-plan area is proposed.

In terms of urban design appreciation the proposal is assessed as a good example of addressing the site and surrounds. The front setback at 7.32m exceeds the usual 6m and the design affords side and rear setbacks rather than imposing any boundary parapet walls – the pool is also setback rather than being built to any boundary as sometimes proposed. It can be seen that the streamlined long-house design will sit in the streetscape as an elegant expression and an effective transition between the different styles of dwellings either side. In this context there is a designed-in approach to privacy control which has been improved in response to neighbour consultation. In summary, the combination of a modulated and cohesive building is a relatively low-key architectural aesthetic in its setting and reflects the comparatively high standard of dwelling design proposed in Cottesloe.

**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

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
No 3 – Boundary Setbacks	1.8m setback – study & bath wall	1.5m setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	2.1m setback - Terrace to powder wall	1.5m setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	1.6m setback – Ensuite to balcony wall	1.5m setback	Clause 3.3.1 – P1
No 8 – Privacy	4.5m setback, Bedrooms 2,3 and 4	3.1m setback	Clause 3.8.1 – P1
No 8 – Privacy	6m setback Theatre/ Living	3.1m setback	Clause 3.8.1 – P1
No 8 – Privacy	7.5m setback – ground floor rear terrace	7.2m to west	Clause 3.8.1 – P1
No 8 – Privacy	7.5m setback – ground floor rear terrace	3m to west, 1.5m to the east	Clause 3.8.1 – P1
No 8 – Privacy	7.5m setback – Front balcony	7m to west, 1.5m to east	Clause 3.8.1 – 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 7 letters sent out. There was 1 submission received, which was an objection. The objection below relates to the original, superseded plans so is now somewhat redundant. The applicant architects have met with the planning consultants who made the submission to discuss the proposed design and their concerns. The architects have responded constructively with revised plans to better address privacy and so on. The architects have also provided the revised plans to the planning consultants for information or any further comment. The Town has liaised with the planning consultants for any more comment, which is understood to be pending the planning consultants liaising with their client. Details of the initial submission received are set out below and the matters raised are addressed in the remainder of this report.

*The Planning Group on behalf of Howard Reid of 10 Deane Street, Cottesloe*

- *Note the determined floor level of the residence is at RL 12 and not 11.96 which is the 4 corner average of the site*
- *The house exceeds the 7m maximum standard by 1.5m*
- *Claim the Town has the right to vary the height requirements in certain circumstances. They note the topography is not extreme as it slopes 1.24m across the site and this is not a reason to vary height*
- *Claim there is filling on the site so that the ground floor level is up to 1.65m above the real ground level*
- *Consider the establishment of the ground level at RL13.0, 1m higher than natural ground level, is a significant barrier to achieving a development that does not negatively impact on the neighbouring residence*
- *The follow on effects from the elevated ground floor level is increase in bulk and greater privacy issues*
- *Concerned regarding overlooking from rear pool deck*

- *Claim the areas raised 0.5m above natural ground level is not open space and the open space provision is inadequate*
- *Object to the western wall side setback variation*
- *Consider the upper 2.5 metres of the house being not “all roof” and part of this should be considered when calculating the wall height*
- *The side setback variation significantly increases the impact of building bulk on the adjoining property*
- *Note the lower level rear terrace does not comply with the 7.5m privacy setback*
- *The bedrooms and living areas overlook the whole of the neighbouring property*
- *Vegetation screening in isolation is not a solution and it can be ineffective*
- *Council must have regard to the likely impact on privacy enjoyed by neighbouring developments and may place conditions on the locations of large viewing windows to ensure neighbours privacy is protected*
- *Say all the privacy variations should not be supported given the rear garden, bbq and alfresco area at 10 Deane Street will be negatively affected by the variations*
- *Object to the noise generated from the pool*
- *Construction of a new boundary fence may be problematic as the property at 10 Deane Street has a bbq structure on the eastern boundary. This parapet wall should be retained.*

## **BACKGROUND**

The well established residence from the 1920s was added to in 1975 with a new carport. The property had single storey additions approved in 1986. In 1996 a second storey addition, garage and deck was approved.

In regards to the current application, the applicant has met with the neighbours regarding the development proposal. During the formal advertising period an objection was lodged by The Planning Group on behalf of the western side neighbour. The applicant has discussed the objection with the owners and TPG which resulted in revised plans with increased compliance with planning requirements.

## **STAFF COMMENT**

### Natural Ground Level

A well established residence currently lies on the centre of the property. The survey provided did not show contours running through the centre of the site. As a result a 4 corner average was used to determine natural ground level. The Town's data indicates the RL 12 contour line runs north-south through the property and the RL 13 contour intersects the property at the southeast corner. This GIS data and the site survey information confirm there is a slight slope from the southeast down to the northwest corner of the site. The centre of the site is determined to be an RL 11.96.

### Storeys

The residence features a basement, a ground floor and an upper floor. The upper floor is designed within the roof form-space, which might otherwise be designed as a conventional storey/roof form. The upper floor is therefore considered a storey and



the basement is not considered a storey as it meets the criterion in relation to its level. Hence the proposed residence is assessed as two-storey, similar to other such designs with an undercroft or basement and two floors above.

#### Building Height

The application is closer to a traditional pitched roof than a concealed/flat roof and should be assessed against the 6m wall and 8.5m overall building height of TPS2 rather than the 7m concealed roof standard in the RDC.

The maximum wall height on the western elevation is RL 16.9 and RL 17.96 on the eastern elevation. The wall on the eastern elevation is 6m above natural ground level at the centre of the site. Both walls are in compliance with TPS2. The roof then curves up from these walls to a height of RL 20.3 which is 8.34m above natural ground level at the centre of the site and is also in compliance with TPS2. It is considered that both the western and eastern elevation walls meet Figure 2B of the RDC regarding irregular shaped roofs which measure the wall height to the point where it curves into a roof.

In reference to the northern and southern side elevations, the walls are of a gable-styled design and as a result are not assessed against the 6m wall requirement.

#### Privacy

The following privacy (cone of vision) setback of the proposed residence seek variation from the Acceptable Development standards of the RDC and therefore are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which are also below:

<b>Window of room or Open habitable space</b>	<b>Required</b>	<b>Provided</b>
<b>Bedroom 2</b>	4.5m setback from window	3.1m setback
<b>Bedroom 3</b>	4.5m setback from window	3.1m setback
<b>Bedroom 4</b>	4.5m setback from window	3.1m setback
<b>Theatre/Living</b>	6m setback from window	3.1m setback
<b>Front balcony</b>	7.5m setback from balcony edge	7m setback facing west, 1m facing east
<b>Rear ground floor terrace</b>	7.5m setback from terrace edge	7.2m setback
<b>Front ground floor terrace</b>	7.5m setback from terrace edge	3m setback to the west, 1.5m setback to the east

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

- *The positioning of windows to habitable rooms on the development site and the adjoining property.*

- *The provision of effective screening.*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or*
- *Areas visible from the street.*

In regards to the ground floor bedroom 2, 3 and 4 west windows these are setback 3.1m from the boundary where a 4.5m setback is required for the bedrooms. The floor levels of these rooms are over 500mm above natural ground level and are assessed against the privacy standards of the RDC. It is assessed the proposal meets the Acceptable Development standards of the RDC. Teak panelling (screening) will remove a majority of the overlooking opportunity to the west neighbour. The teak screening is proposed against the windows from a height of 1m above finished floor level to the ceiling level. Where the screening is proposed, the sight line to the west within a 4.5m cone of vision will be limited to see the reflection of the pool and the boundary fence.

However, at the south-west corner of Bedroom 2 and 4 and the north east corner of Bedroom 3 there is no teak screening proposed. The windows are full height from floor to ceiling. It is observed, however, that these windows do not overlook any major openings of the western neighbouring residence. The windows face an ensuite, bathroom, WC and staircase windows of the western neighbour. It is also noted the applicant will plant continuous hedges along this boundary. No conditions are proposed to control privacy to these rooms.

In regards to the theatre/living room west windows these are setback 3.1m while it should be setback 6m. In this case the proposed teak screening will remove the overlooking opportunity to the west neighbour. The teak screening is proposed against the window from a height of 1m above finished floor level to the ceiling level. Where screening is proposed, the sight line to the west within a 4.5m cone of vision will be limited to see the reflection of the pool, the hedge planting and the boundary fence. This meets the performance criteria of the RDC.

The first floor front balcony complies with the Performance Criteria of the RDC. The balcony is setback from the western boundary 7m and to the east 1.5m where a 7.5m setback is required. It is assessed that the view to the west will overlook a blank wall of the house and the roof of a garage, while to the development to the east will overlook an open front yard and porch. This is considered acceptable.

Similarly, the ground floor front terrace complies with the Performance Criteria of the RDC. The terrace is setback from the western boundary 3m and 1.5m to the east where a 7.5m setback is required. It is assessed that the view to the west will overlook a blank wall of the house and the roof of a garage, while to the east the development will overlook an open front yard/porch. This is considered acceptable and is similar to the existing front verandah of the property which is also elevated above natural ground level.

In regards to the ground floor rear terrace, this is setback 7.2m from the western boundary where 7.5m is usually required. The setback partially meets the performance criteria due to a new 1.8m high boundary fence and hedge planting which will reduce the line of sight into the western neighbouring property. It is noted

that, while the RDC accept vegetative screening, the hedge planting may not adequately protect privacy initially. It is also unclear from where the 1800mm high fence will be measured, hence it is recommended that the side boundary fence be a minimum of 1.65m above the terrace finished floor level (RL 14.56) to prevent overlooking into the western neighbour's rear garden.

Any overlooking to the east from the rear terrace is prevented by the staircase and from in front of the staircase to the east is prevented by a high existing limestone wall on the boundary.

The upper floor rear terrace is screened by the roof overhang, preventing overlooking to the west and east. A screen to 1650mm above finished floor level prevents overlooking to the north.

#### Boundary Setbacks

The following side boundary setbacks of the proposed dwelling don't readily comply with the Acceptable Development standards of the RDC. Therefore, they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) of the RDC, which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground East Wall	Study – Bath	4m	9m	Yes	1.8m setback	1.5m setback
Upper East Wall	Terrace – Powder	6m	17.6m	No	2.1m setback	1.5m setback
Upper East Wall	Ensuite – Balcony	6m	12.48m	No	1.6m setback	1.5m setback

#### *3.3.1 – Buildings Set back from the Boundary*

*P1 Buildings set back from boundaries other than street boundaries so as to:*

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building an 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 ground floor east wall has a boundary setback of 1.5m, where 1.8m is usually required. The setback provides adequate sun and ventilation to adjoining properties. The proposal is part of the eastern elevation which has staggered setbacks which ameliorates the impact of bulk. The wall is not considered to be a privacy issue. This setback is supported.

This proposal is to have a 1.5m setback to the side boundary for the upper east wall from the terrace to the powder, where a 2.1m setback is usually required. It should be noted the wall stops a metre above finished floor level on this elevation and above this is the angled roof, which is not subject to side setback calculations. The setback provides direct sun to the adjoining property. It provides for adequate ventilation to

this property and the neighbour. The proposal is part of the eastern elevation which has staggered setbacks which ameliorates the impact of bulk. Also, the wall is not considered to be a privacy issue. The eastern neighbour has no objection to the revised plans and on balance, this setback is supported.

The ensuite to front balcony on the upper floors eastern elevation is setback 1.5m where 1.6m is usually required. It should be noted the wall stops a metre above finished floor level on this elevation and above this is the angled roof, of which is not subject to side setback calculations. The balcony is not considered to be a major opening in this calculation as the balustrade is the same height as the top of the remaining wall height of the elevation. The setback provides direct sun to the adjoining property. It provides for adequate ventilation to this property and the neighbour. The proposal is part of the eastern elevation which has staggered setbacks which ameliorates the impact of bulk. The potential overlooking from the balcony is considered previously in the report and only affects the front setback area. The eastern neighbour has no objection to the revised plans and on balance, this setback is supported.

#### Open Space

The application is considered to meet the open space requirement. The RDC states that open space are "*Generally that area of a lot which is not occupied by any building and includes:*"

- *open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- *areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50sqm whichever is the lesser;*
- *pergolas;*
- *uncovered driveways (including access aisles in parking areas) and uncovered car bays;*

*but excludes:*

- *non-accessible roofs, verandahs and balconies over 0.5m above natural ground level;*
- *covered car-parking bays and walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.*

In this circumstance this residence has almost no eaves and the uncovered, external passageways which in some cases are exceeding 0.5m above natural ground level are considered open space. The front and rear terraces are also considered open space as they are open outdoor living areas above natural ground level. All of the front yard including the driveway, the proposed hedges to the west of the pool and a majority of the swimming pool itself is considered open space. Part of the pool and the area under the entry court which is under the built envelope of the first floor is not technically calculated towards open space, yet effectively performs as is.

The application proposes 60.5% open space, which significantly exceeds the 45% minimum of the total site area required.

#### Fill

It is noted that the eastern side external passageway of the house from the front to the rear terrace is approximately 0.7m above natural ground level. However, this fill

will be retained by the existing 2.5m high retaining wall on the eastern boundary which will continue to serve as a boundary fence, hence this is considered acceptable. The levels in the remainder of the property outside of the built envelope are not raised in excess of 500mm above natural ground level. The driveway will be cut into the site to allow for a sloping gradient into the basement garage.

#### Swimming Pool

The pool is setback from the boundaries of the property. The walls of the pool are at an RL of 12.91, which is 1200mm above the surrounding ground levels to meet Australian Standards for pool safety. At the terrace a separate pool fence and gate are proposed.

In regards to the concern of noise coming from the pool there is no planning regulation regarding people enjoying themselves in a pool or private open space. The pool plant and equipment is ideally located in the basement so as to not present any noise to neighbours.

#### Western boundary fence

The western neighbour is concerned about the 1800mm high boundary wall proposed at the northern end of this boundary. As indicated previously, it is recommended that the fence in this section of the boundary be increased to RL 14.56 to improve privacy.

The neighbour has also expressed concern regarding their barbeque structure which has been built adjacent to where this wall is proposed. To ensure this existing structure is protected a condition is proposed requiring any new fencing to be built within the property of 12 Deane Street or on the boundary in agreement with the neighbour.

### **CONCLUSION**

The proposal is compliant with the main height parameters and the curved roof design is becoming quite common within the Town. The simple contemporary design of the dwelling is considered in scale and harmony with the streetscape. The design approach to privacy variations largely meets the Performance Criteria with supplementary conditions where necessary. All side boundary setbacks meet the Performance Criteria of the RDC. Overall, it is concluded that the proposal can be supported.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee took the opportunity to discuss the aspects of floor heights, building heights and roof forms generally in considering this proposal, given a number of similar such proposals in recent times. It was felt that the design approach to the first floor level and roof form had implications in relation to wall and building height and bulk and privacy implications. The matters of a dilapidation report and fixed screens were also queried.

Mr Jackson advised, firstly, that a dilapidation condition would be appropriate and could be satisfied as a matter of course. He also confirmed the privacy screens would be fixed as designed. Secondly, regarding the main concerns, Mr Jackson commented that, while the points made about the height / design interrelationship were acknowledged, certain factors ought to be taken into account, as follows:

- There was basic agreement as to the natural ground level, but not regarding where the first floor level should be; however, there is no specific planning regulation as to the placement of floor levels, subject to privacy being addressed. Due to the sloping site across the lot the eastern side of the dwelling enjoys a normal level while the western side becomes elevated, yet is quite well setback and privacy has been improved by the revised plans.
- As strictly-speaking TPS3 has no flat or concealed roof provision, the 8.5m standard applies and the 7m standard under the RDC serves as a guide only. Also, by technical definition the proposed roof is not flat or concealed and is a combination of pitched-skillion and curved, so it merits being assessed against the Scheme standard. In this respect it is “under-height” and given the good setbacks all around, including the increased front setback, the effect of bulk and scale was not assessed as excessive.

Committee was mindful of lowering the ground floor level, requiring a dilapidation report and fixed screens, as well as imposing the 7m roof standard, as set out in the following amendments moved for additional conditions. Mr Jackson undertook to ensure that the wording was appropriate.

- (m) The ground floor level shall be built at RL12.5m.
- (n) The owner shall at his cost carry out a dilapidation report for 10 Deane Street as part of the construction process.
- (o) All screening to the western elevation shall be fixed-type.
- (p) The dwelling shall be redesigned to comply with the 7m maximum building height standard for a concealed roof dwelling under the Residential Design Codes. Revised plans showing this and the requirements of the other conditions of approval shall be submitted at building licence stage to the satisfaction of the Manager Development Services.

#### **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for the two-storey dwelling with basement and swimming pool at No. 12 (Lot 20) Deane Street, Cottesloe, in accordance with the revised plans submitted on 29 February 2008, 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 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 submitted for a building licence.
  - (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) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
  - (f) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
  - (g) The existing redundant crossover in Deane Street being removed, and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
  - (h) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
  - (i) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on and disposed of into adequate soakwells.
  - (j) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
  - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
  - (l) Revised plans being submitted at building licence stage to the satisfaction of the Manager Development Services, showing the western boundary fence wall, for its northern-most 8.3m length, being built to a height of RL 14.56 and entirely within the subject property (or alternatively on the common boundary by agreement with that abutting neighbour).
- (2) Advise submitters of the decision.

**COMMITTEE RECOMMENDATION**

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for the two-storey dwelling with basement and swimming pool at No. 12 (Lot 20) Deane Street, Cottesloe, in accordance with the revised plans submitted on 29 February 2008, 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 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 submitted for a building licence.
    - (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) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
    - (f) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
    - (g) The existing redundant crossover in Deane Street being removed, and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
    - (h) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
    - (i) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on and disposed of into adequate soakwells.
    - (j) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
-



- (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
  - (l) Revised plans being submitted at building licence stage to the satisfaction of the Manager Development Services, showing the western boundary fence wall, for its northern-most 8.3m length, being built to a height of RL 14.56 and entirely within the subject property (or alternatively on the common boundary by agreement with that abutting neighbour).
  - (m) The ground floor level shall be built at RL12.5m.
  - (n) The owner shall at his cost carry out a dilapidation report for 10 Deane Street as part of the construction process.
  - (o) All screening to the western elevation shall be fixed-type.
  - (p) The dwelling shall be redesigned to comply with the 7m maximum building height standard for a concealed roof dwelling under the Residential Design Codes. Revised plans showing this and the requirements of the other conditions of approval shall be submitted at building licence stage to the satisfaction of the Development Services.
- (2) Advise submitters of the decision.

Cr Strzina requested that it be recorded that he had made a declaration of interest based on perceived proximity to the property and that he had been advised by the CEO that there was no interest to declare as his residential property was not directly adjacent to or opposite the property.

#### **AMENDMENT**

Moved Cr Cunningham, seconded Cr Miller

That item (m) be deleted.

Lost 3/6

#### **AMENDMENT**

Moved Cr Dawkins, seconded Mayor Morgan

**That item (p) be deleted.**

Carried 6/3

Cr Woodhill requested that the votes on the amendment be recorded:

For: Mayor Morgan, Cr Birnbrauer, Cr Cunningham, Cr Dawkins, Cr Miller,  
Cr Strzina

Against: Cr Boland, Cr Utting, Cr Woodhill

#### **AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

**That the recommendation be in accordance with the plans submitted on 14 March 2008.**

Carried 9/0

**11.1.3 COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

**That Council:**

- (1) **GRANT its Approval to Commence Development for the Development Application for the two-storey dwelling with basement and swimming pool at No. 12 (Lot 20) Deane Street, Cottesloe, in accordance with the revised plans submitted on 14 March 2008, 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 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 submitted for a building licence.**
  - (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) **Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
  - (f) **The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
  - (g) **The existing redundant crossover in Deane Street being removed, and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.**
  - (h) **The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.**

- (i) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on and disposed of into adequate soakwells.
  - (j) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
  - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
  - (l) Revised plans being submitted at building licence stage to the satisfaction of the Manager Development Services, showing the western boundary fence wall, for its northern-most 8.3m length, being built to a height of RL 14.56 and entirely within the subject property (or alternatively on the common boundary by agreement with that abutting neighbour).
  - (m) The ground floor level shall be built at RL12.5m.
  - (n) The owner shall at his cost carry out a dilapidation report for 10 Deane Street as part of the construction process.
  - (o) All screening to the western elevation shall be fixed-type.
- (2) Advise submitters of the decision.

Carried 7/2

**11.1.4 ADOPTION OF LIQUOR LICENCE POLICY**

**File No:** Sub/362  
**Author:** Ms Delia Neglie  
**Author Disclosure of Interest:** Nil  
**Report Date:** 6 March 2008  
**Senior Officer:** Mr Andrew Jackson

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**SUMMARY**

Council endorsed a draft policy for advertising regarding the control of liquor licenced premises in July 2007. The policy was advertised in August 2007 and as no objections were received, it is recommended that the policy be adopted.

The actual proposed policy document is set out at the end of this report and has been formatted consistent with other adopted Council policies.

**BACKGROUND**

At its meeting on 28 May 2007, Council considered for the first time, an extended trading permit (ETP) under the 2007 reforms of the Liquor Act (for the Blue Waters restaurant). Council resolved to agree to the proposed ETP and to *Request staff to prepare a policy on the consumption of alcohol in restaurant and alfresco dining areas for the consideration of Council in June, 2007.*

A draft policy was subsequently endorsed by Council at its meeting on 23 July 2007 when it resolved:

*That Council:*

- (1) *Endorse the attached draft Liquor Licence Policy.*
- (2) *Advertise the draft policy in accordance with Clause 7.7 of Town Planning Scheme No. 2 and Council's Community Consultation policy.*
- (3) *Consult with relevant interest groups (such as SOS and Procott) and the Director of Liquor Licensing as part of the advertising process.*

**STATUTORY ENVIRONMENT****Local Government Certification**

Under the *Liquor Control Act 1988*, an application for a liquor licence to the Department of Racing, Gaming and Liquor (DRGL) is required to be accompanied by certificates from the relevant local government regarding the compliance or non-compliance of the premises that are the subject of the application.

Section 39 Certificates relate to the compliance (or non-compliance) of premises with the provisions of the *Health Act 1911*, the *Local Government (Miscellaneous Provisions) Act 1960*, the *Local Government Act 1995* and associated local laws. The DRGL may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the DRGL of a local government certificate. For example, conditions may be imposed requiring that music not be amplified over a specified level.

Section 40 Certificates relate to the compliance (or non-compliance) of premises with the provisions of the Council's town planning scheme. The DRGL may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the DRGL of a local government certificate relating to planning issues. For example, restrictions on noise levels or hours of operation can be placed on the licence in order to meet local planning requirements.

### **Other Legislation**

Under the *Health Act 1911*, the Town of Cottesloe has an *Eating Houses* local law in place which requires the registration and licensing of eating houses which includes restaurants; dining rooms and take-away food premises. The local law enables the administration of health requirements.

Under the *Local Government Act 1995*, the Town of Cottesloe has an *Activities on Thoroughfares and Trading in Thoroughfares and Public Places* local law that requires a permit for the use of road reserve areas for an outdoor eating facility or establishment, in order to control appropriate use of public places and road reserves.

Under *Town Planning Scheme No. 2* planning approval is required for any changes of use. Council is able to impose conditions that may affect the operation of premises. Planning approval is not required for a new (or a change to a) liquor licence permit unless this would constitute a change of use.

### **POLICY IMPLICATIONS**

A new policy is proposed which provides guidelines for the issue of Section 39 and Section 40 certificates under the *Liquor Control Act 1988*.

### **STRATEGIC IMPLICATIONS**

Objective 1 of the Future Plan is to '*Protect and enhance the lifestyle of residents*'. The issue of liquor licences and the number of licensed outlets is seen as a challenge in pursuing this objective.

The *Future Direction* of this objective is as follows:

*The Council is open to a number of interrelated strategies to maintain and enhance the lifestyle of residents by engaging the community in ownership of solutions to problems caused by visitors attracted to the beach and hotels and to augment the existing outdoor recreational lifestyle with opportunities for more cultural formal events and activities.*

### **FINANCIAL IMPLICATIONS**

Nil

### **STAFF COMMENT**

The proposed policy was advertised in August 2007 for a period of four weeks and community groups consulted by letter. No objections or comments have been received. The policy includes:

- An introduction and background.

- The operation of the policy - which would cover any planning approval for premises likely to be licensed and any licence or permit referred to Council by the DRGL, including the new liquor without a meal ETP for restaurants, and the small bar licence.
- Policy objectives - which are to guide Council, inform applicants and protect amenity.
- Policy measures - including such matters as location criteria, hours of operation, complaints and so on.

The benefits to Council of adopting the policy are to:

1. Guide Council in its consideration of applications for planning approval for uses that may involve liquor licensing.
2. Guide Council in its consideration of the different types of licences referred by the Department of Racing, Gaming and Liquor, particularly as they relate to planning and health requirements under Council's town planning scheme and local laws.
3. Help manage the potential impacts of such premises on the amenity of localities.
4. Provide information, to applicants, licensees and the general public of Council's considerations and requirements.

It is recommended that the policy be adopted.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee recommended that the policy be amended to reflect the following, and similar refinements have also been suggested by Cr Carmichael.

Aim and Objectives:

- Consistency with the objectives of the Community Crime Prevention Committee.
- Provision of facilities and services consistent with the aspirations of Cottesloe residents and businesses.

Policy:

- (a)(ii) Reference to specific hours of operation.
- (a)(ix) Reference to payment of cash-in-lieu if a shortfall in parking.
- (c) Reference to traffic / travel management plans.

Appropriate changes are shown shaded in the final recommended version of the policy below.

### **OFFICER RECOMMENDATION**

That Council adopt the attached Liquor Licence Policy.

## LIQUOR (LICENSED PREMISES) POLICY

## (1) BACKGROUND

The Town of Cottesloe is a very attractive location to relax and dine in. As a result population pressures are likely to increase the demand for licensed premises.

The potential nature and range of liquor outlets has increased with amendments made in 2007 to the *Liquor Control Act 1988* relating to restaurants serving alcohol without a meal and 'small bar' licences.

These changes may have significant impacts on Cottesloe's local amenity.

Whilst the Town is open to a number of interrelated strategies to maintain and enhance the lifestyle of residents and visitors alike, the Town recognises that the nature and number of licensed liquor outlets requires effective management in order to minimise adverse impacts on nearby residential areas and the environment.

The Town therefore has a responsibility to;

- ensure that licensed venues are operated in such a way so as to minimise the inconvenience or nuisance to residents, businesses and the general public, and
- ensure that a diversity of entertainment is encouraged in particular localities through a mix of appropriate uses including licensed premises.

## (2) AIM

To properly manage the impacts of licensed premises on the community and the environment.

## (3) OBJECTIVES

To provide guidelines to:

- assist Council with the assessment of liquor licence applications when issuing Section 39 and 40 certificates under the *Liquor Control Act 1988*;
- make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications;
- assist Council in their consideration of applications for planning approval of development which may involve a liquor licence;
- foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities; and
- protect the character and amenity of adjacent residential localities.

## (4) POLICY APPLICATION

Council will have regard to this policy when:

- (a) Assessing applications made to Council for:
  - Section 39 and 40 certificates made under the *Liquor Control Act 1988*.

- Planning approval made under the Town Planning Scheme for development which may involve a liquor licence.
  - Eating house licence applications made under Council's *Eating Houses* local law that may involve a liquor licence.
  - Alfresco dining applications made under Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* that may involve a liquor licence.
- (b) Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the *Liquor Control Act 1988*.

Note: The types of Liquor Licences and Extended Trading Permits issued by the Director of Liquor Licensing that Council shall be concerned with and to which this policy shall apply include:

Type of Licences:

Restaurant  
Nightclub  
Hotel  
Hotel restricted  
Tavern  
Small bar  
Club  
Occasional  
Special Facility

Extended Trading Permits:

Extended hours  
Liquor without a meal (restaurant)  
Alfresco  
Dining area  
Permits for one-off events

(5) POLICY

- (a) Liquor Licence and Development Applications  
Council will have regard to the following matters when considering liquor licence and development applications. If the proposal is supported relevant conditions may be imposed accordingly.
- (i) Number of premises within a locality and their distribution  
A concentration of licensed premises has the potential to prejudice the amenity of a locality. It is intended to achieve a mix in the types of premises to contribute to a vibrant atmosphere of the commercial localities whilst minimising the potential for anti-social behaviour in public spaces and impacts on any neighbouring residential properties.
  - (ii) Hours of operation  
This is particularly relevant to hotel, tavern, nightclub and small bar licences, extended trading permits for on-going hours and liquor without a meal (restaurants or alfresco). Late operating hours may contribute to irresponsible consumption of alcohol and lead to anti-social behaviour, particularly upon leaving licensed premises which in turn impacts on the amenity of others, including other patrons, residents and business operators and their customers. When considering a proposal for premises which would be licensed or an extended trading permit, Council is unlikely to recommend support for those licensed premises which cause disturbance and inconvenience to residents or businesses located in the vicinity of licensed premises.



- (iii) Number of patrons  
This is particularly relevant to hotel, tavern and nightclub licences, where, when combined with the long hours of operation, can cause the amenity of a locality to be detrimentally affected.
- (iv) Floor area  
The establishment of large venues will not be supported in proximity to residential properties. Such proposals must also demonstrate that the size of the facility will not detrimentally affect the amenity of the locality in general by virtue of its parking facilities, entertainment, number of patrons, and so on.
- (v) Noise  
To address certain types of noise impacts from licensed premises Council may require that an applicant submit an acoustic engineering report indicating sound attenuation measures to be undertaken.
- (vi) Entertainment  
Entertainment in licensed premises should contribute positively to and not detract from the amenity of the locality. Restaurants are expected to be operated and advertised as restaurants only. Licensees are expected to use their best endeavours (including the closing of doors and windows) to ensure that any entertainment provided on the licensed premises does not produce excessive noise likely to disturb, annoy or inconvenience nearby residents, other business proprietors and other users of the locality.
- (vii) Public safety  
Where considered warranted, Council may request that additional crowd controllers, security personnel or security patrol services be provided for premises trading past midnight and/or have entertainment to patrol the external grounds and where appropriate the neighbouring streets or public spaces / recreational areas of the licensed premises and monitor the behaviour of persons arriving at and departing from the licensed premises.
- (viii) Location  
The location of premises generally and the location of outdoor areas and parking facilities will not be favoured in proximity to residential properties.
- (ix) Parking  
The number of parking bays required by the town planning scheme is required to be provided.

The impact of vehicles parking either in car parking areas or surrounding streets will also be considered particularly in locations adjacent to residential properties. A spill-over into the surrounding area may occur if the capacity of premises is much greater than its car parking provision, resulting in considerable disturbance and inconvenience to residents, especially when patrons are departing from the area late at night or in the early hours of the morning.

Therefore, the hours of operation for premises may be based on the availability of parking and the likely impact on the surrounding residential area.

(b) Managing Complaints / Advocacy

Should complaints be received or Council otherwise become aware of issues, Council will undertake an assessment of the situation and determine if intervention is required. Intervention may include:

- Conducting discussions with the licensee;
- Referring the matter to the Western Accord; or
- Lodging an intervention or objection with the Director of Liquor Licensing.

(c) Management Plans

These are required under the Director of Liquor Licensing's *Harm Minimisation Policy*. Where considered warranted, Council may require the management plan to be submitted to Council for approval, particularly as part of a proposal for a hotel, tavern or nightclub or an extended trading permit. In addition to the Director's requirements, Council may require the plan to address issues such as:

- security on the site,
- lighting in and around the site,
- security of patrons on leaving the venue,
- sale of packaged alcohol,
- specific methods of patron control (including training and surveillance),
- assistance in departure from the venue (i.e. availability of a direct telephone link to a taxi service or courtesy bus)
- noise; and
- compliance and commitment to an Accord

(d) Western Accord

The Town of Cottesloe is a member of the Western Accord, which comprises local licensed premises operators, the Western Australian Police Service, the Towns of Cambridge, Claremont, Cottesloe, Mosman Park, and Vincent, the Shire of Peppermint Grove, the Cities of Nedlands and Subiaco, the Department of Health, Western Australia, Liquor Licensing Division representatives, other relevant agencies and the community. It provides a code of conduct for licensed premises within the Western Accord and is a beneficial forum for the consideration of liquor license issues.

Such liquor accords are approved by the Director of Liquor Licensing and entered into by two or more local licensees in a local community, Council, licensing authority representative, and other stakeholders such as the police.

Accords are intended to develop a safe and well-managed local environment as part of an overall strategy aimed at fostering a responsible drinking culture, ensuring safety in the local community and promoting effective communication and problem solving between licensees and key stakeholders.

RESOLUTION NO:

TBA

ADOPTION: TBA

REVIEW: TBA

#### **11.1.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

**That Council adopt the following policy.**

### **LIQUOR (LICENSED PREMISES) POLICY**

#### **(1) BACKGROUND**

The Town of Cottesloe is a very attractive location to relax and dine in. As a result population pressures are likely to increase the demand for licensed premises.

The potential nature and range of liquor outlets has increased with amendments made in 2007 to the *Liquor Control Act 1988* relating to restaurants serving alcohol without a meal and 'small bar' licences.

These changes may have significant impacts on Cottesloe's local amenity.

Whilst the Town is open to a number of interrelated strategies to maintain and enhance the lifestyle of residents and visitors alike, the Town recognises that the nature and number of licensed liquor outlets requires effective management in order to minimise adverse impacts on nearby residential areas and the environment.

The Town therefore has a responsibility to;

- ensure that licensed venues are operated in such a way so as to minimise the inconvenience or nuisance to residents, businesses and the general public, and
- ensure that a diversity of entertainment is encouraged in particular localities through a mix of appropriate uses including licensed premises.

#### **(2) AIM**

To properly manage the impacts of licensed premises on the Cottesloe residential and business community, and the environment.

#### **(3) OBJECTIVES**

- provide for facilities and services which are compatible with the aspirations of the Cottesloe residential and business community;
- provide a framework to assist Council with the assessment of liquor licence applications, including when issuing Section 39 and 40 certificates under the *Liquor Control Act 1988*;
- make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications;
- assist Council in their consideration of applications for planning approval of development which may involve a liquor licence;

- foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities and contribute to an integrated and positive sense of community;
- protect the character and amenity of adjacent residential localities;
- support the objectives of the Community Safety and Crime Prevention Committee.

#### (4) POLICY APPLICATION

Council will have regard to this policy when:

- (a) Assessing applications made to Council for:
- Section 39 and 40 certificates made under the *Liquor Control Act 1988*.
  - Planning approval made under the Town Planning Scheme for development which may involve a liquor licence.
  - Eating house licence applications made under Council's *Eating Houses* local law that may involve a liquor licence.
  - Alfresco dining applications made under Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* that may involve a liquor licence.
- (b) Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the *Liquor Control Act 1988*.

Note: The types of Liquor Licences and Extended Trading Permits issued by the Director of Liquor Licensing that Council shall be concerned with and to which this policy shall apply include:

**Type of Licences:**

Restaurant  
Nightclub  
Hotel  
Hotel restricted  
Tavern  
Small bar  
Club  
Occasional  
Special Facility

**Extended Trading Permits:**

Extended hours  
Liquor without a meal (restaurant)  
Alfresco  
Dining area  
Permits for one-off events

#### (5) POLICY

(a) **Liquor Licence and Development Applications**

Council will have regard to the following matters when considering liquor licence and development applications. If the proposal is supported relevant conditions may be imposed accordingly.

(i) **Number of premises within a locality and their distribution**

A concentration of licensed premises has the potential to prejudice the amenity of a locality. It is intended to achieve a mix in the types of premises to contribute to a vibrant atmosphere of the commercial localities whilst minimising the potential for anti-social behaviour in public spaces and impacts on any neighbouring residential properties.

(ii) **Hours of operation**

This is particularly relevant to hotel, tavern, nightclub and small bar licences, extended trading permits for on-going hours and liquor without a meal (restaurants or alfresco).

Late operating hours may contribute to irresponsible consumption of alcohol and lead to anti-social behaviour, particularly upon leaving licensed premises which in turn impacts on the amenity of others, including other patrons, residents and business operators and their customers.

When considering a proposal for premises which would be licensed or an extended trading permit, Council is unlikely to recommend support for those licensed premises which cause disturbance and inconvenience to residents or businesses located in the vicinity of licensed premises.

Council will consider opening and closing hours during the week and weekends having regard to the proximity of the licensed premises to residences and businesses and subject to consideration of the details and merits of each proposal.

(iii) **Number of patrons**

This is particularly relevant to hotel, tavern and nightclub licences, where, when combined with the long hours of operation, can cause the amenity of a locality to be detrimentally affected.

(iv) **Floor area**

The establishment of large venues will not be supported in proximity to residential properties. Such proposals must also demonstrate that the size of the facility will not detrimentally affect the amenity of the locality in general by virtue of its parking facilities, entertainment, number of patrons, and so on.

(v) **Noise**

To address certain types of noise impacts from licensed premises Council may require that an applicant submit an acoustic engineering report indicating sound attenuation measures to be undertaken.

(vi) **Entertainment**

Entertainment in licensed premises should contribute positively to and not detract from the amenity of the locality. Restaurants are expected to be operated and advertised as restaurants only. Licensees are expected to use their best endeavours (including the closing of doors and windows) to ensure that any entertainment provided on the licensed premises does not produce excessive noise likely to disturb, annoy or inconvenience nearby residents, other business proprietors and other users of the locality.

(vii) **Public safety**

Where considered warranted, Council may request that additional crowd controllers, security personnel or security patrol services be provided for premises trading past midnight and/or have entertainment to patrol the external grounds and where appropriate the neighbouring streets or public spaces / recreational areas of the licensed premises

and monitor the behaviour of persons arriving at and departing from the licensed premises.

(viii) **Location**

The location of premises generally and the location of outdoor areas and parking facilities will not be favoured in proximity to residential properties.

(ix) **Parking**

The number of parking bays required by the town planning scheme is required to be provided, however, Council may consider cash in-lieu of car parking bays in accordance with the provisions of the scheme and any policy.

The impact of vehicles parking either in car parking areas or surrounding streets will also be considered particularly in locations adjacent to residential properties. A spill-over into the surrounding area may occur if the capacity of premises is much greater than its car parking provision, resulting in considerable disturbance and inconvenience to residents, especially when patrons are departing from the area late at night or in the early hours of the morning.

Therefore, the hours of operation for premises may be based on the availability of parking and the likely impact on the surrounding residential area.

**(b) Managing Complaints / Advocacy**

Should complaints be received or Council otherwise become aware of issues, Council will undertake an assessment of the situation and determine if intervention is required. Intervention may include:

- Conducting discussions with the licensee;
- Referring the matter to the Western Accord; or
- Lodging an intervention or objection with the Director of Liquor Licensing.

**(c) Management Plans**

These are required under the Director of Liquor Licensing's *Harm Minimisation Policy*. Where considered warranted, Council may require the management plan to be submitted to Council for approval, particularly as part of a proposal for a hotel, tavern or nightclub or an extended trading permit. In addition to the Director's requirements, Council may require the plan to address issues such as:

- hours of operation,
- security on the site,
- lighting in and around the site,
- security of patrons on leaving the venue,
- sale of packaged alcohol,
- specific methods of patron control (including training and surveillance),
- a traffic and travel mode management plan, including assistance in departure from the venue (i.e. availability of a direct telephone link to a taxi service or courtesy bus)
- noise; and

- compliance and commitment to an Accord.

**(d) Western Accord**

The Town of Cottesloe is a member of the Western Accord, which comprises local licensed premises operators, the Western Australian Police Service, the Towns of Cambridge, Claremont, Cottesloe, Mosman Park, and Vincent, the Shire of Peppermint Grove, the Cities of Nedlands and Subiaco, the Department of Health, Western Australia, Liquor Licensing Division representatives, other relevant agencies and the community. It provides a code of conduct for licensed premises within the Western Accord and is a beneficial forum for the consideration of liquor license issues.

Such liquor accords are approved by the Director of Liquor Licensing and entered into by two or more local licensees in a local community, Council, licensing authority representative, and other stakeholders such as the police.

Accords are intended to develop a safe and well-managed local environment as part of an overall strategy aimed at fostering a responsible drinking culture, ensuring safety in the local community and promoting effective communication and problem solving between licensees and key stakeholders.

RESOLUTION NO: 11.1.4  
ADOPTION: 17 March 2008  
REVIEW: 17 March 2016

Carried 9/0

**11.1.5 PLANNING FOR FUTURE CURTIN AVENUE – UPDATE REPORT & NEXT STEPS**

**File No:** SUB/440  
**Author:** Mr Andrew Jackson  
**Author Disclosure of Interest:** Nil  
**Report Date:** 7 March 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

- This report updates Council regarding progress towards a solution for future Curtin Avenue.
- It overviews the recent consideration of design options for parts of the route and outlines a suggested approach for Council to pursue a preferred outcome.
- It is a basis for discussion and does not provide any detailed technical analysis at this stage, which may be the subject of further reporting in the coming months.
- The purpose is to make Council aware of the overall situation and to obtain any direction for continuing action.

**STATUTORY ENVIRONMENT**

- The current Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) reservation for Curtin Avenue represents a major constraint to planning for the district and land use and development in the vicinity of the route.
- The uncertainty and potential impacts are impediments to solving regional and local traffic movements and providing for a Town Centre activity node consistent with the State Government's Network City planning strategy.
- In this respect Council's proposed Local Planning Scheme No. 3 is under an expectation to respond to regional requirements, but is affected by the future of Curtin Avenue.
- Once a realigned and minimised road reservation is defined, the MRS and Council's Scheme can be amended to clarify the route for Curtin Avenue and free-up the surplus land west of the railway for structure planning under the proposed Development Zone.
- This statutory implementation will be a major step forward to the long-term benefit of the transport system and urban development characterising the district.
- Because the amendment processes will involve public consultation, it is important that Council give consideration to informing and engaging the community during the present formulation phase, which the intended enquiry-by-design exercise would facilitate.

**POLICY IMPLICATIONS**

- This matter does not relate directly to any specific Council policy about Curtin Avenue, however, it is clear that regional and local transport and planning policies cannot be realised until Curtin Avenue is resolved.



**STRATEGIC IMPLICATIONS**

- Curtin Avenue is probably the key strategic issue facing the district, which for several decades has remained uncertain, contributing to local traffic problems, urban blight and loss of amenity.
- The growth of Perth has increased pressures on the regional road network and resultant impacts on local communities.
- A responsible approach is needed to finalise a preferred alignment and design for Curtin Avenue through Cottesloe.
- Council's Future Plan and Action Plan identify reaching agreement with the State Government on a solution for Curtin Avenue as a vital strategic issue needing to be addressed.

**FINANCIAL IMPLICATIONS**

- Construction of a realigned Curtin Avenue would be an MRWA cost.
- Council will incur future costs in addressing the related local road system and land use planning for the surrounding area.
- Community consultation and advertising regarding preliminary solutions for the route may involve consultants and other costs in the order of \$20,000 or more depending on the scope.

**BACKGROUND**

- Council last received a status report on Curtin Avenue at its 24 September 2007 meeting (copy attached), which drew together its collaborative planning with the Department for Planning and Infrastructure (DPI) and Main Roads Western Australia (MRWA) on this matter.
- Council's resolution at that juncture was quite specific in giving direction to the matter, as follows:

*That Council:*

- (1) *Notes the resolution of the Sustainable Transport Committee of the WAPC and seeks an explanation of the rationale for excluding Option 1 and including Option 2 together with a copy of any reports to the STC on both options.*
- (2) *Advises the Government agencies that a one-way-pair as per Options 3 and 4 are not acceptable to Council.*
- (3) *Requests consideration of a new Option 5 with Curtin Avenue and the railway line both being lowered to go under Jarrad Street.*
- (4) *Seeks three-dimensional illustrations from MRWA for Options 1 and 2 only, upon which it will give further consideration to the following in order to provide feedback to the Government agencies towards a solution for Curtin Avenue:*
  - (i) *The pros and cons of the options for the alignment and design of Curtin Avenue through Cottesloe;*
  - (ii) *The implications for land use, urban development and transport connectivity affecting the district;*
  - (iii) *The particular implications for the Town Centre and railway land*

*areas in light of Council's planning for these areas; and*

- (iv) *A course of action, including community consultation and ongoing liaison, to reach agreement on the matter.*

- The DPI Director of Urban Transport Systems responded by letter dated 31 November 2007 (copy attached). The thrust of the advice is recognition that any one-way-pair or bifurcated options should be dismissed, that any trenching options would be costly and that Options 1 and 2 would be examined and depicted for a briefing to Council.
- Subsequently a Council briefing session was held on 25 February 2008 where the DPI and MRWA presented technical information exploring the feasibilities in relation to Options 1 and 2. This included the following documentation, which was made available to Councillors and officers on a computer disc:
  - Consultant's report *Curtin Avenue Realignment Cottesloe, Option 1 – Trench Construction: Engineering Feasibility Study*.
  - Consultant's report *Noise Impact Assessment Curtin Avenue / Jarrad Street Intersection "Subway Option" (Option 2)*.
  - MRWA *Road Network Options Report* regarding the overall matter and above reports, including three-dimensional photo / computer-graphics images illustrating the built form of Options 1 and 2.
- These reports favour the Jarrad Street subway Option 2 on the basis of functionality, engineering and cost. Council and officers were requested to give consideration to the briefing and material provided for feedback to the DPI and MRWA – ongoing liaison and resolutions are envisaged to reach agreement on the matter.

#### **OFFICER COMMENT**

- Valuable progress is being made by the key stakeholder responsible authorities in this matter, in an endeavour to reconcile their overlapping regional and local transport and land use / development objectives. While these agencies lead the process, the Public Transport Authority (PTA) and Western Power will need to be brought into the picture in due course.
- Significant agreement in-principle has been reached to focus primarily on Options 1 and 2, while Option 5 remains a valid vision in terms of an ideal scenario looking long-term for the Town Centre.
- The preoccupation with the Curtin Avenue / railway / Jarrad Street intersection and the associated studies so far has served to investigate and demonstrate various aspects to be taken into consideration, and to firm-up those concepts. It must be cautioned, however, that while the technical feasibilities are necessary ingredients to decision-making, at present the planning exercise is fundamentally strategic and multi-faceted. This entails:
  - Ultimately settling the route and design for the entire Curtin Avenue affecting Cottesloe. The cumulative impact of Curtin Avenue as it passes through the district, and the heavily-engineered designs for several intersections / connections with the local and sub-regional road network (eg Eric Steet), will substantially alter the experience of infrastructure, movement, urban design and amenity for the length of the route and the surrounding areas.
  - Marrying transport imperatives with land use and development imperatives to achieve the highest possible quality of movement systems (in all modes) and

- urban environments, especially to ensure that pure functionality does not unduly impact on built form and amenity.
- Involving other stakeholders and the community in formulating a more comprehensive and integrated broad plan for the Town Centre, railway / Curtin Avenue and developable land to the west – an enquiry-by-design is the intended vehicle for this, which would embrace the notion of a transit-orientated development (TOD) precinct.
  - This outlook echoes that expressed in Council's Future Plan as follows:

The Town's Future Plan highlights dynamic priority areas requiring attention over the next three years. One of these dynamic priorities is to: *Proactively pursue solutions for Curtin Avenue and the railway*. The Future Plan also has a number of Objectives and Strategies. Objective 2 is: *Connectivity – To achieve connectivity between east and west Cottesloe*. The Strategies for this Objective are to:

- 2.1. *Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links and Town Centre integration.*
- 2.2. *Produce visual material that demonstrates housing densities and forms for vacant Crown land.*
- 2.3. *Plan a consultation program that involves the community and government agencies.*
- 2.4. *Promote an engineering and financial feasibility study into the preferred solution.*
- 2.5. *Play a leadership role by continually focusing on a 'win-win' approach to the engineering, financial and social challenges this project will face.*

- It is noted that the Future Plan statement reflects sinking the railway, yet even if not, the overarching objective and strategies are promoting that all aspects be addressed. Furthermore, that effective Town Centre / TOD place-making ensures that transport planning, while inevitably influencing built form and function, does not in a sense dictate it at the expense of the affected localities or activity centres.
- In his respect it is emphasised that Council's initial Town Centre Study and concept plan were premised on lowering Curtin Avenue alongside the railway line and creating much-needed east-west pedestrian connectivity linking the town centre over the railway station to the developable land and westward.
- Council's aim is to solve the problem of Curtin Avenue in this wider context. In the Town Centre vicinity an enquiry-by-design process would help to knit-together a preliminary structure plan addressing all aspects. Both the Town Centre study process and the Scheme Review process anticipate stakeholder and community consultation by this and other means. In other words, Curtin Avenue would be a part of, but not the sole topic of, an enquiry-by-design for the Town Centre.
- The WAPC and MRWA appear to have interpreted that an enquiry-by-design would concentrate on Curtin Avenue and limit the options to be examined. While it is appropriate that practical and preferred options be narrowed-down and examined in some depth, to enable a workable enquiry-by-design, Council would wish to retain an open mind in the matter for a holistic solution.

**NEXT STEPS**

- Having regard to Council's September 2007 resolution, point (4) saw the need to better understand the pros, cons and implications of the options for Curtin Avenue in order to consider a course of action including community consultation and provide further feedback to the Government agencies.
- Officers plan to report again to Council on the detail of the reports provided by the DPI and MRWA.
- Officers also plan to devise and report to Council on an enquiry-by-design exercise for the Town Centre, incorporating Curtin Avenue, in liaison with the Government agencies.
- Council may also consider whether at some stage it would like to obtain independent consultant reports on any of the technical information provided or on any additional aspect it may identify for examination.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee discussed this matter at some length and Cr Cunningham was granted permission by the Chairperson to participate.

Committee was strongly of the view that both the road and railway must be addressed to fulfil Council's objectives for connectivity, Town Centre revitalisation and optimisation of the development zoning to the west. Council's vision is long term and for a holistic and integrated solution to foster an activity centre with transit-orientated development. Sinking the railway should not be dismissed and would generate significant advantages in terms of transit, connectivity, urban design and development potential.

Committee saw the need for and benefits of consultants to assist Council in assessing the planning, engineering, urban design and feasibility aspects of the options, opportunities and constraints, including guided liaison with the State agencies.

Mr Jackson commented on the need for better coordination and consolidation of the range of statements of intent, resolutions and actions by Council towards planning for the area, as to be further discussed at the Strategic Planning Committee this week, This includes an enquiry-by-design for the Town Centre in relation to Local Planning Scheme No. 3 and the role of structure planning. He suggested that the process Council wishes to follow requires clarification in order to achieve the desired product and outcome.

**11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

**That Council:**

- 1. Note this update report, provide any direction to officers for ongoing work on the matter as it sees fit, and await a detailed report from officers at the April meeting.**
- 2. Determine any interim or more definitive feedback that it may wish to provide to the Government agencies at this stage.**

Carried 9/0

**12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 11 MARCH 2008**

Agenda items 12.1.3 and 12.1.4 were dealt with earlier in the meeting. Of the remaining items 12.2.2, 12.2.3 were dealt with first and then the balance in numerical order en bloc.

**12.1 ADMINISTRATION****12.1.1 PROPOSED CIVIC CENTRE RESTORATION & EXTENSIONS - TENDER PROCESS**

**File No:** SUB/398  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 6 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Tenders are about to be called for the proposed Civic Centre renovations and extensions. Decisions are required on the tender selection criteria and process.

Recommendations are made to:-

1. Determine the selection criteria
2. Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
3. Call tenders for the Civic Centre works.
4. Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$2.8m

**STATUTORY ENVIRONMENT**

Section 5.43 of the *Local Government Act 1995* reads, in part, as follows:-

**5.43 Limits on delegations to CEO's**

A local government cannot delegate to a CEO any of the following powers or duties –...

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;...

Regulations 11 and 14 of the *Local Government (Functions & General) Regulations 1996* read, in part, as follows:-

**11. Tenders to be invited for certain contracts**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 ...

**14. Requirements for publicly inviting tenders**

(1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given...

(2a) If a local government -

(a) is required to invite a tender; ...

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

An amount of \$2.8m has been set aside in the 2007/08 budget for the Civic Centre project. \$108,000 has been expended to date on consultants' fees.

Funds for the project are being sourced from a loan of \$1.4m and land asset sales of \$1.4m. The sale of the land at 35 Margaret Street for \$1.68m has generated a potential surplus of \$280,000 which could be added to consolidated revenue for other asset acquisitions or applied to the Civic Centre project.

A pre-tender estimate is expected to be to hand in time for the consideration of the Works and Corporate Services Committee meeting to be held on the 11<sup>th</sup> March 2008.

Since the last tender estimate was considered by Council, a number of additions have been made to the scope of works. The additions and their associated costs will be broken out and presented to the Works and Corporate Services Committee meeting so that Council can decide whether those additions should be retained or deleted.

For example, the proposed resarking of the Civic Centre roof to prevent stormwater leakages is likely to be a significant expenditure which can be deferred if necessary.

**BACKGROUND**

Development approval for the project was granted by Council at its February 2008 meeting and a history of the project can be found in last month's Council minutes.

A Council decision is now required in order to settle the tender selection criteria as required under Regulation 14 of the *Local Government (Functions & General) Regulations 1996*.

Philip Griffiths Architects have suggested the following selection criteria:-

**Selection Criteria**

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

**Compliance Criteria**

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

**Qualitative Criteria**

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience: 40%
- Resources: 20%
- Method for completing the sequence of work: 15%

**Price consideration**

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- Tendered price: 25%

**CONSULTATION**

Nil

**STAFF COMMENT**

While the selection criteria need to be settled in advance of the calling of tenders, it is not critical to the calling of tenders to settle in advance the percentage weightings to be assigned to each of the selection criteria.

Council's Tender Evaluation Panel (the Mayor, Presiding Officer of the Works & Corporate Services Committee and CEO) could settle the weightings at a later date.

However it is open to Council to either:-

- a. make a determination now on what the weightings should be, or
- b. provide some guidance to the panel on what they should be.



In order to save time with a view to completing construction by Australia Day 2008, Council may also decide to delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a complying tender that falls within an amount determined by Council for the purpose of letting the tender.

Failing that, the tender results will be presented to the April meeting of Council for a determination.

### **VOTING**

Simple Majority for the determination of the selection criteria.

Absolute Majority for any delegation of any power to the CEO.

### **OFFICER RECOMMENDATION**

That Council:

- (1) Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-

#### **Selection Criteria**

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

#### **Compliance Criteria**

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

#### **Qualitative Criteria**

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:
- Method for completing the sequence of work:

#### **Price consideration**

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
- (3) Call tenders for the Civic Centre works.
- (4) Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$2.8m

### COMMITTEE RECOMMENDATION

That subject to;

- the architect re-visiting the scope of works and identifying any possible cost savings, without unduly compromising the quality and character of the proposed redevelopment, and a report being presented to Council, and
- a report on the financial implications of the proposed development, in conjunction with the proposed library development, being presented to Council in a comprehensive and transparent manner, comparing all possible repayment scenarios, and
- a Special Council meeting being called to consider the above reports, if necessary,

Council proceed with the following:

- (1) Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-

#### Selection Criteria

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

#### Compliance Criteria

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

#### Qualitative Criteria

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:
- Method for completing the sequence of work:

Price consideration

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
- (3) Call tenders for the Civic Centre works.
- (4) Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$3.08m

### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Woodhill

**That the three 'subject to' bullet points and item (4) of the Committee Recommendation be deleted.**

Carried 8/1

### **12.1.1 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) **Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-**

**Selection Criteria**

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

**Compliance Criteria**

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

**Qualitative Criteria**

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:

- Method for completing the sequence of work:

**Price consideration**

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) **Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.**
- (3) **Call tenders for the Civic Centre works.**

Carried 8/1

**12.1.2 PROPOSED CIVIC CENTRE RESTORATION AND EXTENSIONS –  
PROPOSED LOAN NO.105**

**File No:** SUB/398  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 6 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to repay proposed Loan No. 105 of \$1.4m over a period of 10 years rather than 20 years as budgeted for.

**STATUTORY ENVIRONMENT**

Section 6.20 of the *Local Government Act 1995* deals generally with the power of local governments to borrow money.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

If the proposed loan of \$1.4m is repaid over a period of 10 years rather than 20 years, the repayment amount will increase by \$66,662.72 per annum.

To put this in perspective, this amounts to 1.17% of current rate income.

**BACKGROUND**

An amount of \$2.8m has been set aside in the 2007/08 budget for the Civic Centre project. Funds for the project are being sourced with a loan of \$1.4m and land asset sales of \$1.4m.

Quotes for loans of \$1.4m over a period of 10 years and a period of 20 years have been obtained from the Western Australian Treasury Corporation (see attachments).

An argument can be advanced for reducing the proposed length of the loan from 20 years to 10 years.

**CONSULTATION**

Nil

**STAFF COMMENT**

Current best-case financial practice advocates that with the purchase of any asset using loan funds, the loan should be repaid in full, half way through the life of the asset.

This practice is intended to encourage future governments to start thinking about the creation of reserve funds (at about the time loan repayments expire) in anticipation of sinking a good portion of any intended new construction with accumulated reserve funds so that future generations do not shoulder the full burden of any new construction.

To give an example, if a new library has a predicted life of forty years, then any loan funds associated with the construction of the library should be fully repaid in the twentieth year. In the twenty-first year, amounts that would ordinarily have been set aside for the repayment of the loan should be redirected into new reserve funds.

Over the next 20 years, the reserve funds would accumulate (with interest) and go a significant way towards sinking the costs of any replacement library.

Intuitively the proposed Civic Centre Restoration and Extensions are not likely to last forty years - as might be the case for a new library.

Twenty years would seem to be the absolute maximum for remedial and renovation works given past experience. A 10 year maximum loan period is therefore advocated.

#### **VOTING**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council proceed with the raising of Loan No.105 of \$1.4m for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate.

#### **COMMITTEE RECOMMENDATION**

That Council not proceed with the raising of Loan No.105 of \$1.4m, to be repaid over 10 years, for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate, until the conditions of the Committee Recommendation at agenda item 1.1 are met and resolved.

#### **AMENDMENT**

Moved Cr Miller, seconded Cr Strzina

**That the word 'not' and all the words after 'interest rate' be deleted.**

Carried 8/1

*Mr Andrew Jackson left the meeting at 9.33 pm.*

*Cr John Utting left the meeting at 9.34 pm.*

*Mr Andrew Jackson returned to the meeting at 9.35 pm.*

*Cr John Utting returned to the meeting at 9.36 pm.*

**AMENDMENT**

Moved Cr Birnbrauer, seconded Cr Cunningham  
That the term of the loan be changed to 20 years.

Lost 4/5

**12.1.2 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council proceed with the raising of Loan No.105 of \$1.4m, to be repaid over 10 years, for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate.**

Carried 9/0

**12.1.3 PROPOSED NEW LIBRARY – TENDER PROCESS**

**File No:** SUB/168  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 5 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to appoint the Mayor and CEO to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying selection criteria and weightings to be assigned to the tender selection criteria for the construction of the proposed new library.

Once tenders have been received, a Tender Evaluation Panel will also be required to evaluate tenders and make a recommendation on the preferred tenderer to each member local government.

**STATUTORY ENVIRONMENT**

Section 3.57 of the *Local Government Act 1995* provides:-

**3.57. Tenders for providing goods or services**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Regulation 11 of the *Local Government (Functions and General) Regulations 1996* provides in part that:-

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if - ...

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;

Regulation 14 of the *Local Government (Functions and General) Regulations 1996* provides in part that:-

- (2a) If a local government -
- (a) is required to invite a tender; or
  - (b) not being required to invite a tender, decides to invite a tender,
- the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.



**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

One of several dynamic priorities identified in the Town of Cottesloe's *2006 - 2010 Future Plan* is:-

Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

In order to simplify things, it has been proposed that the Shire of Peppermint Grove act as an agent for the Town of Cottesloe and Town of Mosman Park when calling tenders for the construction of the proposed new library.

This will avoid any doubling up in terms of advertising, handling enquiries, etc.

Under the regulations, the Shire of Peppermint Grove must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Rather than leaving it entirely to the Shire of Peppermint Grove to determine the criteria for deciding which tender should be accepted, it has been proposed that the Mayor and CEO of the Town of Mosman Park and the Mayor and CEO of the Town of Cottesloe be appointed to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying both the selection criteria and the weightings to be assigned to the tender selection criteria for the construction of the proposed new library.

The Shire of Peppermint Grove is also expected to include the President and CEO of the Shire of Peppermint Grove on the sub committee together with a Mr Wetjen and Mr Ward who will be providing technical assistance.

A Tender Evaluation Panel is also expected to evaluate tenders and make a recommendation on the preferred tenderer to each member local government. In other words until the Towns of Mosman Park and Cottesloe have signed off on the preferred tenderer, it will not be open to the Shire of Peppermint Grove to appoint a successful tenderer.

**CONSULTATION**

Nil

**STAFF COMMENT**

The appointments of the Mayor and CEO should be seen as simply enabling the preparation of contract documentation and the subsequent tender evaluation process.

The actual decision to call the tender will rest entirely with the Shire of Peppermint Grove but obviously depends on the support of the other two local governments.

The decision to actually award the tender will rest collectively with the three local governments acting on the advice of the Tender Evaluation Panel. Until there is unanimity as far as the three local governments are concerned, it will not be open to the Shire of Peppermint Grove to award the tender.

### **VOTING**

Simple Majority

### **12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

- (1) Appoint the Mayor and CEO to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying selection criteria and weightings to be assigned to the tender selection criteria for the construction of the proposed new library.**
- (2) Appoint the Mayor and CEO to a Tender Evaluation Panel reporting to the three local governments for the purpose of making a recommendation on the preferred tenderer to each member local government.**

Carried 9/0

**12.1.4 UNBUDGETED LOAN FUNDS - PROPOSED NEW LIBRARY**

**File No:** SUB/168  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 5 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Recommendations are made to:-

Give one month's local public notice of the details of a proposal to raise a loan of \$4.6m to be repaid over 20 years at the prevailing rate of interest to fund the construction of the proposed new library and community facilities

Immediately advise the Library Project Steering Committee to defer the calling of tenders for the proposed library until all outstanding matters relating to financing, land tenure and legal documentation are resolved and executed.

**STATUTORY ENVIRONMENT**

Section 6.20 of the Local Government Act 1995 provides the following:-

**6.20. Power to borrow**

(1) Subject to this Act, a local government may

(a) borrow or re-borrow money;

(b) obtain credit; or

(c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (- **power to borrow** -) and details of that proposal have not been included in the annual budget for that financial year

(a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and

(b) the resolution to exercise that power is to be by absolute majority.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

One of several dynamic priorities identified in the Town of Cottesloe's *2006 - 2010 Future Plan* is:-

Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.

### **FINANCIAL IMPLICATIONS**

There will be some expense associated with the advertising of the proposed loan which will be absorbed within the town's 2007/08 budget for advertising.

### **BACKGROUND**

In May 2007 the Town of Cottesloe passed the following resolution:-

#### 10.3.7 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Furlong

- (1) Accept the results of the community consultation process.
- (2) Authorise the Library Project Steering Committee to progress to the detailed planning and design stage subject to:
  - (a) The Shire of Peppermint Grove providing the Town of Cottesloe with sufficient comfort that there are no outstanding issues relating to land for the proposed library site that may have an adverse financial impact on the Town of Cottesloe.
  - (b) Agreement being reached amongst the three local governments on cost sharing arrangements.
  - (c) A preliminary report during the initial part of the planning and design stage be provided to Council on maximising the ESD initiatives in the design and the additional financial cost and environmental benefits of each such initiative.
- (3) Consider the inclusion of \$100,000 funding for consultants fees for the library project in the budget for 2007/2008.

Carried 10/1

In relation to part (2) of the May 2007 resolution, significant progress has been made with the implementation of parts (a), (b) and (c).

### **Land**

The CEO of the Shire of Peppermint Grove has advised that the Peppermint Grove Bowling Club has now relinquished any hold that it had over the bowling club land.

As a result, action is now underway to adjust the boundaries of various parcels of land.

The adjustments include:-

1. the excision of a 5 metre strip of land along the Stirling Highway frontage for road-widening purposes,
2. the inclusion of the whole of the proposed library building site, shire offices and community rooms in the Shire of Peppermint Grove's reserved land which is set aside for 'Municipal Purposes', and

3. redrawing the existing 'A' class reserve boundaries to facilitate the above.

The Minister for Planning & Infrastructure has yet to sign-off on the proposal to adjust boundaries but as soon as she does, a three week consultation phase on the proposed changes is to be undertaken with any submissions that are received being laid before the State Parliament for a period of 14 days pending parliamentary approval.

In the meantime the Bowling Club still has a damages claim afoot against the Shire of Peppermint Grove.

The Town of Cottesloe and the Town of Mosman Park have not been joined in this legal action.

### **Cost Sharing**

The Town of Cottesloe's argument that library and community facility costs should be shared on a population basis has been accepted by the Shire of Peppermint Grove and Town of Mosman Park. Costs incurred to date are being shared and billed to each local government on a 42.74% Cottesloe, 48.29% Mosman Park and 9.25% Peppermint Grove cost-sharing arrangement.

### **Environmentally Sustainable Design (ESD) Initiatives**

The enthusiasm for ESD initiatives as articulated by members of the Cottesloe community in the community consultation phase and the Cottesloe Town Council has been taken up by the Library Project Steering Committee.

Several ESD initiatives have been included in the design and they have been the subject of discussion at several elected member briefings that all Councillors have been invited to attend.

While the environmental benefits of each such initiative have been identified, the additional financial costs have yet to be reported on.

### **The Town of Cottesloe's Financial Contribution**

Other than setting aside a sum of \$100,000 in the 2007/08 budget for consultant advice on the library project, the Town of Cottesloe has not set aside any funds in this year's budget for the construction of the library.

It is understood that the Library Project Steering Committee Project wants to call tenders on the 19<sup>th</sup> March 2008.

This target date appears unlikely given that the land tenure issue is not fully resolved and there is some remaining uncertainty surrounding a solution for the existing drainage sump.

Legal documentation also has yet to be prepared for the tender phase, construction phase and future operating and maintenance phase (see attached minutes of the Library Project Steering Committee meeting held on 20<sup>th</sup> February 2008 for the specifics).

This should all be sorted out prior to calling and letting a tender for the construction of the library.

More importantly, the Town of Cottesloe has not made any funding provision for the construction of the library in the 2007/08 financial year and needs to make this clear to the Library Project Steering Committee.

An estimate of costs for the total project was provided to the Library Project Steering Committee at its February 2008 meeting. The total estimated cost was \$14,800,000 of which the library and community facilities would comprise approx. \$11,300,000.

Based on the above, Cottesloe's contribution is estimated to be \$4,830,000. Given the costs incurred to date by Cottesloe (approx \$230,000) loan funds of say, \$4.6m will need to be found in the absence of any asset sales, other income and/or cost savings to be found when adopting the 2008/09 budget.

Assuming that Council does not wish to delay the calling of tenders for want of setting aside sufficient funds to cover Cottesloe's contribution to the project (notwithstanding that several other matters have yet to be attended to as well), Council may wish to use the powers available to it under Section 6.20 of the *Local Government Act 1995*.

In other words, Council may want to consider advertising its intention to raise a non-budgeted loan of \$4.6m.

### **CONSULTATION**

Nil

### **STAFF COMMENT**

Given the uncertainty surrounding costs, potential sources of funding and various other issues (not the least being land tenure) the Town of Cottesloe decided to constrain its commitment to the proposed library when setting the 2007/08 budget.

The reticence to formally commit to the library is well understood and is reflected in the May 2007 decision of Council which sought to make any expenditure on the library dependent on a number of conditions being satisfied. Depending on your point of view, some of these conditions have been met - either in part or in full.

The reticence of the Town of Cottesloe in not setting aside a provisional amount in the 2007/08 budget was not shared by the Town of Mosman Park and the Shire of Peppermint Grove (or indeed the Library Project Steering Committee). As far as those local governments are concerned, the project is going ahead.

At the time of framing the 2007/08 budget, the view was expressed that half of the Town of Cottesloe's contribution to the library should come from the proceeds of asset sales (e.g. the Council depot site) and the other half should be funded by a loan funds. However given the uncertainty surrounding costs and other matters, it was impossible to put a figure on these amounts.

It was also the opinion of staff that it would take a year at least to accurately determine the design and estimated costs for the library and that by that time the

2008/09 budget could well have been adopted. This may well still turn out to be the case.

Things have now reached a point where it is understood that inflationary cost pressures have now reached such a point that it is believed that tenders should be called as a matter of urgency rather than in the new financial year.

If the Town of Cottesloe supports the calling of tenders at the soonest opportunity, then it is very difficult to see how the Town of Cottesloe can find \$4.6m from within its current budget to fund the project. The only practical way out is to use the powers available to Council under Section 6.20 of the *Local Government Act 1995*.

An alternative course of action is to simply inform the Shire of Peppermint Grove and the Town of Mosman Park that the Town of Cottesloe is constrained and cannot agree to the calling of tenders until all outstanding issues, including finance, are resolved.

However this course of action may simply just defer things indefinitely.

For example, the value that might be realised from the sale of the Town of Cottesloe's depot site will be heavily influenced by its treatment under Town Planning Scheme No.3 - which has yet to be finalised.

An alternative location for the depot has also yet to be found despite ongoing dialogue with our Western Suburbs local government neighbours.

Therefore if the construction of the library is dependent on the sale of the depot, it may be several years before construction is commenced.

An alternative approach may be to consider that the depot is likely to appreciate in value way beyond any interest that may accrue on a \$4.6m loan. That being the case, it could be argued that Council should agree to the raising of a loan in the first instance with a view to sinking it through asset sales at a later date.

I believe the community would understand the logic behind such an approach and that the advertising of the proposed loan should therefore go ahead.

Dependent on the outcome of the advertising and the submissions received, Council may be in a position to commit to the construction of the library at its April 2008 meeting.

## **VOTING**

Absolute Majority

## **OFFICER & COMMITTEE RECOMMENDATION**

That Council:

- (1) Give one month's local public notice of the details of a proposal to raise a loan of \$4.6m to be repaid over 20 years at the prevailing rate of interest to fund the construction of the proposed new library and community facilities

- (2) Immediately advise the Library Project Steering Committee to defer the calling of tenders for the proposed library until all outstanding matters relating to financing, land tenure and legal documentation are resolved and/or executed by the participating local governments.

**AMENDMENT**

Moved Cr Boland, seconded Cr Dawkins

**That at item (2) the words 'Immediately advise' be deleted and be replaced with 'Confirms its support for the proposal in principle and in the interests of good governance advises'.**

Carried 9/0

**12.1.4 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Dawkins

**That Council:**

- (1) **Give one month's local public notice of the details of a proposal to raise a loan of \$4.6m to be repaid over 20 years at the prevailing rate of interest to fund the construction of the proposed new library and community facilities**
- (2) **Confirms its support for the proposal in principle and in the interests of good governance advises the Library Project Steering Committee to defer the calling of tenders for the proposed library until all outstanding matters relating to financing, land tenure and legal documentation are resolved and/or executed by the participating local governments.**

Carried by Absolute Majority 9/0



**12.1.5 STATUTORY COMPLIANCE AUDIT – 2007 RETURN**

**File No:** SUB/390  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 6 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2007; and
- (2) authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

**STATUTORY ENVIRONMENT**

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

*Regulations may make provision –*

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

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

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

**14. Compliance audit return to be prepared**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

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**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

Each year the Department of Local Government and Regional Development issues a compliance audit return that covers a wide range of mandatory actions required of staff, elected members and the Council as whole under the provisions of the *Local Government Act (1995)*.

The return for 2007 has been compiled and a copy is enclosed with this agenda for each Councillor to review and make comment to the Council.

The return must be submitted to the Department of Local Government by 31<sup>st</sup> March 2008.

**CONSULTATION**

Nil

**STAFF COMMENT**

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

**Disclosure of Interest**

Q13: The annual returns for Cr Walsh, Cr Utting and Cr Jeanes were received late.

**Finance**

Q25: The monthly financial report for December 2006 was attached to but not recorded in the minutes of the February 2007 meeting. The monthly financial reports for April, May and June 2007 were recorded in but not attached to the minutes.

**Local Government Employees**

Q10: Seven employees were overdue for a performance review at the end of 2007

**Local Laws**

Q13: The following local laws have yet to be reviewed:-Signs, Hoardings and Billposting (1988), Eating Houses (1993), Health Local Laws (1997)

**Meeting Process**

Q20: Minutes of the Council's ordinary meetings from April 2007 to September 2007 were not signed by the Mayor at the next meeting. They have since been signed.

**Tenders for providing Goods and Services**

Q24: In some instances, details of the decision made to invite tenders were not included in the tender register.

Q29: In some instances, the names of the successful tenderers were not included in the tender register. These details have since been entered into the register.

Q30: In some instances, details of the amount of consideration in the accepted tender were not included in the tender register. These details have since been entered into the register.

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

**VOTING**

Simple Majority

**12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council**

- (1) Adopt the Compliance Audit Return for 2007 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development; and**
- (2) Carry out a review of the local laws.**

Carried 9/0

## 12.2 ENGINEERING

### 12.2.1 POLICY - MAINTENANCE OF ROAD RESERVE VERGE PARKING AREAS

**File No:** SUB/176  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 4 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

At its meeting in July 2007, Council resolved the following:

- (1) request staff to prepare a further report on off-street parking controls noting that:
  - the matter of assigning liability to adjoining landowners for injury or damage sustained by people on off-street parking areas is no longer a concern,
  - the matter of assigning exclusive-use rights to adjoining landowners is no longer a concern.
  - The matter of having a standing agreement to assign liability to adjoining landowners for the care and management of off-street parking areas is no longer a concern.
- (2) request staff to prepare a further report on whether a verge parking policy and/or local laws are necessary in terms of controlling off-street parking.

This item supplies the report requested at item (2) and recommends that Council remove the *Maintenance of Road Reserves Verge Parking Areas* from the Policy Manual.

#### STATUTORY ENVIRONMENT

The *Local Government Act 1995* vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's *Activities on Thoroughfares and Trading on Thoroughfares and Public Places* local law gives Council significant powers to prevent, allow and control activities on the road reserve.

#### POLICY IMPLICATIONS

The item concerns the content of Council's *Maintenance of Road Reserve Verge Parking Areas* policy which has been included as an attachment to this report.

#### STRATEGIC IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Minor (less than \$500 per year)

#### BACKGROUND

This subject had originally been raised when Council had been requested to share the cost of resurfacing a restricted/private use car park on the Salvado Street road

reserve, adjacent to units on No. 22. It also applied to many other areas in the Town of Cottesloe, including several government/institutional parking areas on Gibney Street.

The issue was Council being responsible, long term, for all maintenance and reconstruction of private/restricted parking areas on verges, using rates funds, when the general public are expected not to park on such areas.

The Salvado Street issue was solved by Council refusing to share in the cost of resurfacing but to upgrade street drainage in the area. The resurfacing was then funded by the Unit Corporate Body.

A policy to control private use verge car parking area and to ensure that proper maintenance is undertaken at the cost of the restricted private users was requested by Council developed by staff and eventually adopted by Council in September, 2005.

However, the new policy included the need for a signed agreement between Council and the applicant(s), to 'lock' the applicants into long term maintenance of the new car parking area, at their cost, to the Town of Cottesloe's requirements.

Issue relating to this proposed agreement form and the legality of the intent of the policy were directed to Council's lawyers, twice, for clarification.

The following points were made, and accepted by Council at previous meetings:

1. Council carries full liability for the maintenance of road reserves that it has accepted vesting powers over Council cannot devolve legal liability for the care, control and management of 'private' car parking areas on verges to any individual or group.
2. Regardless of whether repair costs are met by the residents or not, Council has an ongoing obligation to carry out repairs on such verge parking areas for as long as they exist as parking areas.
3. Council has an ongoing power to remove any built parking area from road reserves under its control.

The exercise of this power or just the threat of such a removal would normally be sufficient to have a group of residents who have parking 'rights' within a verge parking area to carry out required maintenance.

4. Exclusive use rights apply to adjoining owners of road verges through Section 7.9 Stopping on Verge, of Council's *Parking and Parking Facilities Local Law* i.e.

**7.9 Stopping on verge**

- (1) A person shall not:
  - (a) stop a vehicle (other than a bicycle);

- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

Council's Rangers are often called to a site where an unknown person has parked on a verge and the landowner has registered a complaint. The vehicle is either moved or the owner fined.

### **CONSULTATION**

This original policy was advertised and comments received were considered by Council.

### **STAFF COMMENT**

At its July 2007 meeting, Council acknowledged that:

1. The matter of assigning liability to adjoining landowners for injury or damage sustained by people on off-street parking areas is no longer a concern. Essentially, Council cannot 'off load' its liability because it has vesting of road reserves.
2. The matter of assigning exclusive-use rights to adjoining landowners is no longer a concern. i.e. they already have such rights through Section 7.9 of Council's Local Law *Parking and Parking Facilities*.
3. The matter of having a standard agreement to assign liability to adjoining land owners for the care and management of off-street parking areas is no longer a concern. Council will always retain the liability for any lack of care or maintenance of these sites.

However, at all times, Council has the right to remove any parking area from land vested under its control.

Normally, if a private use car park on a verge is noticed to be in poor condition requiring repairs, and there is no 'general public' use allowed, then negotiations would take place to have the private users undertake repairs works.

If all options fail, then Council can decide to remove the parking area to safeguard its interest on behalf of the general public.

In recent years, the only site for which private users have requested a Council financial input to resurface a car park has been the Salvado Street case.

One protection for Council in any future discussion on private use car parks on verges would be the requirement of top quality design, materials and construction for such sites, to provide a long term quality surface, a solid foundation and an extended time period before any maintenance would be expected.

Because of the above reasons and after having received two legal opinions, there seems little reason to continue with the policy *Maintenance of Road Reserve Verge Parking Areas*.

### **VOTING**

Simple Majority

#### **12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council remove the *Maintenance of Road Reserves Verge Parking Areas* from the Policy Manual.**

Carried 9/0

**12.2.2 CHILDRENS WATER/PLAY FEATURE - COTTESLOE MAIN BEACH**

**File No:** SUB/213  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 4 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Council received a report in October 2006 regarding the Cottesloe Wading Pool, and resolved the following:

That Council employ a specialist consultant to investigate and report on:

- (1) The potential for the refurbishment of the old bore water source for use in a new children's water playground;
- (2) Available water volumes;
- (3) Treatment of the water to Health Act requirements using a non-chlorine based system; and
- (4) The likely costs involved for the refurbishment of the bore and water treatment.

This item provides details required by Council on the possible creation of a new children's water playground at the site of the old wading pool, and recommends that Council resolve to:

- (1) Obtain a WA Department of Health formal statement on water treatment requirements at a proposed Cottesloe Beach 'spray' playground if sea water is used.
- (2) Obtain information or examples of this type of 'spray' playground in Australia, particularly in a marine/beach environment.
- (3) Consider the provision of funds in the 2008/09 budget for the construction of a children's playground at the Cottesloe Main Beach, at an estimated cost of \$350,000.

**STATUTORY ENVIRONMENT**

Council is vested with the maintenance and management of the Beach groyne and surrounding beach area including the site of the old wading pool.

Cottesloe Beach is zoned as 'Parks and Recreation' under the Metropolitan Region Scheme. Any development proposed for facilities on the beach will require the approval of the WA Planning Commission. The State Department of Health would also be involved if this type of installation proceeded, in regards to water quality and public health requirements.

**POLICY IMPLICATIONS**

Council's *Beach* policy applies. One of the policy's primary objectives is to avoid irreversible uses of the beach reserves that reduce the options for the future.



The *Beach* policy also provides that:

*No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.*

*Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve's capacity and having regard to the objects of this policy.*

In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve are acceptable to Cottesloe.

### **STRATEGIC IMPLICATIONS**

With regards to the Town of Cottesloe Future Plan 2006-2010, Objective 3 is to enhance beach access and the foreshore. Although none of the Major Strategies relates to a water playground, item 3.1 is to develop the 'Foreshore Vision and Master Plan' in consultation with the community.

Any water playground in such a central beach location would normally be included in such a vision/master plan.

### **FINANCIAL IMPLICATIONS**

The 2007/08 budget provides no funding for any form of a Cottesloe Beach Children's Water Playground.

The estimated cost of such a facility in a future budget ranges from \$350,000 to \$450,000, dependant on site problems, the level of equipment provided, the replacement/establishment costs of an approved water supply and treatment system and the requirements for the base area of such a playground to proper safety standards.

### **BACKGROUND**

This matter was last discussed at Council's October 2006 meeting, where an extensive background was included. That information has been included in the attachments to this report.

The historical details of the Cottesloe Beach Wading Pool ended when the pool had the majority of its area removed during the upgrading of the Cottesloe Beach Groyne, in 2006/07.

In 2007, the existing water source was investigated in terms of water quality, quantity and the condition of existing infrastructure.

**CONSULTATION**

Nil

**STAFF COMMENT**Existing Infrastructure:

The photos included in the attachments show the poor condition of the existing pump system.

Staff had believed the system was a shallow bore pumping fresh water to the original wading pool.

Inspections and testing has established that the water source is essentially sea water, with the tests undertaken by the laboratory showing that the water test pumped at the site was good quality with no concern regarding amoebae or coliforms.

The system is a well, rather than a bore, continually topped up from the sea.

The condition of the well liners is generally sound, but all metal parts are extensively corroded and require total replacement, including the pump and motor, all wiring and switches, the water delivery pipe, internal access ladders and the well liner lid and security chains.

The condition of the piping from the well to the old wading pool site is unknown, but is probably unfit for re-use on any new system.

Status of Existing Well Site:

One main reason for the loss of time in creating this report has been the question as to whether the existing well site is within the area of the listed Aboriginal Heritage site of significance.

Recent discussions with indigenous officers with Swan Catchment Council have indicated that if no new excavations or construction occurs 'outside' of the existing well lines i.e. restricted to replacement of existing man-made components, then there would not be an issue. However, if this project was to proceed, this issue must be fully determined.

Health Requirements for Water Playgrounds:

Children's 'spray' playgrounds are relatively new to Australia. The WA Health Department issued information in October 2006 to provide a framework for health considerations if such a playground was considered.

The main health considerations are:

1. All play equipment should be properly designed to remove health and entrapment hazards.
2. The floor surface will get hot and therefore should be a light colour, should have some level of shade and be of a soft fall material. The floor should also

- have a leaf and litter trap to stop such materials returning to the water circulation system.
3. An outer concourse area should be provided to drain water away from the playground.
  4. Water treatment must comply with the *Health (Swimming Pools) Regulation 1964*, with all water being filtered and chemically treated.
  5. Water circulation must be drawn from a holding tank of a minimum size, with water from the playground being filtered and treated before going back to the holding tank for recirculation.
  6. An automatic system of adding make up water to the collection tank must be in place.
  7. Relief valve systems must be in place to ensure a particular level of pressure is not exceeded in the playground features.
  8. Waste water must be properly disposed of.
  9. Daily water testing is required.
  10. Water sprays must always be directed downwards.
  11. There are other controls required for chemical storage, construction materials, electrical installation and security.

The list above shows the level of importance placed, particularly, on water quality by the Department of Health because of the various diseases caused by low quality treatment.

Because of the 'newness' of these facilities, consideration is being given by the Department of Health regarding the use of pure sea water in shallow pools or 'spray' playgrounds where there is no 'top up' using bore or drinking water, and whether any treatment is needed for such a water supply.

Therefore, if a spray playground was to proceed, a formal request should be made to the Department of Health regarding a decision or whether chemical treatment would be required, prior to major design work being undertaken on the water supply system.

#### Security and Safety:

The last thing anyone would want at Cottesloe Beach would be a security fence around a playground near the Beach Groyne. However a facility featuring multi coloured pipes in strange shapes would probably attract misuse, vandalism and graffiti after normal hours.

In addition, some form of site control would be needed to ensure proper use, aid in case of an accident and day to day maintenance of the operation.

Normally, this type of facility would have a life guard type person available and would be within a larger fenced complex featuring a public swimming pool, with a full water treatment system required by the pool being available for the playground.

#### Cost Estimate:

The following headings of the various components for the construction of a spray playground and cost estimates are provided below:

**Item Estimated Cost**

New pump and motor – supply and install	\$30,000
Replace all wiring and switches	\$15,000
New power supply to pump, motor and playground	\$10,000
Install new metal lid on well liner	\$2,000
Install new internal access ladders	\$5,000
New water pipe delivery system to well	\$5,000
New pipe to playground	\$5,000
Supply and install new concrete base/surround	\$80,000
Install 'soft fall' surfacing	\$20,000
Install shade sail system	\$20,000
Provide and install 'spray' playground units and controls	\$100,000
Water disposal system	\$30,000
Install leaf/debris/lint filter system	\$10,000
Signage, minor handrails/fencing, seating	\$20,000
<b>Total Estimated Cost:</b>	<b>\$352,000</b>

**NOTE:**

Cost estimate does not include water treatment system based on assumption that the Department of Health will accept sea water without treatment.

A full system for water treatment involving a collector tank, holding tank, chemical injection, waste water disposal and chemical storage may add \$50,000 to \$100,000 to the total project if required by the Department of Health.

**VOTING**

Simple Majority

*Cr Cunningham left the meeting at 9.50 pm.*

*Cr Cunningham returned to the meeting at 9.52 pm.*

**12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

- (1) **Obtain a WA Department of Health formal statement on water treatment requirements at a proposed Cottesloe Beach 'spray' playground if sea water is used.**

- (2) Obtain information or examples of this type of 'spray' playground in Australia, particularly in a marine/beach environment.
- (3) Consider the provision of funds in the 2008/09 budget for the construction of a children's playground at the Cottesloe Main Beach, at an estimated cost of \$350,000.

Carried 5/4

**12.2.3 REQUEST FOR ROW 6, REAR OF 355 MARMION STREET, UPGRADED**

**File No:** PRO/2679  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 4 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The owner of 355 Marmion Street has written to object to the poor condition of ROW 6 and the need for substantial upgrading, particularly sealing.

The recommendation is that Council inform the owner of 355 Marmion Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

**STATUTORY ENVIRONMENT**

This laneway is owned by the Town of Cottesloe and is not crown land.

There is a 'duty of care' for the owner to ensure that this access is safe for use, but there is no legal requirement for sealing.

**POLICY IMPLICATIONS**

Council's *Right of Way/Laneways* Policy applies.

**RIGHTS OF WAY / LANEWAYS****(1) OBJECTIVES:**

1. 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. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

**(2) PRINCIPLES:**

1. To recognise that the Rights of Way (ROW)/Laneway network provides valuable access to residential and commercial properties.

2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

**(3) ISSUES:**

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and Laneways often contain Service Authorities infrastructure eg; deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.

8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

**(4) POLICY:**

1. Council's attitude towards the status of ROW's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the *Local Government Act*. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
  - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
  - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the *Local Government Act, 1995*.
5. The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
6. When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
  - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the *Local Government Act*, for the specific purpose of ROW upgrade.
7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from



the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.

8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the *Local Government Act, 1995*.
9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
  - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
  - (b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
  - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
  - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
    - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
    - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
    - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
  - (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
    - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
    - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
    - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. 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%.
    - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
    - (v) The programming and design of the work will be at the sole discretion of the Council.

- (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
  11. As a general rule it is Council policy to keep Laneways open, even if unconstructed. Applications for closure are to be considered by Council.
  12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
  13. On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.
  14. Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
  15. Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
  16. The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

**RESOLUTION NO:** 12.2.2  
**ADOPTION:** 28 August, 2006  
**REVIEW:** December, 2012

#### **STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has budgeted \$20,000 in the 2007/08 budget for upgrading works on its total ROW/Laneway system. This is not meant to be expended on a sealing of laneways program.

**BACKGROUND**

Council adopted a new policy on *Rights of Way/Laneways* in August 2006. The first two objectives of the policy are:

1. 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. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.

In the 2006/07 and 2007/08 budgets, a \$20,000 allowance has been made for minor upgrading works throughout the ROW/Laneway network. This figure is not sufficient to install proper base materials, drainage pits and similar needs per year, over the unsealed section of the ROW system. Only minor sealing has been undertaken in 2 years, particularly where a development contribution has been made for a half width of ROW to be sealed.

There are no programs in place to bring the ROW network up to a quality condition, apart from individual sealing works tied to a development condition for a new house construction.

The laneway/ROW requested for upgrading is 5.0m side, 252m long and runs south of North Street, mid-way between Marmion Street and Lyons Street. Three short sections have been sealed in previous years through development conditions.

The rest of the laneway surface is unsealed and of a dry sand base nature, with the centre being generally lower than the side levels.

The statement regarding this ROW from the 1988 report on laneways states "*The majority of abutting owners have provision for vehicle access. The sewer main is in the ROW which is of compacted earth with surface drainage. It is evident that this right of way is well used.*"

Apart from the three sealed sections, nothing much has changed in 20 years, with no base material being placed and minimal provision for drainage.

**CONSULTATION**

Nil

**STAFF COMMENT**

The total ROW/Laneway network is approximately 50% sealed in asphalt, concrete or brick paving and 50% natural surface (sand).

The sealed proportion is slowly increasing as private developments meet their development conditions to seal the laneways from their new rear garages to the closest sealed street or laneway section.

The remainder of the unsealed laneways receive minimal maintenance, with the surface remaining sand apart from short sections where cold planed material from the surface of old asphalt street surfaces is used to firm up the softest areas, particularly in late summer.

During the various discussions regarding the adoption of the new 'Rights of Way/Laneways' policy in 2006, it was the then Council's attitude that Council would not be pursuing a long term plan where all unsealed laneways would be bought up to a sealed quality standard using Council funds. There is a relatively minor allocation (\$25,000) for ROW Surface maintenance, per year, which covers minor hole patching, clean out of drains and minor surface levelling. Spread over the total 10.3km of Crown or Town of Cottesloe owned laneways over the year, only minor works are possible of a maintenance nature.

The comments included in the received letter are similar to other comments received by staff regarding unsealed laneways. Under the present level of funding for maintenance and improvements, there is little possibility of change in the future.

The ROW/Laneway network is one of the few asset types under Council's control that is not included in a long term program for sustainable development.

## **VOTING**

Simple Majority

### **12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council inform the owner of 355 Marmion Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.**

Carried 9/0

**12.2.4 REQUEST FOR UNSEALED SECTION OF ROW 25 (ERIC STREET TO CLARENDON STREET) SEALED**

**File No:** SUB/265  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 4 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The owner of 35 Eric Street, Cottesloe has written to object to the unsealed nature of a section of ROW 25, which runs between Eric Street and Clarendon Street, requesting sealing.

The recommendation is that Council inform the owner of 35 Eric Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

**STATUTORY ENVIRONMENT**

This laneway is owned by the Town of Cottesloe and is not crown land.

There is a 'duty of care' for the owner to ensure that this access is safe for use, but there is no legal requirement for sealing.

**POLICY IMPLICATIONS**

Council's *Right of Way/Laneways* Policy applies.

**RIGHTS OF WAY / LANEWAYS****(1) OBJECTIVES:**

1. 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. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

**(2) PRINCIPLES:**

1. To recognise that the Rights of Way (ROW)/Laneway network provides valuable access to residential and commercial properties.
2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

**(3) ISSUES:**

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and Laneways often contain Service Authorities infrastructure eg; deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will

inevitably result in a variety of maintenance problems as ROW and Laneway use grows.

8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

**(4) POLICY:**

1. Council's attitude towards the status of ROW's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the *Local Government Act*. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthest lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
  - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
  - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the *Local Government Act, 1995*.
5. The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
6. When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
  - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the *Local Government Act*, for the specific purpose of ROW upgrade.
7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's

fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.

8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the *Local Government Act, 1995*.
9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
  - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
  - (b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
  - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
  - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
    - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
    - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
    - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
  - (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
    - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
    - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
    - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. 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%.
    - (iv) Work will not commence until the full amount of the contribution has been received by the Council.



- (v) The programming and design of the work will be at the sole discretion of the Council.
  - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
  11. As a general rule it is Council policy to keep Laneways open, even if unconstructed. Applications for closure are to be considered by Council.
  12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
  13. On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.
  14. Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
  15. Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
  16. The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

**RESOLUTION NO:** 12.2.2  
**ADOPTION:** 28 August, 2006  
**REVIEW:** December, 2012

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has budgeted \$20,000 in the 2007/08 budget for upgrading works on its total ROW/Laneway system. This is not meant to be expended on a sealing of laneways program.

**BACKGROUND**

Council adopted a new policy on *Rights of Way/Laneways* in August 2006. The first two objectives of the policy are:

1. 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. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.

In the 2006/07 and 2007/08 budgets, a \$20,000 allowance has been made for minor upgrading works throughout the ROW/Laneway network. This figure is not sufficient to install proper base materials, drainage pits and similar needs per year, over the unsealed section of the ROW system. Only minor sealing has been undertaken in 2 years, particularly where a development contribution has been made for a half width of ROW to be sealed.

There are no programs in place to bring the ROW network up to a quality condition, apart from individual sealing works tied to a development condition for a new house construction.

The section of Laneway/ROW 25 requested for sealing is 20m long and 5.0m wide.

This ROW has a sewer main down its centre and is used by rubbish trucks. Virtually all properties have access to it.

**CONSULTATION**

Nil

**STAFF COMMENT**

The total ROW/Laneway network is approximately 50% sealed in asphalt, concrete or brick paving and 50% natural surface (sand).

The sealed proportion is slowly increasing as private developments meet their development conditions to seal the laneways from their new rear garages to the closest sealed street or laneway section.

The remainder of the unsealed laneways receive minimal maintenance, with the surface remaining sand apart from short sections where cold planed material from the surface of old asphalt street surfaces is used to firm up the softest areas, particularly in late summer.

During the various discussions regarding the adoption of the new 'Rights of Way/Laneways' policy in 2006, it was the then Council's attitude that Council would not be pursuing a long term plan where all unsealed laneways would be bought up to a sealed quality standard using Council funds. There is a relatively minor allocation (\$25,000) for ROW Surface maintenance, per year, which covers minor hole patching, clean out of drains and minor surface levelling. Spread over the total 10.3km of Crown or Town of Cottesloe owned laneways over the year, only minor works are possible of a maintenance nature.

The comments included in the received letter are similar to other comments received by staff regarding unsealed laneways. Under the present level of funding for maintenance and improvements, there is little possibility of change in the future.

The ROW/Laneway network is one of the few asset types under Council's control that is not included in a long term program for sustainable development.

## **VOTING**

Simple Majority

### **12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council inform the owner of 35 Eric Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.**

Carried 9/0

**12.3 FINANCE****12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 29 FEBRUARY 2008**

<b>File No:</b>	<b>SUB/137</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>29 February 2008</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**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 29 February 2008, 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**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD Net Profit or Loss of \$1,587,691 as at 29 February 2008. Operating Revenue is ahead of budget by \$206,477 (3%). Operating Expenditure is \$444,646 (8%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 29 February 2008 is shown on pages 7-8.

The main causes of the lower than anticipated expenditure are: lower than budgeted expenditure on contractors in the area of sanitation (\$65,825) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$182,340). This includes scheme review expenses.

The Capital Works Program is listed on pages 18 to 19 and shows total expenditure of \$1,750,449 compared to budgeted expenditure of \$2,298,197. There is some timing differences causing the variance. Expenditure on the library is \$197,284. There is a budget of \$100,000 in operating costs for consultants in Libraries and Other Culture.

**VOTING**

Simple Majority

**12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.**

Carried 9/0

**12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 29 FEBRUARY 2008**

**File No:** SUB/150 & SUB/151  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 29 February 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 29 February 2008, 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 13 of the Financial Statements shows that \$3,238,885.43 was invested as at 29 February, 2008

Reserve Funds make up \$1,264,594.61 of the total invested and are restricted funds. Approximately 66% of the funds are invested with the National Australia Bank, 17% with Home Building Society and 17% with BankWest.

The Schedule of Loans on page 14 shows a balance of \$253,674.65 as at 29 February, 2008. There is \$151,392.23 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.**

Carried 9/0

**12.3.3 ACCOUNTS FOR THE PERIOD ENDING 29 FEBRUARY 2008**

**File No:** SUB/144  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 29 February 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 29 February 2008, 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**

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

- \$11,627.35 to Synergy power usage in January 2008
- \$11,107.44 to BCITF for levies in December 2007
- \$23,565.29 to Cobblestone Concrete for installation of footpaths
- \$23,031.80 to Sigma Data Solutions for scanner, software and licence
- \$14,709.39 to WA Local Govt Super Fund for staff deductions
- \$16,590.86 to Cobblestone Concrete for installation of footpaths
- \$14,613.35 to WA Local Govt Super Fund for staff deductions
- \$93,944.95 to Shire of Peppermint Grove for March qtr contribution to Library
- \$21,485.20 to Coastal Zone Management for Climate Change study
- \$17,399.62 to SLSWA for life guard contract for January 2008
- \$10,657.63 to Kerbing West for installation of kerbing
- \$48,555.39 to Trum P/L for waste collection



- \$88,036.58 to Shire of Peppermint Grove for contribution towards new library project
- \$20,485.55 to Town of Mosman Park for construction cost for work on soakwells and sumps
- \$11,793.10 to B & N Waste for verge collection of green waste
- \$10,000.00 to Formstone Concrete for 200 small grey ballustrades
- \$128,722.89 for staff payroll

**VOTING**

Simple Majority

**12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.**

Carried 9/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD  
ENDING 29 FEBRUARY 2008**

**File No:** SUB/145  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 29 February 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 29 February 2008, 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 pages 15 to 16 of the Financial Statements shows a balance of \$381,261.96 of which \$264,117.03 relates to the current month. The balance of aged debt greater than 30 days stood at \$117,144.93 of which \$105,002.28 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report shown as part of the Rates and Charges Analysis on page 17 of the Financial Statements shows a balance of \$717,207.72. Of this amount \$198,446.69 and \$73,995.33 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$517,034 in 2008 compared to \$613,202 last year.

**VOTING**

Simple Majority

**12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the period ending 29 February 2008; and**
- (2) Receive the Sundry Debtors Report for the period ending 29 February 2008.**

Carried 9/0

**13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 12 MARCH 2008**

The agenda items were dealt with in numerical order en bloc.

**13.1 GENERAL****13.1.1 DRAFT ACTION PLAN REPORT**

<b>File No:</b>	<b>SUB/108</b>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>6 March, 2008</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

Following the adoption in July 2007 of the *Future Plan 2006 – 2010* for the Town of Cottesloe, an *Action Plan* has been prepared and is now submitted for the consideration of the Committee.

**BACKGROUND**

The following strategies were identified by Council as priorities for 2007/08 at its July 2007 meeting.

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.5 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition that there are different techniques for different objectives.

The *Action Plan* breaks each of these strategies down into individual actions which will ensure that the strategies are realised in a timely manner and that through meetings of the Strategic Planning Committee, Council is kept informed of overall progress in reaching the strategic objectives.

**CONSULTATION**

Nil

**STAFF COMMENT**

This agenda item represents an opportunity for committee 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

**OFFICER RECOMMENDATION**

- (1) That the Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the *Action Plan*.
- (2) That Council receive the updated *Action Plan* report.

**13.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the updated *Action Plan* report.**

Carried 9/0

**13.2 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING****13.2.1 SUSTAINABILITY AND CAPACITY CRITERIA**

**File No:** SUB/108  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Cr Boland queried the inclusion in the Action Plan of “Develop sustainability and capacity criteria to assess major strategies” as a dynamic priority area over the next three years and the absence of any actions to implement the priority in the following pages.

The CEO explained that the dynamic priority areas were considered to be ‘live’ areas that might require Council’s immediate attention at any point in time. However only those dynamic priority areas identified in a blue font had rolled forward into the Action Plan.

There was some discussion on the desirability of re-energising the sustainability agenda at Council level.

**13.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That the Sustainable Development Officer prepare a report for the committee’s consideration on sustainable development initiatives in local government and their potential application at the Town of Cottesloe.**

Carried 9/0

**13.2.2 FREQUENCY OF STRATEGIC PLANNING COMMITTEE MEETINGS**

**File No:** SUB/383  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 March, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The CEO suggested that the gap between the last meeting of the Committee (October 2007) and this meeting was significant and that the recollection of what was discussed at that meeting was hazy and affecting overall continuity. The Committee might want to consider increasing the frequency of meetings.

**13.2.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That the Strategic Planning Committee meet in every odd month of the year on the Wednesday of committee week commencing at 7pm and observe a recess in January of each year**

Carried 9/0

**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**

Nil

**16 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 10.00 pm

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