

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, 22 June, 2015

MAT HUMFREY
Chief Executive Officer

19 June 2015

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

Agenda and minutes are available on the Town's website

www.cottesloe.wa.gov.au

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	3
2	DISCLAIMER	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
4	PUBLIC QUESTION TIME	3
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
	4.2 PUBLIC QUESTIONS.....	3
5	PUBLIC STATEMENT TIME	5
6	ATTENDANCE.....	8
	6.1 APOLOGIES.....	8
	6.2 APPROVED LEAVE OF ABSENCE	8
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE.....	8
7	DECLARATION OF INTERESTS.....	8
8	CONFIRMATION OF MINUTES	9
9	PRESENTATIONS.....	9
	9.1 PETITIONS	9
	9.2 PRESENTATIONS.....	9
	9.3 DEPUTATIONS	9
10	REPORTS	10
	10.1 REPORTS OF OFFICERS	10
	10.1.1 ADOPTION OF THE 2015/2016 BUDGET	10
	10.2 REPORTS OF COMMITTEES.....	17
	10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 JUNE 2015.....	17
	10.3.1 31D CURTIN AVENUE - PROPOSED PRIVACY SCREEN	17
	10.3.2 NO. 28 AVONMORE TERRACE (PROPOSED LOT 505) - TWO-STOREY DWELLING AND POOL	26
	10.3.3 NO. 30 AVONMORE TERRACE (PROPOSED LOT 504) - TWO-STOREY DWELLING AND POOL	38

	10.3.4	REQUEST FOR RESIDENTIAL DENSITY INCREASE - CURTIN AVENUE	51
10.4		WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16 JUNE 2015	57
	10.4.1	WEARNE HOSTEL LAND WORKING GROUP	57
	10.4.2	OCEAN RIDE FOR MS - 2015	61
	10.4.3	ICEA CLASSIC - 2015	64
	10.4.4	THE COTTESLOE TRIATHLON - 2016	67
	10.4.5	RESOURCE SHARING ARRANGEMENT WITH THE SHIRE OF PEPPERMINT GROVE	71
	10.4.6	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015 TO 31 MAY 2015	74
	10.4.7	SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MAY 2015	76
	10.4.8	LIST OF ACCOUNTS PAID FOR THE MONTH OF MAY 2015	78
	10.4.9	RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MAY 2015	80
11		ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	82
	11.1	PERTH FREIGHT LINK.....	82
	11.2	ROOF GARDENS IN COTTESLOE.....	84
12		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:	86
	12.1	ELECTED MEMBERS.....	86
	12.2	OFFICERS.....	86
13		MEETING CLOSED TO PUBLIC	86
	13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	86
	13.1.1	CONTRACT OF EMPLOYMENT FOR THE CHIEF EXECUTIVE OFFICER - JUNE 2015	87
	13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC	90
14		MEETING CLOSURE	90

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

The Presiding Member drew attention to the town's disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Ms Shirley Primeau – 208 Marine Parade, Cottesloe – Re. Traffic at Marine Parade

Q1: What was the highest speed recorded on Marine Parade, during the traffic data collection period? I understand due to the nature of constructing the "Bell Curve", that this data is omitted and that the engineer may be hesitant to release this information, however I would like to know the highest measured speed during this period, and what time of day it was recorded?

A1: Due to the way traffic classifiers are used, it is not possible to determine the maximum speed actually occurring during the survey period. However, it is possible to determine the 99th percentile speed, which represents the speed at which 99% of all traffic is travelling slower. The following table provides the 99th percentile speed for Marine Parade during the survey periods.

Location	Date	Speed Limit	99% Speed
Grant to North	Christmas 2014	50km/hr	58.0km/hr
Grant to North	March 2015	50km/hr	58.3km/hr
Eric to Grant	Christmas 2014	40km/hr	48.6km/hr
Eric to Grant	March 2015	40km/hr	49.3km/hr
Pearse to Forrest	Christmas 2014	50km/hr	57.6km/hr
Pearse to Forrest	March 2015	50km/hr	56.5km/hr
Pearse to Forrest	Christmas 2014	40km/hr	52.2km/hr
Pearse to Forrest	March 2015	40km/hr	50.0km/hr

4.2 PUBLIC QUESTIONS

Mr Edward Parra, 43 Grant Street, Cottesloe –

Mr Parra stated that he is a committee member of the Cottesloe Residents Ratepayers Association and spoke on behalf of the association.

His questions relate to the public facilities at the Indiana Teahouse.

Q1: Has there been a decision as to what the Council is going to do to lift the standards of cleanliness and presentation of the facility?

Q2: If a decision has been made, what is the decision?

Q3: Could the Council please let the public know what is going to happen with this issue?

A: The Mayor stated that item has recently come before council as part of a briefing session and it will come to public as a business plan when council pass that plan.

Ms Shirley Primeau, 208 Marine Parade, Cottesloe – Re. Pedestrian Safety Issues on Marine Parade

Cottesloe Traffic Group would like to thank Councillors Katrina Downes and Sally Pyvis for their support regarding pedestrian safety issues on Marine Parade and North St.

Q1: Is there no way of capturing the 1% of vehicles, which may be speeding?

A: Mr Elkins stated that it is possible to collect data of highest vehicle speeds, if this is the data intended to be collected. To do this, the equipment is set up in a different way. As the Town manages the road environment, which is defined by the 85th percentile speed, we set up the equipment for this purpose, not to collect highest speeds, which is not something that the Town can control.

Q2: Why were there no classifiers south of Pearce Street? This stretch of road, 1.4kms, is extremely significant as there was a fatality on it.

A: Mr Elkins stated that the traffic classifiers were place in the 50km/hr zone either side of the 40km/hr zone, at the commencement of the 40km/hr zone in both directions, and in the middle of the 40km/hr zone. The intention was to get a cross section of the speeds along the road, and to determine if vehicles are in the 40km/hr section.

Q3: Is council prepared to engage with Main Roads to pursue this?

A: Mr Elkins stated that Marine Parade is a Council managed road. Main Roads does not make decisions with regard to the management of the road. The role of Main Roads is the approval of linemarking and signage drawings.

Mr Greg Dodds, 8 Marine Parade, Cottesloe –

Questions refer to traffic concerns on Marine Parade.

Q1: Who are the Councillors representing the South Ward, including the southern part of Marine Parade omitted from the traffic report?

Q2: Might the residents of the southern part of Marine Parade expect community consultation with their Elected Councillors?

A: The Mayor replied that the Councillors for south ward are Cr Sally Pyvis and Cr Helen Burke. Like all Councillors they are open to consultations with groups at all time. Most Councillors have met with Ms Primeau at some stage to discuss this matter. All Councillors are generally working through issues. The issue stays in front of council and it does not get dealt with overnight and its not a fast process. Marine parade and traffic along it is being dealt in sections. I thinking primary section being dealt with on foreshore centre zone and not saying north end or south end are to be looked at.

Ms Rosalin Sadler, 2/120 Marine Parade, Cottesloe – Re. Pedestrian Crossing on Marine Parade at Napier St

Q1: For the safety of locals and tourists alike, we request any Foreshore Development Planning Committee seek local representatives, to provide the kind of advice that only residents can provide – which is anecdotal observations and person experiences.

A: The Mayor took the question on notice; stating that is something that the officers will look at and the Mayor thanked Ms Sadler for her suggestion.

5 PUBLIC STATEMENT TIME

Ms Barbara Hewson-Bower, 31D Curtin Ave, Cottesloe – Re. Item 10.3.1 – 31D Curtin Ave – Proposed Privacy Screen

Dr Hewson-Bower, the owner of the property, summarised the matter and emphasised the overlooking into the living room and outdoor spaces, showing photos of the situation. She referred to discussion at the DSC, options explored with the Town's assistance and advice from Mr David Caddy town planner, and considered that she had a right to privacy and that the proposal complied. She stated that the screen proposal had been deliberated upon over many months, would not block much of the neighbours' view and would be engineer-certified. She believed that development on her property was legal. Dr Hewson-Bower was willing to go with the suggestion of opaque glass rather than a louver screen and overall sought Council's support.

Mr Ross Taylor, 31C Curtin Ave, Cottesloe – Re. Item 10.3.1 – 31D Curtin Ave – Proposed Privacy Screen

Mr Taylor expressed his objection to the proposal which he considered should be rejected. He summarised the history of the matter, including that Dr Hewson-Bower had specifically requested that they not screen their balcony in order to maintain her view, and that they added opaque film to the window of their sunroom to provide her privacy. The proposed screen is much larger than a screen to the side of their balcony would be and is considered too intrusive and dominant. Their balcony is not huge but rather a relatively small

platform from which to enjoy the ocean view, when not too windy, rather than to look into the adjacent properties. They are happy to shift their small table and chairs away from the northern side of the balcony. All four dwellings here overlook one-another from their western outdoor areas, in order to share a wide open view, which has been the case for many years, but do not intend to deliberately overlook. We use blinds and curtains for internal privacy. They had suggested that Dr Hewson-Bower could extend and lower her shade-cloth to provide her with privacy and as a gesture would consider opaque film applied to the inside of their balcony's northern balustrade, at Dr Hewson-Bower's cost. They are concerned about noise, vibration and loss of light to their drying court from the proposed extensive screen.

Ms Patricia Carmichael, 14-116 Marine Parade, Cottesloe – Re. Item 10.1.1 – Adoption of The 2015/2016 Budget

Ms Carmichael noted Mayor Dawkins mentioned that resolving the issue of pedestrian safety is not a fast process and stated that since 2005 the matter has been noted in various council reports.

Ms Carmichael went through the budget and noted that it lacks immediate funding to ensure continued safety for Cottesloe residents at the beach front or any other area. She expressed the concern that public safety is not considered an issue in the Town even though there have been 2 deaths on Marine Parade between 2003 to 2014, whereas the City of Subiaco reported no fatalities between 2003 and 2013 on both Hay Street and Rockeby Road, both high usage thoroughfares.

It appears that the John Black Dune Park has a half million dollars budgeted for. The restrooms at Cottesloe Beach \$1,122,500. She stated that public safety may have been missed. She received advice that the \$28,000 for the foreshore plan has been set aside to cover the cost of detail design and public consultation, for works on Marine Parade, between Forrest Street and Napier Street, including the interaction with car park number 1. This amount covers design and public consultation only, the budget does not include infrastructure urgently needed to improve pedestrian safety, for example, pedestrian lights being installed at pedestrian crossing on Marine Parade at Napier Street and Forrest Street. It is evident that this budget has no positive action toward road safety. Unfortunately during this time there could be another road fatality a major crash or unacceptable pedestrian incident, prior to positive action by council. She implored tonight, from this budget, that our representatives take action, and set aside a reasonable amount of say \$100k to start addressing the residents and ratepayers concerns to address safety throughout our district.

Mr William Bill Hazell, 263 Curtin Ave, Cottesloe – Re. Item 10.3.4 – Request for Residential Density Increase Curtin Ave

UP – Coding of lots on Curtin Ave generally between Eric St and Grant St from R20 to R30.

My wife and I and other households in the subject area have been Cottesloe residents for a number of years. We have seen traffic on Curtin Avenue

increase exponentially, with noise, dust, vibration and safety impacts. The benefit of the density increase would be to create urban infill adjacent to this main road and the train station. The existing dwellings were mainly built prior to the 1960s and are uneconomical to improve or to modify to manage the impacts. The opportunity to subdivide under the R30 code would be a catalyst for redevelopment addressing the amenity impacts and taking advantage of public transport. To avoid increased vehicular access via Curtin Avenue the lanes could be widened and upgraded for the purpose, while design requirements could manage potential impacts on adjacent properties/streets. This request warrants consideration even though there are other areas such as the Town Centre where density increases are likely to occur over time. We would be happy to work with the Town towards this end.

Ms Jayne Ebsworthy, 273 Curtin Ave, Cottesloe – Re. Item 10.3.4 – Request for Residential Density Increase Curtin Ave

Ms Ebsworthy has lived at 273 Curtin Avenue for 30 years and raised her family there. She has seen positive development in Cottesloe and increased traffic along Curtin Avenue. Her children have all gone to secondary school by public transport and her husband has cycled to work at hospitals, and they enjoy easy access to the beach through the laneways. She urged Council to consider this proposal for more sustainable lifestyles on smaller lots with use of public transport and cycle routes, given that as the population grows urban infill must happen.

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Jay Birnbrauer
Cr Philip Angers
Cr Sally Pyvis

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Doug Elkins	Manager Engineering Services
Ms Lydia Halim	Executive Officer

6.1 APOLOGIES

Cr Rob Rowell
Cr Helen Burke
Cr Katrina Downes

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Jeanes, seconded Cr Walsh

That the Mayor and Cr Angers be granted a leave of absence for the July round of meetings.

Carried 6/0

7 DECLARATION OF INTERESTS

Cr Jeanes declared financial interest in item 10.4.1 due to being a member of the Curtin Care Board.

Mayor Dawkins declared impartiality interest in items 10.4.1 due to being an ordinary member of Curtin Care.

Mayor Dawkins declared impartiality interest in item 10.3.2 and 10.3.3 due to living in a property nearby the proposed development.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Angers

The Minutes of the Ordinary meeting of Council held on Monday, 25 May, 2015 be confirmed.

Carried 6/0

Moved Cr Angers, seconded Cr Jeanes

The Minutes of the Special meeting of Council held on Monday, 08 June, 2015 be confirmed.

Carried 6/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS

10.1 REPORTS OF OFFICERS

10.1.1 ADOPTION OF THE 2015/2016 BUDGET

File Ref: SUB/1999
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer

Proposed Meeting Date: 22 June 2015
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider adopting the draft 2015/2016 as set out in Attachment 1.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year. The budget cannot be adopted before 1 June in the financial year immediately prior to the year it applies and must be adopted before 31 August in the year it applies to. The budget must be in the prescribed format and set expenditure levels and type for the year. The budget must also contain a forecast of all income and set the rate in the dollar for the rates levied in the financial year it applies to.

STRATEGIC IMPLICATIONS

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects. In the 2015/2016 there is funding allocated to a wide range of strategic projects. All of the capital works outlined in the Town's five year asset replacement schedules for the 2015/2016 budget have been incorporated into the budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s6.2)

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to and within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers; or
- (b) an interest in the imposition of any rate, charge or fee by the local government; or
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
- (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person; or
- (e) [deleted]
- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 contain the requirements for the form of the budget document and the information to be contained within it.

FINANCIAL IMPLICATIONS

The budget allocated the Town's financial resources for the financial year ending 30 June 2016. Overall the budget reflects the strong financial position the Town now finds itself in. The rate increase has been kept to 2.5% while still allowing for all asset management obligations to be met, as well as allowing for discretionary capital projects without effecting overall service provision.

STAFFING IMPLICATIONS

All associated staffing costs are contained within the draft 2015/2016 Budget.

SUSTAINABILITY IMPLICATIONS

The Town has several sustainability projects and programs contained within the budget.

CONSULTATION

Public Consultation

As Council raises a differential rate, it is required to advertise its intention to do so. Council resolved to advertise its intention to raise a differential rate at its May round of meetings. The advertisements and notices were placed as required and no comment or feedback has been received.

The Town also advertised the community grants program and sent letters to community and sporting groups requesting submissions. The requests have been summarised within the budget document (page 82).

Council Workshops

There have been two Council workshops to directly discuss formulating the budget and Council has previously discussed the 5 Year Asset Replacement Schedules. These workshops provided elected members with a chance to give feedback on draft budgets and the documents that guide the formation of the budget. The final draft of the budget presented for consideration by Council incorporates the feedback received during these workshops.

The use of the Long Term Financial Plan and 5 Year Asset Replacement Schedules shows a strategic budgeting process, rather than a reactive budgeting process. Council now anticipates its expenditures several years in advance and the administration allocate those expenditures to best ensure there are no significant increases in rates in any one year.

STAFF COMMENT

The process of compiling the 2015/2016 Budget began in February 2015, with Council reviewing its Long Term Financial Plan. This plan seeks to show all of Council's financial commitments over the 10 year period and allows for the allocation of that expenditure, such that rate shocks can be avoided. In March Council then considered and adopted the Corporate Business Plan and the 5 year Capital Works Plan as the second part of formulating its budget. These plans form the basis for the "Capital" section of the budget. In April 2015, the current year's budget was reviewed and projections were made for the anticipated end of year position. In May the final budget workshops were held to ensure that all of the required issues were covered and that the budget reflected Council's strategic position.

The Town is in a strong financial position, having healthy reserves and operating at a very high level of operational efficiency. Much work has been done to ensure that operating revenue is maximised and that expenditure is undertaken in the most efficient way possible.

The Town also has well maintained assets, which is the result of many years of investment in these assets and a well planned approach. As the assets are replaced as a part of the systematic approach, the yearly maintenance costs decreases and staff are spending less time responding to call outs, and more time working on strategic projects.

With an increase in rates at 2.5%, with all of the Town's operating and asset management obligations being met – as well as their still being discretionary capital items within the budget – the Town is operating in the most sustainable way possible. Low rate increases with cuts to operating or asset management obligations are not sustainable – but neither are budgets that continue to raise rates well above the level inflation. If the Town can maintain the financial discipline it currently has, then the short to mid-term financial outlook for the Town is very positive.

VOTING

Absolute Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council

1. **ADOPT the Budget for the year ended 30 June 2016, as attached, including:**
 - (a) **Adopting the Statement of Cashflows for the year ended 30 June 2016;**
 - (b) **Adopting the Rate Setting Statement for the year ended 30 June 2016;**
 - (c) **Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2016;**
 - (d) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2016;**
 - (e) **Endorsing Note 7 – Net Current Assets as at 30 June 2015; and**
 - (f) **Adopting the Fees and Charges for the year ended 30 June 2016.**

2. **ADOPT the rates (as per Section 6.32 of the Local Government Act 1995) as follows;**
 - (a) **Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2016 as follows;

 - (i) **GRV – Residential Improved (RI) – 5.3946 cents in the dollar**
 - (ii) **GRV – Residential Vacant (RV) – 5.3946 cents in the dollar**
 - (iii) **GRV – Commercial Improved (CI) – 5.3946 cents in the dollar**
 - (iv) **GRV – Commercial Town (CT) – 6.2382 cents in the dollar**
 - (v) **GRV – Industrial (II) – 5.3946 cents in the dollar**
 - (b) **Minimum Rate**

Impose a minimum rate of \$1,033 for the financial year ended 30 June 2016
 - (c) **Refuse Collection**

Include in the rate charge for residential properties

 - (i) **a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish**

- (ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbish
- (iii) a once per fortnight service of a 240 litre MGB for household green waste

Apply the following charges to residential properties for additional services (per annum GST inclusive)

- (i) General Rubbish – each service per week (120 litre MGB) - \$330

Apply the following charges to commercial properties (per annum GST inclusive)

- (i) General Rubbish – each service per week (240 litre MGB) - \$360

- (ii) Recycling – one service per fortnight (240 litre MGB) - \$120

- (iii) Recycling – one service per week (240 litre MGB) - \$240

- (d) Administration Charge – Local Government Act 1995 – \$6.45(3)

Impose an administration charge of \$18.60 where a payment of a rate of service charge is paid in instalments, except that eligible pensioners will be exempted from paying the charge

- (e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – \$6.51

Apply an interest rate of 11% per annum to rates and services levied in the year ended 30 June 2015 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments

- (f) Rates Instalment Payment Options

Adopt the following rate instalment plans

- (i) Option 1

To pay the total amount of rates and charges included in the notice in full by the 35th day after the issue of the notice

- (ii) Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates;

First instalment	01 September 2015
Second Instalment	03 November 2015
Third Instalment	12 January 2016
Fourth Instalment	16 March 2016

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full of the due date for an instalment lapses. At that point the rates will

become due and payable and interest of 11% will be applied to the outstanding balance at that time.

3. **ADOPT a rate of interest on money owing – Local Government Act 1995 – S6.13**

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of issue of the account.

4. **ADOPT a Telecommunications Allowance – Local Government Act 1995 – S5.99A**

That Council adopt a Telecommunications allowance of \$1,600 for elected members

5. **ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99**

That Council set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor

6. **ADOPT the Mayor’s Allowance – Local Government Act 1995 – S5.98 and S5.98A**

That Council set a Mayoral Allowance of \$27,500

7. **ADOPT the Deputy Mayor’s Allowance – Local Government Act 1995 – S5.98 and S5.98A**

That Council set a Deputy Mayoral Allowance of \$6,875

8. **Maintain the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.**

Carried 6/0

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 JUNE 2015****10.3.1 31D CURTIN AVENUE - PROPOSED PRIVACY SCREEN**

File Ref:	3091
Attachments:	31D Curtin Aerial 31D Curtin Application 31D Curtin Louvre Screen 31D Curtin Town s Photos
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Andrew Jackson, Manager Development Services
Proposed Meeting Date:	15 June 2015
Author Disclosure of Interest:	Nil
Property Owner:	Dr B J Hewson-Bower
Applicant:	Dr B J Hewson-Bower
Date of Application:	5 December 2014
Zoning:	Residential R30
Use:	P - A use that is permitted under this Scheme
Lot Area:	320sqm approx.
M.R.S. Reservation:	N/A

SUMMARY

The application is for a privacy screen to the outside of a dwelling to reduce overlooking from the balcony of an adjacent dwelling. As a late addition between the two properties, the proposal requires careful consideration.

Previously, the balcony extension to the adjacent property was approved without a screen, due to the respective owners and the Town agreeing to waive that requirement for the sake of shared views.

Given the dialogue and assessment undertaken, the recommendation is to approve the revised proposal.

BACKGROUND

The subject property, 31D Curtin Avenue, is one of four green title dwellings with boundary walls occupying a row of long, narrow lots running east-west from Curtin Avenue at the front to right of way at the rear.

Given this orientation, the dwellings are designed to provide ocean views and over time have, with approvals, been altered to enhance access to the views, including courtyards and balconies to their western rear sections, as primary outdoor open spaces.

This development context of capturing views and of outdoor living areas for dwellings near the coast is common in Cottesloe, which generally has fostered shared views

and, to some extent, acceptance of less privacy in order to enjoy views and the climate, where goodwill and cooperation between adjacent owners has achieved these benefits.

The attached photos show the existing interrelationship of the western portions of the properties.

It is noted that over the years changes involving these two properties have raised several aspects of contention between the respective owners, as referred to in dealing with the Town on the application. It is common for the issues that occur to be resolved between neighbours and this background should not cloud the current proposal.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 3 and Residential Design Codes.

SUSTAINABILITY IMPLICATIONS

Nil.

APPLICANT'S JUSTIFICATION

In essence, the applicant wishes to obtain adequate privacy similar to that which would have occurred had the adjacent balcony extension been screened in accordance with the RDC. In lieu of a full-height screen to the northern side of the adjacent balcony, the proposal is to add a privacy screen to the boundary wall/ fence of No. 31D, as shown in the attached plans. The intended effect is to prevent substantial overlooking into the areas of No. 31D mentioned, creating a satisfactory degree of both visual and psychological privacy.

The applicant's submission summarises the privacy circumstances and her endeavours to address the problem. As No. 31D experiences a substantial lack of privacy, the aim is to provide a well-designed screen to protect the downstairs courtyard, upstairs balcony and internal living area from invasive overlooking.

PROPOSAL

The proposal is to add a privacy screen to the southern side boundary of No. 31D Curtin Avenue on its western portion, adjacent to No. 31C Curtin Avenue, effectively along the fence-line. The purpose is to provide privacy to No. 31D, which is overlooked by an unscreened balcony extension to No. 31C.

When the balcony extension to No. 31C was approved, in liaison with the Town and the owner of No. 31D, the balcony was not screened and the balustrade was made clear glass, in order to preserve views for No. 31D and allow views for No. 31C, rather than to provide privacy.

However, the owner of No. 31D now desires improved privacy as the lower-level courtyard, upper-level balcony and even the upper-level living room of that dwelling are directly overlooked by the balcony extension at No. 31C.

The original proposal was for an extensive metal perforated screen structure to the inside of the boundary wall of No. 31D – refer attached indicative photo. The Town's preliminary assessment found that this screen design would appear excessive in itself as an added structure and be aesthetically bold, and advised both parties accordingly.

The Town encouraged a scaled-down and open-aspect louvre structure as a subtler solution providing privacy for No. 31D, a partial view from No. 31C angled to the NW away from No. 31D, air flow and light penetration, which would be a more compatible interface responding to the objectives of both parties – refer attached example photo.

As requested by the Town, an architect-designed louvre screen has been illustrated in detailed plans. This design reveals that the screen would:

- Be of limited extent and well-proportioned.
- Be visually open-aspect and of quality material (ie lightweight yet strong and durable aluminium).
- Appear as sensitively-conceived and read as if it had been constructed in the first place.
- Respect the requirements of both properties for a modicum of privacy and good views.

This entails a screen 4m wide and up to 4.2m high spanning the ground and upper floor levels of the two properties. Horizontally, the height matches the wing wall of No. 31D and the opaque window of the sunroom to No. 31C (ie 1.65m from the floor level) and extends 1.65m past the western wall of No. 31C, ie just over half of the western side of the balcony, leaving the remainder unscreened for unrestricted views. Vertically, the screen functions as an upper half and a lower half. For No. 31D the louvres would present as an elegant curtain of fins screening each level and the stairway transition. For No. 31C the screen would function as lower and upper level portions, each being experienced at that level rather than as a complete curtain.

The plans of the improved proposal demonstrate the following:

- The cone of vision indicates extensive overlooking from the No. 31C balcony.
- The louvre screen design is elegant, logical and legible.
- The screen would be relatively thin, with louvre blades of approximately 90mm, and appear narrower than the image shown in the plans. This is for minimal obstruction of the staircase to No. 31D and less weight and aesthetic appeal.

- The screen, instead of being on the No. 31C balcony edge, would be offset from that by 1m, leaving the balustrade free, providing a separation distance and not confining the outlook from the sunroom of No. 31C or for persons at No. 31C to see one-another and speak between the balcony and lower level courtyard/side steps.
- Security for No. 31C would be greatly improved.
- Privacy for No. 31C would be gained for the current owners and be valued by future purchasers who could be deterred by the absence of privacy to the balcony.
- The No. 31C balcony and upward skillion roof would still project beyond the screen and would not be hemmed-in.
- The screen would provide some weather protection to each property.

CONSULTATION

The original proposal was advertised to the adjacent owners at No. 31C, who objected to it. A revised proposal was subsequently provided to the adjacent owners, to which they also objected.

Officers have met with the applicant and inspected the subject property to discuss the proposal and overall situation. Officers have also met with the adjacent owners and inspected from their property and discussed the matter. Officers have explored the considerations involved and possible options to address privacy, in an endeavour to achieve an agreed proposal. After lengthy dialogue a revised proposal is now presented for determination.

The gist of the comments from the neighbours at No. 31C is that they are unconcerned about the absence of privacy for their balcony and do not wish to diminish their commanding views. They maintain that a substantial privacy screen as proposed would affect their amenity. They have suggested various alternative privacy measures for No. 31D. They have not indicated a willingness to agree to a practical compromise.

Note that as the revised plans were received recently, the opportunity for the neighbours to appreciate them has not come until the Agenda was published.

PLANNING ASSESSMENT

Local Planning Scheme No. 3

The Scheme provides the overall planning framework for development control and includes the Residential Design Codes (RDC) by reference. The Scheme itself comprises broad planning parameters, including the following relevant matters for Council to have due regard to in considering the development proposal:

- *the compatibility of a use or development with its setting;*
- *any relevant submissions received on the application;*

- *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- *the suitability, durability, quality and aesthetic appeal of building materials, finishes and colours in relation to the development and locality;*
- *the effect of the proposal on the maintenance and enhancement of important views to and from public places, including views to the public domain and views of the coastal and inland landscapes, and the need to control the position, height, setback and design of the proposal in the interest of important views to and from public places; and*
- *any other planning consideration the local government considers relevant.*

Whilst the Scheme has no specific provisions dealing with privacy, the above matters assist assessment of the proposal.

Residential Design Codes

The RDC contain more detail in relation to residential development and include privacy controls. These provisions focus on privacy requirements for alterations or additions to dwellings or new dwelling developments. They do not deal specifically with the addition of a privacy screen as proposed; however, they provide additional guidance in this respect, as follows:

- An objective to ensure privacy.
- Nomination of permanent screening to limit overlooking.
- Definition of screening as *permanently fixed external perforated panels or trellises composed of solid or obscured translucent panels.*
- Nomination of screening devices including obscure glazing, timber screens, shutters, etc; with design standards of being at least 1.6m high, at least 75% obscure and durable, and directing views away from adjoining property.

The RDC Explanatory Guidelines elaborate as follows:

- Privacy is a valid concern and important to residential amenity, especially for primary outdoor living spaces.
- The cone of vision concept provides a measure of overlooking/privacy.
- Intervening screening is a way to prevent or ameliorate overlooking.
- Fencing or vegetation is a supplementary means to obtain privacy.
- Specification for louvres of 25% visual permeability and 45% maximum view angle, regarding blade width and spacing; although this may be relaxed.
- Control of overlooking does not imply absolutely no visual interaction between properties, whereby:
 - *... the focus should be on what constitutes a reasonable degree of privacy in the circumstances, and what is realistically achievable; and*

- *In some cases there may be mutual benefit to be gained by a relaxation of the privacy standards, and subject to consultation with potentially affected property owners, alternatives should be considered in this light.*

Possible alternatives

Various possible alternative privacy measures have been considered by the applicant, neighbours and Town, including vegetation to No. 31D or the No. 31C balcony, lowering or extending the shade-cloth over the courtyard of No. 31D, opaque film to the glass balustrade (or replacement opaque glass) to the balcony of No. 31C, and tinted glass, blinds or curtains to the living room window of No. 31D.

For a range of reasons none of these is favoured by either party or so far has been agreed to. It is also apparent that none of these would be as effective as a proper screen to the balcony of No. 31C or to an intervening screen as proposed.

The shade-cloth over the No. 31D courtyard does provide a degree of privacy, which if lowered and/or extended on the southern side would reduce direct overlooking from the No. 31C balcony, but would not be as complete as a screen or address overlooking of the upper-level balcony and living room. The owner of No. 31D considers this to be inadequate.

The owners of No. 31C have, however, indicated that they may be prepared to consider opaque film to the northern glass balustrade of their balcony, subject to it being high quality, durable and paid for by the owner of No. 31D. Although this would not provide full-height screening, it would provide a visual barrier for persons sitting on the balcony or standing-back from the northern side, as well as when looked towards from No. 31D, thereby improving privacy and a better sense of separation. The owner of No. 31D considers this to be insufficient.

CONCLUSION

Both properties have undergone major renovations to modernise the dwellings and expand or improve their west-facing outdoor open spaces to enjoy the ocean views and coastal climate.

It is noted that normally privacy is required to be addressed by the development which impacts on adjacent privacy, either at the point from where overlooking occurs or at a suitable intervening point to afford privacy. In the present case the balcony ordinarily required a full-height screen along its northern flank, which all parties agreed to waive, and it would be difficult to force compliance retrospectively.

As observed, a relaxed privacy regime is sometimes agreed to in order to obtain and share views, where mutual tolerance and harmonious neighbour relations are called-for. Such an arrangement can work well where there is a balance between properties in terms of views and the absence of privacy or limited privacy experienced. In the present case No. 31C clearly has a dominant position which takes advantage of wide views and does not contribute to privacy. Nor does the balcony have a privacy screen to the southern adjoining property, which it also overlooks.

On this basis partially restricting the lesser, northern urban view from the panorama of No. 31C is considered acceptable in the interest of a privacy improvement for No.

31D. The effect of this open-aspect screen to only half the length of the No. 31D balcony would be much less restrictive than a full-height screen as normally required and allow most of the current view. The louvre screen would actually augment No. 31C.

Overall, it is concluded that the proposal to rectify the situation to provide privacy to No. 31D is reasonable, and that the louvre screen design achieves this in a manner which is well-considered and attractive.

COMMITTEE COMMENT

Committee discussed the matter at some length and a number of members had inspected the properties involved. Overall, Committee was concerned with the bulk and scale of the proposed privacy screen and its effects in terms of loss of sunlight and structural weight given the wind. It considered that the adjacent balcony was not heavily used and that the shade-cloth to the applicant's courtyard could be lowered or extended to improve privacy; whilst noting that the applicant had previously requested that the neighbours' balcony be unscreened as exists. Committee appeared to support the suggestion of adding opaque film to the balcony balustrade to address privacy, which the Manager Development Services advised could be pursued between the owners separate from Council's determination of the application for the subject property.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Walsh

THAT Council GRANT its approval to Commence Development for the proposed Privacy Screen at 31D Curtin Avenue, COTTESLOE in accordance with the plans received on 10 June 2015, subject to the following conditions:

1. At Building Permit stage detailed plans and supporting information shall be submitted including the following, to the satisfaction of the Manager Development Services:
 - a) the louvre blade width, spacing and angle;
 - b) the materials, finish and colour of the privacy screen; and
 - c) the structural engineering of the privacy screen for rigidity and durability.
2. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
3. No alteration or addition to the privacy screen shall be made without further planning and building applications and approvals as required.

AMENDMENT

Moved Cr Walsh, seconded Mayor Dawkins

That Condition 1 of the Recommendation be amended to require an obscure glass privacy screen of the same size as the louvre privacy screen shown on the plans.

Lost 1/4

OFFICER RECOMMENDATION

THAT Council GRANT its approval to Commence Development for the proposed Privacy Screen at 31D Curtin Avenue, COTTESLOE in accordance with the plans received on 10 June 2015, subject to the following conditions:

1. At Building Permit stage detailed plans and supporting information shall be submitted including the following, to the satisfaction of the Manager Development Services:
 - a) the louvre blade width, spacing and angle;
 - b) the materials, finish and colour of the privacy screen; and
 - c) the structural engineering of the privacy screen for rigidity and durability.
2. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
3. No alteration or addition to the privacy screen shall be made without further planning and building applications and approvals as required.

Lost 0/5

COUNCILLOR MOTION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Mayor Dawkins

THAT Council GRANT its approval to Commence Development for the proposed Privacy Screen at 31D Curtin Avenue, COTTESLOE in accordance with the plans received on 10 June 2015, subject to the following conditions:

1. At Building Permit stage detailed plans and supporting information shall be submitted including the following, to the satisfaction of the Manager Development Services:
 - a) the screen shall be constructed of opaque glass (ie not aluminium louveres);
 - b) the precise specification of the glass (ie type, grade, thickness, colour, etc);
 - c) possible limitation of the extension of the glass below the line of the top of the dividing wall on the subject property, in order to limit the weight of the privacy screen; and
 - d) the structural engineering of the privacy screen for strength, rigidity, wind resistance and durability.
2. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.

3. **No alteration or addition to the privacy screen shall be made without further planning and building applications and approvals as required.**

Carried 4/2

The revised motion varied from the Officer Recommendation as it was felt that an opaque glass screen was more acceptable than metal louvres.

Mayor Dawkins declared an impartiality interest in items 10.3.2 due to living close to the proposed development. She stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.2 NO. 28 AVONMORE TERRACE (PROPOSED LOT 505) - TWO-STOREY DWELLING AND POOL

File Ref: 2994
Attachments: [28 Avonmore Aerial](#)
[28 Avonmore Plans](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 15 June 2015
Author Disclosure of Interest: Nil
Property Owner: Henriette Stewart
Applicant: Nathan Stewart (Russell Stewart)
Date of Application: 8 August 2014
Zoning: Residential R30
Lot Area: 303m² (proposed)
M.R.S. Reservation: Not applicable

SUMMARY

This application is seeking the following variations to Local Planning Scheme No. 3 (LPS 3) and the Residential Design Codes (RDC):

- Building height to top of lift shaft.
- Visual privacy.
- Open space.
- Bulk and scale.

Each of these aspects is discussed in this report and refers to plans received on 2 June 2015.

BACKGROUND

This lot is one of six new green title lots located on the eastern side of Avonmore Terrace between Fig Tree Lane and Deane Street, which have been granted subdivision approval by the WAPC and are proposed to be developed by the same applicant.

Three dwellings on the adjoining northern lots were approved by Council on 15 December 2014 and are currently under construction. Appeals were subsequently determined by the State Administrative Tribunal (SAT) against two of those applications and all but one of the matters were settled following a Section 31 Direction from the SAT and reconsideration by Council. The outstanding issue was in

respect of a proposed roof garden at 32 Avonmore Terrace and, following written submissions being made by both parties to the SAT, the appeal was upheld.

The southern three lots have received only partial subdivision clearance from the Town, due to unsatisfactory vehicle access being proposed via a tunnel from Deane Street to the proposed south-eastern lot (Lot 506). Although a planning application was submitted for a new dwelling on proposed Lot 506 it has not progressed as it did not comply with LPS 3.

The applicant recently lodged appeals with the SAT for the developments on proposed Lots 504 and 505 (which are both reported on in this Agenda) on the basis of the deemed refusal of the two applications and the exercise of discretion by the Town in deferring and seeking amendments to the application plans. These appeals are currently deferred awaiting Council's determination of the applications.

PROPOSAL

This application is for a dwelling comprising four bedrooms with en suites, WCs, lower family room, upper family room/kitchen, laundry, WIR, lift, two front balconies, undercroft, and a pool at ground level.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 3.
- Residential Design Codes.
- Fencing Local Law.

MUNICIPAL INVENTORY

Category 4 – street trees in Avonmore Terrace (proposed on LPS 3 Heritage List).

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Local Planning Scheme No. 3

	Permitted	Proposed
Building height	7m to top of lift shaft (RL: 29.9).	7.43m (RL: 30.334)
Matters to be considered by Council	A proposal that satisfies the aims and provisions of LPS 3, including Part 10 of the Scheme.	The bulk and scale of the proposal appears excessive and would not preserve the amenity of the area or appear compatible with the scale and amenity of the locality.

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
Visual privacy	6m cone of vision	3.52m	Clause 5.4.1 –

	from first floor north-facing family room.		P1.1 & 1.2
Open space	Minimum 45%	44.4%	Clause 5.1.4 – P4

ADVERTISING OF PROPOSAL

The application was not advertised as both adjoining proposed lots are owned by the applicant.

DESIGN ADVISORY PANEL

A Design Advisory Panel meeting was convened on 10 December 2014 and attended by the applicant, his planning consultant, Elected Members, Panel Members and Officers, which considered the proposals for Nos 32, 34 and 34A Avonmore Terrace on the first three lots to the north, as well as the designs for Nos 28 and 30 Avonmore Terrace in this overall context.

Panel Members generally acknowledged the site conditions and contemporary designs, whilst appreciating Council's underlying concerns about the proposals in terms of overdevelopment, bulk and scale, built form, streetscape and amenity. Suggestions to improve the designs included:

- Articulation of built form to ameliorate bulk and scale.
- Provision of a sense of relief, separation or space between dwellings by design treatments such as setbacks to common boundaries and balconies and the position and style of screens.
- Engagement with the street by open-aspect, visually permeable designs rather than solid-walled front yards and heavily-screened buildings.
- Attention to detail of quality building materials, finishes and colours.

PLANNING COMMENT

The following comments are made with respect to the proposed development.

Building height

Local Planning Scheme No. 3 permits a maximum 6m wall height, measured to the median height between the lowest and highest points of the wall for a curved roof, and 8.5m to the uppermost part of the building measured vertically above any point of natural ground level.

The Residential Design Codes define natural ground level (NGL) as:

The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

Under the RDC, where NGL varies across the site, as in this case, deemed NGL is to be used which "smoothes out" irregularities for the purposes of calculating building heights.

The applicant has interpolated the natural contours across the lot based on historical TPS 1, which is consistent with that used for the northern three lots that have already been granted development approvals. However, the submitted roof plan which shows the interpolated contours does not appear to be drawn to the correct scale, as the width and length of the lot appears smaller than that shown on the proposed subdivision plan. This will therefore need further clarification prior to being approved.

The proposed curved roof of the dwelling has been designed to the maximum building height permitted under LPS 3. However, due to it extending from the secondary street setback to the proposed northern boundary this exacerbates the bulk and scale of the dwelling, which is of concern as discussed separately in this report.

The proposed lift shaft adjoining the northern boundary will extend above the curvature of the roof and exceeds the maximum permitted height by 0.43m. However, it is considered that this may be treated as a minor projection, together with the chimney proposed towards the front of the dwelling.

A 'minor projection' is defined in the RDC as follows:

In relation to the height of a building: a chimney, vent pipe, aerial or other appurtenance of like scale.

Although the footprint of the lift will be 3.23m², which is larger than that of a typical chimney, the intrusion above the 7m height limit is only 0.43m, as opposed to a chimney which would generally project 1.2m to 1.5m above the roofline. In this context, the lift shaft may be regarded as a minor projection, which is also consistent with a review by the SAT for the lift shaft projection at 32 Avonmore Terrace, which extended 0.6m above the roofline.

The proposed chimney constitutes a 'minor projection' under the RDC and so is not subject to the maximum building height.

Storeys

The proposed basement level does not constitute a storey under LPS 3, as it is not higher than 1m above the footpath level measured at the centre of the land along the boundary to which the space has frontage, and therefore complies.

Setbacks

The proposed dwelling has a minimum front setback of 4.5m.

Clause 5.3.7 of LPS 3 states:

Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied, for the preservation of streetscape, view corridors and amenity.

The RDC permit a front setback of 4m in an R30 zone, which may be reduced by up to 50% providing an average of 4m is achieved.

Front setbacks of less than 6m are quite common in the R30 coded areas and were recently approved by Council for the two dwellings to the north of the site. As such, there is no objection to supporting this setback.

The wall proposed on the northern side of the lot will be partially below ground level and recessed at first floor level in the central northern section to allow for an outdoor living area and northern light to habitable rooms. The wall will range in height from 2.2m to 5.9m above the NGL, with the highest section towards the rear of the proposed lot. Under the RDC, where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application (as in this case) the walls on the boundary are deemed-to-comply.

Visual Privacy

A visual privacy concession is sought from the first floor, north-facing, family/kitchen area. This variation can be considered under the Design Principles of the RDC, which state:

Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

In this case, as the adjoining northern lot is being created and developed concurrently with the proposed development and has been designed by the same builder, there is no overlooking of existing active habitable spaces or outdoor living areas and the design of the proposed adjoining dwelling has taken into consideration the location of major openings and balconies to avoid privacy impacts. As such, the visual privacy variation satisfies the relevant design principles of the RDC and can be supported.

Open Space

The applicant has detailed the areas included in open space and has advised that at least 51% will be provided, which exceeds the minimum 45% open space required.

However, based on the definition of open space in the RDC, it is questionable as to whether all of the nominated areas can be included. The definition of 'open space' in the RDC states:

Generally that area of a lot not occupied by any building and includes:

- *open areas of accessible and useable flat roofs and outdoor living areas above NGL;*
- *areas beneath eaves;*
- *verandahs, patios or other such roofed structures not more than 0.5m above NGL, unenclosed on at least two sides, and covering no more than 10% of the site area or 50m² whichever is the lesser;*
- *unroofed open structures such as pergolas;*
- *uncovered driveways(including access aisles in car parking areas) and uncovered car parking spaces;*

but excludes:

- *non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above NGL; and/or*
- *covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.*

The calculated areas of open space based on the above definition do not include covered balconies or covered areas less than 0.5m above NGL that are not unenclosed on at least two sides, and therefore Areas F and G should not be included as open space. Furthermore, Area D is shown as 22m² on the ground floor plan but the area based on the submitted written dimensions is 21.36m², so should be reduced accordingly. On this basis the calculated open space is 134.66m² or 44.4%, a shortfall of 1.69m².

This is a relatively small deficiency and the applicant contends that the proposed first floor balcony with a louvred roof falls within the definition of open space and meets design principles of the RDC given the amenity afforded by the option to close the roof in inclement weather. Whilst its inclusion under the definition of open space can be disputed, it is unlikely that such a small shortfall would not satisfy the design principles of the RDC and therefore it could be supported.

Matters to be considered by Council

In addition to the Scheme and RDC requirements, Council is to have regard to the following relevant matters:

- the aims and provisions of the Scheme;*
- the Local Planning Strategy;*
- the requirements of orderly and proper planning;*
- the compatibility of the development with its setting;*

(e) *the preservation of the amenity of the locality.*

Council is also to have due regard to the following matters relevant to the development:

- (a) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (b) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (c) *the suitability, durability, quality and aesthetic appeal of building materials, finishes and colours in relation to the development and locality;*
- (d) *any other planning consideration the local government considers relevant.*

The development will extend the full developable width of the proposed 12.83m wide lot, similar to the two northern lots approved by Council last December. However, the widths of those lots are only 9.55m and 9.63m respectively and they are 14m² smaller than this southern lot, whereby space for the developments was more constrained. Further, despite the submission of revised plans on 2 June 2015, the roof is arguably more akin to a flat roof than a curved roof, due to its large expanse which extends the full developable width of the proposed lot, and this exacerbates the overall height, bulk and scale of the development, which together with the adjoining northern proposed and approved developments will be unlikely to preserve the amenity of the area or appear compatible with the scale and amenity of the locality. A preferred option would be to reduce the overall bulk and scale of the dwelling by increasing the curvature of the roof and increasing the setback from the northern boundary, especially to the front portion of the dwelling.

Crossover

The proposed crossover location is to the west of the existing crossover on Deane Street. However, due to the difficulties in providing acceptable vehicle access to the proposed rear Lot 506 (which does not have a current planning proposal under consideration) it is necessary to advise potential owners of Lot 505 that they must have a shared crossover arrangement. Therefore, if this development is approved it is recommended that an S70A Notification be placed on the new lot titles to advise the owners of this requirement.

CONCLUSION

The proposed development is seeking various concessions under the RDC which can be supported under the design principles of the RDC, and the proposed lift shaft can be approved as a minor projection. However, the overall bulk and scale of the development, together with the proposed zero setback along the northern boundary, appears excessive and should be reduced to ensure that it preserves the amenity of the area.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Jeanes

1. That Council DEFER its approval to commence development for the proposed dwelling at 28 Avonmore Terrace, Cottesloe (proposed Lot 505), as shown on the revised plans received on 2 June 2015, to enable the applicant to submit revised plans that:
 - (i) show a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within the permitted building heights and by increasing the setback from the proposed northern boundary; and
 - (ii) are drawn to scale to match the written dimensions, including the roof plan and contours.

OR

2. THAT Council GRANT its approval to commence development for the proposed dwelling at 28 Avonmore Terrace, Cottesloe (proposed Lot 505), as shown on the revised plans received on 2 June 2015, subject to the following conditions:
 - (i) Revised plans shall be submitted showing a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within the permitted building heights and by increasing the setback to the proposed northern boundary, to the satisfaction of the Town.
 - (ii) Revised plans shall be submitted that are drawn to scale to match the written dimensions, including the roof plan and contours, to the satisfaction of the Town.
 - (iii) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
 - (iv) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
 - (v) All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
 - (vi) The roof surface shall be treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.
 - (vii) The finish and colour of the north-facing boundary wall shall be to the satisfaction of the Town.
 - (viii) In accordance with the Town's Fencing Local Law, the proposed fencing in the front setback area shall be 'open-aspect' above 0.9m (or 0.6m to comply with swimming pool regulations), with the palings spaced to ensure

that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open-aspect of 50% of the infill panel, with the piers not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level.

- (ix)** All air-conditioning and other plant or equipment shall be located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, and suitably housed or treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (x)** A separate application for construction of a new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
- (xi)** A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): traffic management and safety for the streets, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
- (xii)** The pool pump and filter shall be located closer to the proposed dwelling than 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 specified in the Environmental Protection (Noise) Regulations 1997.
- (xiii)** Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
- (xiv)** A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (xv)** Finalisation of the subdivision to create proposed Lot 505 is required prior to the issue of a Building Permit.
- (xvi)** A Section 70A Notification shall be placed on the title of the new Lot 505 to advise any owner or purchaser that access may be required to be shared with the proposed rear lot (Lot 506), that no parking will be allowed on the crossover, and that future maintenance and replacement costs will need to be shared in the event that the proposed rear lot is developed. Details evidencing this shall be lodged with the application for a Building Permit, to the satisfaction of the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Jeanes

1. That Council DEFER its approval to commence development for the proposed dwelling at 28 Avonmore Terrace, Cottesloe (proposed Lot 505), as shown on the revised plans received on 2 June 2015, to enable the applicant to submit revised plans that:
 - (i) show a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within the permitted building heights and by increasing the setback from the proposed northern boundary; and
 - (ii) are drawn to scale to match the written dimensions, including the roof plan and contours.

Carried 5/0

REVISED OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council GRANT its approval to commence development for the proposed dwelling at 28 Avonmore Terrace, Cottesloe (proposed Lot 505), as shown on the revised plans received on 18 June 2015, subject to the following conditions:

- (i) **The building permit plans submitted shall be consistent with the planning approval plans and drawn to scale to match the written dimensions, to the satisfaction of the Town.**
- (ii) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- (iii) **The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- (iv) **All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.**

- (v) The roof surface shall be treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.
- (vi) The finish and colour of the north-facing boundary wall shall be to the satisfaction of the Town.
- (vii) In accordance with the Town's Fencing Local Law, the proposed fencing in the front setback area shall be 'open-aspect' above 0.9m (or 0.6m to comply with swimming pool regulations), with the palings spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open-aspect of 50% of the infill panel, with the piers not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level.
- (viii) All air-conditioning and other plant or equipment shall be located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, and suitably housed or treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (ix) A separate application for construction of a new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
- (x) A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a building permit, and shall address (amongst other things): traffic management and safety for the streets, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
- (xi) The pool pump and filter shall be located closer to the proposed dwelling than 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 specified in the Environmental Protection (Noise) Regulations 1997.
- (xii) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
- (xiii) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

- (xiv) Finalisation of the subdivision to create proposed Lot 505 is required prior to the issue of a building permit.
- (xv) A Section 70A Notification shall be placed on the title of the new Lot 505 to advise any owner or purchaser that access may be required to be shared with the proposed rear lot (Lot 506), that no parking will be allowed on the crossover, and that future maintenance and replacement costs will need to be shared in the event that the proposed rear lot is developed. Details evidencing this shall be lodged with the application for a building permit, to the satisfaction of the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a building permit and to obtain approval prior to undertaking construction of the development.

Carried 6/0

Mayor Dawkins declared an impartiality interest in items 10.3.3 due to living close to the proposed development. She stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.3 NO. 30 AVONMORE TERRACE (PROPOSED LOT 504) - TWO-STOREY DWELLING AND POOL

File Ref: 2992
Attachments: [30 Avonmore Aerial](#)
[30 Avonmore Plans](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 15 June 2015
Author Disclosure of Interest: Nil
Property Owner: Henriette Stewart
Applicant: Rededge Enterprises P/L (Russell Stewart)
Date of Application: 8 August 2014
Zoning: Residential R30
Lot Area: 312m² (proposed)
M.R.S. Reservation: Not applicable

SUMMARY

This application is seeking the following variations to Local Planning Scheme No. 3 (LPS 3) and the Residential Design Codes (RDC):

- Setbacks.
- Visual privacy.
- Solar access.
- Bulk and scale.

Each of these aspects is discussed in this report and refers to plans received on 2 June 2015.

BACKGROUND

This lot is one of six new green title lots located on the eastern side of Avonmore Terrace between Fig Tree Lane and Deane Street, which have been granted subdivision approval by the WAPC and are proposed to be developed by the same applicant.

Three dwellings on the adjoining northern lots were approved by Council on 15 December 2014 and are currently under construction. Appeals were subsequently determined by the State Administrative Tribunal (SAT) against two of those applications and all but one of the matters were settled following a Section 31 Direction from the SAT and reconsideration by Council. The outstanding issue was in

respect of a proposed roof garden at 32 Avonmore Terrace and, following written submissions being made by both parties to the SAT, the appeal was upheld.

The southern three lots have received only partial subdivision clearance from the Town, due to unsatisfactory vehicle access being proposed via a tunnel from Deane Street to the proposed south-eastern lot (Lot 506). Although a planning application was submitted for a new dwelling on proposed Lot 506 it has not progressed as it did not comply with LPS 3.

The applicant recently lodged appeals to the SAT for the developments on proposed Lots 504 and 505 (which are both reported on in this Agenda) on the basis of the deemed refusal of the two applications and the exercise of discretion by the Town in deferring and seeking amendments to the application plans. These appeals are currently deferred awaiting Council's determination of the applications.

PROPOSAL

This application is for a dwelling comprising four bedrooms with en suites, WCs, lower family room, upper family room/kitchen, laundry, WIR, lift, two front balconies, undercroft, and a pool at ground level.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 3.
- Residential Design Codes.
- Fencing Local Law.

MUNICIPAL INVENTORY

Category 4 – street trees in Avonmore Terrace (proposed on LPS 3 Heritage List).

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Local Planning Scheme No. 3

	Permitted	Proposed
Matters to be considered by Council	A proposal that satisfies the aims and provisions of LPS 3, including Part 10 of the Scheme.	The bulk and scale of the proposal appears excessive and would not preserve the amenity of the area or appear compatible with the scale and amenity of the locality.

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
Visual privacy	6m cone of vision from first floor north-facing family	4.6m	Clause 5.4.1 – P1.1 & 1.2

	room.		
Setbacks	Walls not higher than 3.5m, with an average of 3m for 2/3 the length of the balance of the lot boundary behind the front setback, to one side boundary.	Wall on northern boundary up to 6.5m above NGL.	Clause 5.1.3 – P3.2
Solar access	Overshadowing to maximum 35% of adjoining site.	41.5%	Clause 5.4.3 – P2.1 & P2.2

ADVERTISING OF PROPOSAL

The application was not advertised as both the proposed southern and eastern lots are owned by the applicant and the northern lot is currently under construction by the applicant.

DESIGN ADVISORY PANEL

A Design Advisory Panel meeting was convened on 10 December 2014 and attended by the applicant, his planning consultant, Elected Members, Panel Members and Officers, which considered the proposals for Nos 32, 34 and 34A Avonmore Terrace on the first three lots to the north, as well as the designs for Nos 28 and 30 Avonmore Terrace in this overall context.

Panel Members generally acknowledged the site conditions and contemporary designs, whilst appreciating Council's underlying concerns about the proposals in terms of overdevelopment, bulk and scale, built form, streetscape and amenity. Suggestions to improve the designs included:

- Articulation of built form to ameliorate bulk and scale.
- Provision of a sense of relief, separation or space between dwellings by design treatments such as setbacks to common boundaries and balconies and the position and style of screens.
- Engagement with the street by open-aspect, visually permeable designs rather than solid-walled front yards and heavily-screened buildings.
- Attention to detail of quality building materials, finishes and colours.

PLANNING COMMENT

The following comments are made with respect to the proposed development.

Building height

Local Planning Scheme No. 3 permits a maximum 6m wall height, measured to the median height between the lowest and highest points of the wall for a curved roof, and 8.5m to the uppermost part of the building measured vertically above any point of natural ground level.

The Residential Design Codes define natural ground level (NGL) as:

The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

Under the RDC, where NGL varies across the site, as in this case, deemed NGL is to be used which “smooths out” irregularities for the purposes of calculating building heights.

The applicant has interpolated the natural contours across the lot based on historical TPS 1, which is consistent with that used for the northern three lots that have already been granted development approvals. However, the submitted roof plan which shows the interpolated contours does not appear to be drawn to the correct scale, as the width and length of the lot appears smaller than that shown on the proposed subdivision plan. This will therefore need further clarification prior to being approved.

The proposed curved roof of the dwelling has been designed to comply with the building heights permitted under LPS 3. However, due to its large expanse this exacerbates the bulk and scale of the dwelling which is of concern as discussed separately in this report.

Storeys

The proposed basement level does not constitute a storey under LPS 3, as it is entirely below the average NGL (RL:23.30) at the centre of the lot based on TPS1, and therefore complies.

Setbacks

The proposed dwelling has a minimum front setback of 4.5m.

Clause 5.3.7 of LPS 3 states:

Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied, for the preservation of streetscape, view corridors and amenity.

The RDC permit a front setback of 4m in an R30 zone, which may be reduced by up to 50% providing an average of 4m is achieved.

Front setbacks of less than 6m are quite common in the R30 coded areas and were recently approved by Council for the two dwellings to the north of the site. As such, there is no objection to supporting this setback.

The boundary wall proposed on the southern side of the lot will be partially below ground level. The wall will be up to 5.8m above the NGL, with the highest section towards the centre of the proposed lot boundary. Under the RDC, where both the subject site and the affected adjoining site are created in a plan of subdivision

submitted concurrently with the development application (as is in this case) the walls on the boundary are deemed-to-comply.

The boundary wall on the northern boundary will also be partially below ground level, extending up to 6.5m above the NGL, with the highest section towards the front of the lot. However, unlike the walls on the southern proposed boundary, the adjoining lot (Lot 501) on the northern side was not created in a plan of subdivision submitted concurrently with the development application and therefore the wall on the boundary needs to be assessed under design principles of the RDC, which are as follows:

Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

Council originally required the proposed dwelling on Lot 501 to have a minimum 1.2m setback from the southern boundary in front of the lift shaft, or as otherwise agreed by the Town, in order to provide visual separation between the front of the dwelling and the adjoining southern lot. However, following a request by the applicant, Council agreed to transfer this requirement on the basis that development on proposed Lot 504 could more easily accommodate a setback as it was 2.94m wider, and to formalise this a Memorandum of Understanding (MOU) was signed by the owners and the Town.

The applicant has transferred the 1.2m setback to the ground and first floors on the northern side of the proposed development, with a setback of 7.76m from the front boundary. However, the proposed basement will still extend to the northern boundary, even though the MOU provides that the setback was to be for the full height of the development. Also, a setback depth of 3.27m is proposed, whereas the MOU provides that this should be approximately 3.3m minimum from the front balcony external wall face of the dwelling.

The approved development on the northern adjoining lot will have a two-storey wall along its southern boundary, which will abut the proposed walls on the southern lot. However, as these walls do not exist and will not necessarily be constructed simultaneously it is considered that the proposal does not satisfy the deemed-to-comply requirements in this case.

In terms of considering the proposal under the RDC design principles, and having regard to the MOU, it is acknowledged that following completion of the adjoining northern development the proposed wall on the boundary will not have any significant

affect of the adjoining property. However, it is difficult to support the rationale that it would not compromise the design principle that allows a building built up to boundaries only where this positively contributes to the prevailing development context and streetscape.

If the deemed-to-comply setbacks applied the required setbacks from the northern boundary are as follows:

	Required setback	Proposed setback
Basement	1m	0m
Ground floor – en suite to bedroom 2	1.1m	0m
Ground floor – front balcony	1.5m	1.2m
Ground floor – bedroom 3	1m	0m
Ground floor – central courtyard	1.5m	5.75m
Upper floor – living area fireplace	1.2m	0m
Upper floor – front balcony	3.3m	1.2m
Upper floor – bedroom 1	1.2m	0m
Recessed area	2.2m	4.6m

Any increased setback from the northern boundary would likely result in the bulk and scale of the development being reduced, which would more positively contribute to the streetscape. Further, if a 1.2m setback is accepted then this should be for the full height of the development, including the basement, and should have a minimum length of 3.3m from the front balcony external wall face of the dwelling in accordance with the MOU.

Visual Privacy

A visual privacy concession is sought from the first floor, north-facing, family/kitchen area and from the north-facing sections of the ground and first floor front balconies. These variations can be considered under the Design Principles of the RDC, which state:

Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

In this case, as the adjoining northern lot has been created and is being developed by the same builder, there is no overlooking of existing active habitable spaces or outdoor living areas and the design of the proposed adjoining dwelling has taken into consideration the location of major openings and balconies to avoid issues of privacy impacts. As such, the visual privacy variations satisfies the relevant design principles of the RDC and can be supported.

Solar access

Overshadowing of the adjoining southern lot has been calculated at 41.5%, in lieu of 35% permitted under the deemed-to-comply requirements of the RDC. However, it may be considered under the Design Principles, which state:

Effective solar access for the proposed development and protection of the solar access.

Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:

- *outdoor living areas;*
- *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
- *roof-mounted solar collectors.*

The design of the proposed dwelling ensures that it has both western and northern solar access and, although it will have a two-storey solid wall along much of the southern boundary, the adjoining dwelling is being designed and constructed by the same builder and has taken the subject property into consideration by setting back its outdoor living areas from the northern boundary and taking advantage of the increased privacy that the adjoining wall will provide. On this basis, it is considered that the proposed overshadowing can be supported under the Design Principles of the RDC.

Matters to be considered by Council

In addition to the general Scheme and RDC requirements, Council is also to have regard to the following relevant matters:

- (f) the aims and provisions of the Scheme;
- (g) the Local Planning Strategy;
- (h) the requirements of orderly and proper planning;

- (i) the compatibility of the development with its setting;
- (j) the preservation of the amenity of the locality.

Council is to also have due regard to the following matters relevant to the development:

- (e) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (f) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (g) the suitability, durability, quality and aesthetic appeal of building materials, finishes and colours in relation to the development and locality;
- (h) any other planning consideration the local government considers relevant.

The basement will extend the full width of the proposed 12.5m wide lot, with reduced setbacks to the northern and southern boundaries on the ground and first floors, similar to the two northern lots approved by Council last December. However, the widths of those lots were only 9.55m and 9.63m respectively, and they were 23m² smaller than this southern lot, whereby space for the developments was more constrained. Further, despite the submission of revised plans on 2 June 2015, the proposed roof is arguably more akin to a flat roof than a curved roof, due to its large expanse which extends across most the developable width of the proposed lot, and this exacerbates the overall height, bulk and scale of the development, which together with the adjoining southern proposed development and approved developments on its northern side, will be unlikely to preserve the amenity of the area or appear compatible with the scale and amenity of the locality. A preferred option would be to reduce the overall bulk and scale of the dwelling by increasing the curvature of the roof and increasing the setback from the northern boundary, especially to the front portion of the dwelling, to satisfy the requirements of the MOU.

Crossover

The proposed crossover location will be adjoining two heritage-listed street trees and may require earthworks to the verge and lowering of the footpath. The Town advised the WAPC of these concerns prior to the subdivision being approved and a condition was put on the WAPC approval as follows:

Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Whilst the crossover can be supported, to ensure adequate protection of the trees the Town has advised the applicant that a bond will be required reflecting the replacement cost of each of the trees, like-for-like. In this case, a bond of \$10,000 for each tree is recommended (ie, total: \$20,000) which would be repayable only if the health of the trees remains unaffected following one complete summer after

completion of the development or completion of the crossover, whichever is the latter. This can be conditioned accordingly.

CONCLUSION

The proposed development is seeking various concessions under the RDC which can be supported under the design principles. However, the overall bulk and scale of the dwelling, together with the proposed zero setback along the northern boundary, appears excessive and should be reduced to ensure that it preserves the amenity of the area and to comply with the MOU. In addition, the scale of the plans received does not match the written dimensions shown and this needs to be addressed to ensure accuracy of the planning assessment.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

1. That Council DEFER its approval to commence development for the proposed dwelling at 30 Avonmore Terrace, Cottesloe (proposed Lot 504), as shown on the revised plans received on 2 June 2015, to enable the applicant to submit revised plans that:
 - (i) show a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within permitted building heights and by extending the proposed 1.2m setback to the northern boundary for the full height of the development, including the basement, for a minimum length of 3.3m from the front balcony external wall face of the dwelling, in accordance with the Memorandum of Understanding between the Town and the owner/s in this respect; and
 - (ii) are drawn to scale to match the written dimensions, including the roof plan and contours.

OR

2. THAT Council GRANT its approval to commence development for the proposed dwelling at 30 Avonmore Terrace, Cottesloe (proposed Lot 504), as shown on the revised plans received on 2 June 2015, subject to the following conditions:
 - (i) Revised plans shall be submitted showing a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within permitted building heights and by extending the proposed 1.2m setback to the northern boundary for the full height of the development, including the basement, for a minimum length of 3.3m from the front balcony external wall face of the dwelling, in accordance with the Memorandum of Understanding between the Town and the owner/s in this respect, to the satisfaction of the Town.
 - (ii) Revised plans shall be submitted that are drawn to scale to match the written dimensions, including the roof plan and contours, to the satisfaction of the Town.

- (iii) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (iv) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
- (v) All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
- (vi) The roof surface shall be treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.
- (vii) The finish and colour of the north and south-facing boundary walls shall be to the satisfaction of the Town.
- (viii) In accordance with the Town's Fencing Local Law, the proposed fencing in the front setback area shall be 'open-aspect' above 0.9m (or 0.6m to comply with swimming pool regulations), with the palings spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open-aspect of 50% of the infill panel, with the piers not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level.
- (ix) All air-conditioning and other plant or equipment shall be located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, and suitably housed or treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (x) A separate application for construction of a new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
- (xi) A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): traffic management and safety for the streets, worker parking, including off-site parking in consultation with approval by the Town; and verge and street tree protection.
- (xii) The pool pump and filter shall be located closer to the proposed dwelling than 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 specified in the Environmental Protection (Noise) Regulations 1997.

- (xiii) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
- (xiv) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (xv) Finalisation of the subdivision to create proposed Lot 504 is required prior to the issue of a Building Permit.
- (xvi) At Building Permit stage a \$20,000 bond shall be paid to the Town as surety for the health of the two heritage-listed street trees in Avonmore Terrace. This bond will only be repayable providing the health of the trees is unaffected following one complete summer after completion of the development or completion of the crossover, whichever is the latter.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

1. That Council DEFER its approval to commence development for the proposed dwelling at 30 Avonmore Terrace, Cottesloe (proposed Lot 504), as shown on the revised plans received on 2 June 2015, to enable the applicant to submit revised plans that:
 - (i) show a reduction in the bulk and scale of the proposed dwelling by increasing the curvature of the roof form within permitted building heights and by extending the proposed 1.2m setback to the northern boundary for the full height of the development, including the basement, for a minimum length of 3.3m from the front balcony external wall face of the dwelling, in accordance with the Memorandum of Understanding between the Town and the owner/s in this respect; and
 - (ii) are drawn to scale to match the written dimensions, including the roof plan and contours.

Carried 5/0

REVISED OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council GRANT its approval to commence development for the proposed dwelling at 30 Avonmore Terrace, Cottesloe (proposed Lot 504), as shown on the revised plans received on 22 June 2015, subject to the following conditions:

- (i) The building permit plans submitted shall be consistent with the planning approval plans and drawn to scale to match the written dimensions, to the satisfaction of the Town.**
- (ii) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- (iii) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- (iv) All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- (v) The roof surface shall be treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.**
- (vi) The finish and colour of the north and south-facing boundary walls shall be to the satisfaction of the Town.**
- (vii) In accordance with the Town’s Fencing Local Law, the proposed fencing in the front setback area shall be ‘open-aspect’ above 0.9m (or 0.6m to comply with swimming pool regulations), with the palings spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open-aspect of 50% of the infill panel, with the piers not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level.**
- (viii) All air-conditioning and other plant or equipment shall be located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, and suitably housed or treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.**
- (ix) A separate application for construction of a new crossover meeting the Town’s specifications and Australian Standards shall be submitted for approval by the Town.**

- (x) A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a building permit, and shall address (amongst other things): traffic management and safety for the streets, worker parking, including off-site parking in consultation with approval by the Town; and verge and street tree protection.
- (xi) The pool pump and filter shall be located closer to the proposed dwelling than 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 specified in the Environmental Protection (Noise) Regulations 1997.
- (xii) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
- (xiii) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (xiv) Finalisation of the subdivision to create proposed Lot 504 is required prior to the issue of a building permit.
- (xv) At building permit stage a \$20,000 bond shall be paid to the Town as surety for the health of the two heritage-listed street trees in Avonmore Terrace. This bond will only be repayable providing the health of the trees is unaffected following one complete summer after completion of the development or completion of the crossover, whichever is the latter.

Advice Notes:

- a. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
- b. The owner/applicant is responsible for applying to the Town for a building permit and to obtain approval prior to undertaking construction of the development.

Carried 6/0

10.3.4 REQUEST FOR RESIDENTIAL DENSITY INCREASE - CURTIN AVENUE

File Ref: SUB/339
Attachments: [Curtin Avenue Density Aerial](#)
[Curtin Avenue Density Location Map](#)
[Curtin Avenue Density Property Photos](#)
[Curtin Avenue Density Submissions](#)

Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Andrew Jackson, Manager Development Services

Proposed Meeting Date: 15 June 2015

Author Disclosure of Interest: Nil
Zoning: Residential (R20 presently)
Uses: Residential (existing and proposed)
MRS Reservation: Primary Regional Road (future Curtin Ave)

SUMMARY

This report presents a request that a number of lots along Curtin Avenue in north-east Cottesloe have their residential density code increased from R20 to R30. It is a preliminary assessment for Council to consider if it wishes to support the request.

Changing density coding requires a Scheme Amendment, a process which is initiated by the local government and involves public advertising, consideration of submissions, evaluation by the Western Australian Planning Commission (WAPC), and determination by the Minister for Planning.

Sometimes Scheme Amendment requests are made by planning consultants who submit a comprehensive proposal at the proponent's expense. Alternatively, for a request from local landowners, the Town can prepare the Amendment documentation and charge a fee for the service.

A further report would present the formal Amendment proposal in detail to Council, to decide whether to adopt for advertising.

BACKGROUND

In February 2015 following earlier discussion with the Manager Development Services (MDS) the Town received a request from the owners of twelve residential properties along Curtin Avenue between Florence and Grant Streets for a density increase from R20 to R30 – refer to attached standard letter and plan showing the lots (note that the reference to Eric Street is more accurately Florence Street).

One lot in the middle on the corner of Curtin Avenue and Hawkstone Street has not signed the letter. Another owner has withdrawn unconditional support due to concern about redevelopment consequences and recommends design controls to avoid an arbitrary approach.

The letter offers the following rationale for the request:

- Impacts from Curtin Avenue traffic, especially heavy vehicles, and trains.
- Proximity to bus and train transport.
- Ageing dwellings and the cost of upgrading them, including to address road and rail impacts.
- Increased subdivision potential would encourage redevelopment to take advantage of public transport and provide better residential amenity.
- Other areas along Curtin Avenue have R30 or R35 density coding.

In April 2015 the Development Services Committee was briefed on and discussed the request. Committee expressed in-principle support for the proposal, being cognisant of the amenity impacts of main roads and of regional planning objectives for infill housing. It considered that properties along Curtin Avenue could be included in a proposed density increase, but that this should not extend significantly along side streets into the established and quieter residential area.

In late May the MDS updated representative owners and invited further justification for the proposal. This was received in June 2015 – refer to attached letter with photos, which is summarised as follows:

- The density increase would facilitate redevelopment with single or grouped dwellings, orientated to the lanes for frontage and access rather than to Curtin Avenue.
- Similar development has occurred nearby and elsewhere in Cottesloe.
- Such redevelopment would be compatible with the locality.
- Vehicular and pedestrian access would be coordinated and the Curtin Avenue verge could be landscaped.
- There is landowner support for the request and no objection from nearby owners (to date).
- Redevelopment could occur individually or be coordinated between owners, via progressive development applications and owner arrangements.
- The Residential zoning favours that use and the Scheme, policies, etc manage development requirements and standards.
- Advocates up-coding areas of smaller lots with alternative access and close to public transport along Curtin Avenue generally.

STRATEGIC IMPLICATIONS

Relates to residential density, development and types in connection with local and regional planning objectives and mechanisms.

POLICY IMPLICATIONS

A Scheme Policy, Design Guidelines or Local Development Plan may be appropriate.

STATUTORY ENVIRONMENT

- Planning & Development Act 2005
- Local Planning Strategy
- Local Planning Scheme No. 3 (LPS3)
- Residential Design Codes (RDC)

FINANCIAL IMPLICATIONS

Cost-recovery of Amendment preparation.

STAFFING IMPLICATIONS

Assessment of proposal, preparation of reports and administration of Amendment process.

SUSTAINABILITY IMPLICATIONS

Increased density has a nexus with sustainability.

CONSULTATION

To date liaison has occurred with the proponents. A Scheme Amendment process would entail community and agency consultation for information and feedback.

Following advertising, Council considers any submissions and the proposal and decides whether to adopt the Amendment, adopt a modified version or not proceed. Council then forwards the submissions and its resolution to the WAPC for review and advice to the Minister, who makes the final decision to approve the Amendment or a modified version, or to refuse it.

PRELIMINARY ASSESSMENT**Planning context**

LPS3 deals with zoning, land use and development throughout the district. The broad aims of the Scheme are linked to regional planning, the Local Planning Strategy, supporting transport, sustaining population, providing housing variety (subject to community identity and amenity), sustaining character and streetscape, and a convenient, pleasant public domain. The objectives of the Residential zone include encouraging residential development only which is compatible with the scale and amenity of the locality and providing the opportunity for a variety and choice in housing in specified residential areas.

Development implications

This is a starting point for considering proposals. It does not mean that changes may be made *carte blanche* to zoning, density coding or development requirements. Instead they may warrant assessment in their particular contexts having regard to detailed planning aspects and methods.

Typical considerations include the degree and extent of up-coding; resultant lot sizes, subdivision pattern, built form and streetscape; access (side streets and rear lanes are available); traffic generation and circulation; infrastructure and services; possible public open space, plus landscaping; special development controls (Local Development Plan or Special Control Area) or Policy/Design Guidelines. Heritage or character can also be relevant.

Denser development areas usually invite overall plans and controls rather than leaving things to chance.

Site areas (lot sizes) and dwelling types

The current lot sizes range from 426sqm to 765sqm, the most common being 606sqm and 640sqm. Under the Residential Design Codes density codes lot size requirements are:

	R20	R30
Minimum site area (sqm)	350	260
Average site area (sqm)	450	300
Multiple dwelling	450	based on design

Single or grouped dwellings would be suitable in this locality. Multiple dwellings would be denser, but limited to two-storey. Note that in lieu of subdivision at R20, lots of 450sqm may add ancillary accommodation (a granny flat) subject to meeting development requirements.

Planning approach

This is a strategic planning proposal that needs to be carefully considered in relation to LPS3 and ongoing requests for up-coding or rezoning. When LPS3 was prepared Council considered a number of requests for up-coding but did not agree to them all, generally adhering to R20 in north Cottesloe. Council mainly supported density increases to reflect existing lot density rather than to trigger widespread subdivision, demolition and development, or supported selective up-coding in intensive nodes.

An up-coding in this area may prompt further requests. Current density codes along Curtin Avenue on the west are predominantly R20, with some R30 areas (Millers Court, Bird Street and south of Pearse Street).

At R30 density coding the approximate potential lot yield (subject to detailed design) based on the total existing area of 8096 sqm is 23 lots. The ultimate lot and dwelling yield would depend upon the subdivision pattern and form of development.

There are two approaches to land development embracing density increases:

- Increase density coding and leave subdivision and redevelopment to the property owners. This is likely to be a gradual, ad hoc method with mixed results and limited coordination. It applies where owners wish to gain their individual subdivision/redevelopment benefits.
- Prepare a Local Development Plan to guide subdivision layout and control development standards; eg similar to as for the former depot site. This would achieve more coordinated and cohesive subdivision, access and development. The difficulty can be in getting owners to agree to arrangements for joint subdivision and redevelopment. As mentioned, a Scheme Policy or Design Guidelines, or Special Control Area provisions, may be called-for where the circumstances demand detailed governance.

In terms of overall planning the latter would be preferable, albeit more complex.

CONCLUSION

Given that transport corridors cause amenity impacts, the notion of increasing density to expose more dwellings and people to them may seem at odds with orderly and proper planning. Whilst the amenity impacts are acknowledged, they could be addressed by other means by each property and within the public domain corridor.

Nevertheless, as urban areas evolve historical layouts and built form can become ripe for improvement, older dwellings can become outmoded and amenity may deteriorate.

The current request has some basic merit, but requires more detailed examination. The justification is fairly superficial and is founded on stage-of-life and property asset realisation aspirations. It assumes that quality outcomes will materialise from market forces and lacks prescriptive controls.

There is a risk in allowing unmanaged subdivision and denser redevelopment should take the opportunity to improve amenity and streetscape, including avoiding impacts on adjoining areas.

It is concluded that Council should decide whether it wishes to pursue or decline the proposal and if so request staff to report-back on the matter with detailed information and a draft Amendment.

COMMITTEE COMMENT

Committee members indicated that they had given the matter consideration and clarified with the Manager Development Services that a draft Scheme Amendment would include controls over land redevelopment. Cr Walsh expressed concerns that the proposed density increase would not result in orderly and proper planning and that there would be traffic, parking and amenity impacts; whilst the existing dwellings were in good condition.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Jeanes

THAT Council, having considered the request from landowners that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30, resolves to SUPPORT the proposal in-principle, and requests staff to report-back on the matter with detailed information and a draft Amendment for further consideration, including the preferred approach to managing subdivision and redevelopment.

Lost 2/3

COUNCILLOR MOTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council, consider the request from landowners “that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30” and requests staff to report-back on the matter with detailed information, including the preferred approach to managing subdivision and redevelopment.

AMENDMENT

Moved Cr Jay Birnbrauer,

That the word ‘Florence’ be replaced with ‘North’.

THE MOTION LAPSED FOR WANT OF A SECONDER

COUNCILLOR MOTION & COUNCIL RESOLUTION

THAT Council, consider the request from landowners “that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30” and requests staff to report-back on the matter with detailed information, including the preferred approach to managing subdivision and redevelopment.

Carried 5/1

For: Mayor Dawkins, Crs Pyvis, Angers, Jeanes and Birnbrauer

Against: Cr Walsh

The Councillor motion varied from the officer recommendation as Council did not wish to provide ‘in principle’ support prior to receiving a detailed officers report.

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16 JUNE 2015

Cr Jeanes declared a financial interest in items 10.4.1 due being a member of the Curtin Care Board and left the meeting at 8:45PM.

10.4.1 WEARNE HOSTEL LAND WORKING GROUP

File Ref: SUB/804
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider appointing three representatives to the Wearne Hostel Land Working Group, as proposed by the Town of Mosman Park.

BACKGROUND

The Town has previously received a request from the Curtin Care (formerly Curtin Aged Persons Home or CAPH) to either:

- a) dispose of the land to Curtin Care for nominal consideration; or
- b) lease the land on a 99 year lease, also for nominal consideration.

Following this, the Town organised for a valuation of the land to be undertaken, and working with the other three local governments involved, developed a Business Plan as required by section 3.59 of the *Local Government Act 1995*.

At its meeting on 28 April 2015 Council resolved:

That Council:

1. *Authorise the Chief Executive Officer to advertise the Business Plan for both of the requested options for the disposition of land at 1 Gibney Street, Cottesloe as required by section 3.59 of the Local Government Act 1995, and to call for submissions on both of the proposals contained within the Business Plan accordingly; and*
2. *Advise the Minister for Lands of the advertised Business Plan and seek comment.*

Since this time, the report presented to Council has been considered by the other three affected local governments, being Town of Claremont, Town of Mosman Park and the Shire of Peppermint Grove. The Shire of Peppermint Grove adopted the same resolution as Council, however the other two local governments have not.

The Town of Mosman Park initially deferred the item seeking further advice and comment from their administration. At their last meeting the Town of Mosman Park resolved as follows:

That Council;

1. *Note the completion of a task by the Town of Cottesloe to prepare a draft Business Plan, on behalf of the four local governments who are parties to the land tenure of the Wearne Hostel site.*
2. *Do not authorise the Chief Executive Officer to advertise this Business Plan, on the basis that further research is considered necessary prior to any formal process.*
3. *Propose to the other three local governments an alternate approach with key characteristics as follows;*
 - a. *A formation of a joint Wearne Hostel Land Working Group, comprising up to three elected representatives from each local government, plus appropriate officer representatives*
 - b. *The purpose of the Working Group to be as follows: "To confirm a management plan for the Wearne Hostel Land."*
4. *Appoint Mayor R Norris, Councillor Z Johnson and Councillor J Ledgerwood as the three elected Town of Mosman Park representatives on the Wearne Hostel Land Disposition Working Group.*

The Town of Claremont has also resolved a similar position with their resolution being as follows:

That Council:

1. *Agree to participate in a working group as proposed by Mosman Park Council*
2. *Appoint the Mayor and Deputy Mayor to represent Claremont Council*
3. *Appoint Cr Tulloch as the third representative*
4. *Acknowledge that the CEO and Executive Manager Corporate and Governance will be the Town's officer representatives.*

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

There are no perceived financial implications from participating in the proposed working group.

STAFFING IMPLICATIONS

There are no perceived staffing implications from participating in the proposed working group.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The formation of the proposed working group will provide the opportunity to further consult with the other local governments involved.

STAFF COMMENT

The process currently being suggested by the Town of Mosman Park will assist in the decision making process. It will allow the overall vision for the land to be established, which then allows for a plan to be developed to see the land used for that purpose. The land is constrained, not only by the restrictions placed on the Certificate of Title, but also be heritage considerations and the fact that it is currently leased. Once all of these factors have been considered, a determination can be made on the best way forward.

While the administration is generally supportive of the working group, the purpose of the working group may need to be looked at by the group. The land is currently the subject of a lease that has time left to run. The Councils are not in a position now to unilaterally impose a "management plan" as this would affect the Lessee's rights under the lease. It is believed the intended purpose was to look at a future plan for the land in question, but this should be clarified early in the process.

Council's representatives should also be cautious about committing the Town to any particular course of action through the working group. Any disposition, would still require the approval of Council prior to the disposition going ahead, and depending on the type of disposition, may still require a consultation process to be undertaken prior to the disposition being considered.

If the working group is able to ascertain a vision for the Wearne Hostel land, the process will be worth participating in. The Town's residents have much to gain by the development of the site and it is valuable public asset.

As such it has been recommended that Council appoint three representatives to the working group and to note that the Chief Executive Officer will also attend the working group meetings to provide advice and support as required.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the purpose of the Wearne Hostel Land Working Group ('Group') and the operational aspects of the Group's meetings, with Mayor Dawkins and Cr Angers nominating themselves as Council's representatives on the Group.

Committee was of the view that as not all of the elected members were present, membership of the Group should be discussed at the next Council meeting, to enable all elected members to have the opportunity to be a representative on the Group.

OFFICER RECOMMENDATION

THAT Council:

1. Appoint three elected members to be its representatives on the Wearne Hostel Land Working Group as proposed by the Town of Mosman Park; and
2. Note that the Chief Executive Officer will attend the working group in an advisory capacity.

ALTERNATE MOTION & COMMITTEE RECOMMENDATION

Moved Cr Pyvis, seconded Cr Walsh

THAT Council:

1. Appoint Mayor Dawkins, Cr Angers and one other elected member to be its representatives on the Wearne Hostel Land Working Group as proposed by the Town of Mosman Park; and
2. Note that the Chief Executive Officer will attend the working group in an advisory capacity.

AMENDMENT

Moved Cr Pyvis, seconded Cr Walsh

That "Cr Birnbrauer" replace the words "and one other elected member".

Carried 5/0

COUNCIL RESOLUTION

THAT Council:

1. Appoint Mayor Dawkins, Cr Angers and Cr Birnbrauer to be its representatives on the Wearne Hostel Land Working Group as proposed by the Town of Mosman Park; and
2. Note that the Chief Executive Officer will attend the working group in an advisory capacity.

Carried 5/0

Cr Jeanes returned to the meeting at 8:45PM

10.4.2 OCEAN RIDE FOR MS - 2015

File Ref: SUB/1929
Attachments: [Ocean Ride for MS 2015 Event Application](#)
[Ocean Ride for MS 2015 Course Map](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

Sports Performance & Management is seeking approval for the Ocean Ride for MS, to “ride through” Cottesloe along Marine Parade on Sunday 18 October 2015. The event, which raises funds and increases awareness for Multiple Sclerosis (MS), will be its sixth year.

BACKGROUND

The annual event involves cyclists from the general public riding from Esplanade Park, Fremantle, with the first riders starting from 6.00am, to Ocean Reef.

The event was first held on Sunday 30 October 2010, and repeated successfully in 2011, 2012, 2013, and 2014. Last year’s event attracted 1500 participants and passed without major incident. Many positive comments were received from the organisers from riders who competed, and thousands of dollars were raised for MS.

Organisers of the event, Sports Performance & Management, have organised many endurance sports events, including the Ocean Adventure Triathlon in Cottesloe (renamed The Cottesloe Triathlon), with much success.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy – This event appears to be in compliance with the Town of Cottesloe’s Beach Policy.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law 2012 has provisions for the maintenance and management of beaches and beach reserves.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The ride along Curtin Avenue, Marine Parade, and North Street will not be timed, and all riders must follow normal traffic regulations, including traffic lights and signs. Cross walks and main road corners in Cottesloe and other affected suburbs will have official marshals in place. A course map has been provided. The event is supported by WA. Police, Main Roads Western Australia, Fremantle Ports, and other Councils along the course.

A Traffic Management Plan will be in place for the event, the same as the 2014 event, and will be designed by West Australian Road Projects (WARP). Traffic Management signage and additional signage will be placed at required points along the course. A comprehensive Risk Management Plan has also been provided.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis referred to her request, made at the 17 March 2015 meeting and requested that all events held in the Town utilise the H2O to Go water refill station, if available.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council approve the application from Sports Performance & Management for the Ocean Ride for MS event to “ride through” Cottesloe along Marine Parade on Sunday 18 October 2015, subject to the following conditions

- 1. Provision of a transport or parking plan and appropriate access/signage to and from the event, prior to the event;**
- 2. Adequate arrangements for rubbish removal and collection, including the provision for recycling;**
- 3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
- 4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 5. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;**
- 6. The event complies with the Town’s *Beaches and Beach Reserves Local Law 2012*; and**

- 7. All signage to be approved by the Chief Executive Officer one month prior to the event; and**
- 8. Class this event as a “Charitable Event” and charge no fee.**

Carried 6/0

10.4.3 ICEA CLASSIC - 2015

File Ref:	SUB/2008
Attachments:	ICEA Classic Event Application Form ICEA Classic Event Site Map ICEA Classic Event Letter of Support from NCSLSC
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Sherilee Macready Community Development Officer
Proposed Meeting Date:	16 June 2015
Author Disclosure of Interest	Nil

SUMMARY

The Indigenous Communities Education & Awareness (ICEA) Foundation is seeking approval for the 6th ICEA Classic Event, to be held at The Cove, Cottesloe, and its adjacent car park, on Saturday 12 September 2015, between 6.30am and 5.30pm. Cottesloe has been involved in the event since its inception in 2010.

BACKGROUND

ICEA Classic is an annual youth run surfing event and cultural day organised by not-for-profit organisation, ICEA Foundation, with primary aims to:

- promote mutual respect in the community;
- raise participant's awareness of indigenous cultures;
- create positive experiences for indigenous and non-indigenous relationships; and
- to grow community awareness of environmental sustainability.

The event has to date been held successfully at The Cove, 100m north of Isolators Reef, with primary support from North Cottesloe Surf Life Saving Club and additional support from Cottesloe Surf Life Saving Club.

The 2013 event saw the event site space increase to include the utilisation of the car park adjacent to The Cove. This was repeated at the 2014 event. Organisers would like to again include this space as part of their 2015 event (refer attached Map), as it has proved a successful addition to their event.

With 70 competitors expected, together with a few thousand spectators, extra toilets and rubbish bins will be provided by the organisers.

Event commentators will make brief announcements from 8.00am – 5.00pm on the day of the competition.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy – This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law 2012 has provisions for the maintenance and management of the beaches and beach reserves.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The Sustainability Officer was asked for comment regarding the sustainability implications of this event. It was advised that event organisers are encouraged to manage access to the reef and vegetation areas at The Cove by competitors and members of the public attending the event, by encouraging people to use designated pathways.

Adequate arrangements are made for rubbish collection and removal, including options for recycling.

CONSULTATION

Officers sought feedback from North Cottesloe Surf Life Saving Club and Cottesloe Surf Life Saving Club to gauge their support for the event.

North Cottesloe Surf Life Saving Club stated that they endorse all programs organised by the ICEA Foundation and will provide water safety and first aid assistance for this year's event. The Club has also provided a letter of support for the event (refer attached letter). Cottesloe Surf Life Saving Club stated that they will support the event by working together with the North Cottesloe Surf Life Saving Club as part of the event.

The Sustainability Officer has indicated that she would consider options for employing the Cott Cat bus for peak times of the event, as per the 2014 event, on the condition that organisers increase promotion of the service to attending patrons of the event.

STAFF COMMENT

A draft Event Management Plan has been provided which included a comprehensive Risk Management Plan. A map of the event site, including the location of the marquee has been provided. A current Public Insurance Certificate to cover the event will be provided prior to the event.

The event will result in the car park closure at The Cove for at least 24 hours, however, as the location is south of Cottesloe Main Beach, it should provide little disruption to other patrons using the beachfront.

Officers provided feedback to organisers with regards to the 2014 event, particularly in terms of concerns the Town had around: spillage of the event out of the event space; excessive event signage on display; and noise concerns. Most of these concerns stem from the fact that the event has grown in size since its inception. Organisers of this year's event have indicated that they will be employing measures to address the Town's concerns, for example, employing a professional event coordinator to manage the event; exploring the option of installing fencing at key points at the road's edge to contain event spillage; employing noise control measures; managing the number of event signs displayed; and reviewing the contents of their 'Program of Events'.

If the Council charges beach hire for this event, under community classification, it would total \$550. The Town has not charged in the past for the use of The Cove for this event as there is little disruption to other patrons using the area.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council approve the application to hold the 6th ICEA Classic Event at The Cove and its adjacent car park on Saturday 12 September 2015, from 6.30am to 5.30pm subject to the following conditions:

- 1. Adequate arrangement for rubbish collection and removal, including the provision for recycling;**
- 2. All signage to be approved by the Chief Executive Officer one month prior to the event;**
- 3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
- 4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 5. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*;**
- 6. Compliance with relevant sections of the Town's Beach Policy;**
- 7. Provision of a 'certificate of currency' to satisfy that the organisers have adequate public liability and event insurance; and**
- 8. Class the event as a "Charitable Event" and charge no fee for the event.**

Carried 6/0

10.4.4 THE COTTESLOE TRIATHLON - 2016

File Ref: SUB/1967
Attachments: [Cottesloe Triathlon Event Application Form](#)
[Cottesloe Triathlon Detailed Event Application](#)
[Cottesloe Triathlon Race Map](#)
[Notice of Road Closure Letter to Residents](#)
Responsible Officer: **Mat Humfrey**
Chief Executive Officer
Author: **Sherilee Macready**
Community Development Officer
Proposed Meeting Date: **16 June 2015**
Author Disclosure of Interest: **Nil**

SUMMARY

WA Sports Events is seeking approval to host The Cottesloe Triathlon event at Cottesloe Beachfront from 6.30am to 12.00pm on Saturday 13 February 2016.

BACKGROUND

The event has previously been held on 13 February 2010 (called 'Cottesloe Surf Life Saving Club's 100th Anniversary Adventure Challenge), and the Cottesloe Ocean Adventure Triathlon in February 2011, 2012, 2013, and the Cottesloe Beach Triathlon in 2014 and 2015.

The event consists of three sections – a swim, cycle and run. Each section is completed after the other.

Organisers have designed the event to take into account the total community. In doing so, they believe:

- Surf Life Saving Western Australia and Cottesloe Surf Life Saving Club will benefit financially and potentially through growth in numbers.
- Local businesses in the vicinity of the event will benefit financially through significantly added patronage on the day.
- Local community and the Town of Cottesloe will benefit as the event will be recognised as belonging to Western Australia's most popular and well known beach. It will enhance the Town of Cottesloe as a leader in supporting events.
- The event will encourage the development of health and fitness by a significant number of people training for the event.

The Town of Cottesloe will be included in all materials associated with the event, local businesses will be advertised to competitors, and the local community will be invited to participate as competitors or as spectators.

The closure of: Marine Parade from John Street to Curtin Avenue (all streets in between); Beach Street between Marine Parade and Avonmore Terrace; Avonmore Terrace between Beach Street and Gibney Street; and Gibney Street between Avonmore Terrace and Marine Parade; is required for this event, between the hours

of 6.30am and 9.00am. In 2015, organisers reduced the length of time the roads are closed by one hour from the 2014 event.

In addition to approval from the Town of Cottesloe, approval for this event will be sought from the West Australian Police, the Department of Planning and Infrastructure and Main Roads Western Australia. Transperth will be notified of any effects that the Road Closures may have on their services.

The event will be conducted with all safety regulations adhered to through the involvement of St John's Ambulance Australia, Surf Life Saving Western Australia and qualified Traffic Management personnel.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy – This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law 2012 has provisions for the maintenance and management of beaches and beach reserves.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal, including options for recycling.

CONSULTATION

A specific letter to the affected residents and businesses advising the closure of Marine Parade from John Street to Curtin Avenue (all streets in between), as well as Avonmore Terrace, Gibney Street and Beach Street, advising them of the Unimpeded Access Plan will be distributed two weeks prior to the event. All distributed letters will include a detailed map showing the road closure plan.

STAFF COMMENT

Staff have reviewed the application and are satisfied with the following information that has been provided:

- Surf Life Saving WA will provide water safety for the event through the Cottesloe Surf Life Saving Club.
- A Traffic Management Plan will be in place for the event, similar to the 2015 event.

- The plan will be designed and implemented by West Australian Road Projects (WARP) following Main Roads Event Code of Practice Regulations.
- A Risk Management Plan will be in place for the event similar to the 2015 event, and a Public Liability Insurance will be provided.
- Advisory signage will include signage placed to advise drivers of the road closure. The aim is for drivers to not have to turn back due to lack of prior information.

Due to the success of the organiser's previous events, the officer recommendation is to conditionally approve the application.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council approve the application to hold The Cottesloe Beach Triathlon event at Cottesloe Beachfront on Saturday 13 February 2016 from 6.30am to 12.00pm, subject to the following conditions:

1. **Road closures will be the full carriageway of Marine Parade from John Street to Curtin Avenue (all streets in between), Beach Street between Marine Parade and Avonmore Terrace, Avonmore Terrace between Beach Street and Gibney Street, and Gibney Street between Avonmore Terrace and Marine Parade, between the hours of 6.30am to 9.00am on Saturday, 13 February 2016.**
2. **Adequate arrangements for rubbish removal and collection, including the provision for recycling;**
3. **Provision of a transport or parking plan and appropriate access/signage to and from the event, provided prior to the event;**
4. **Organisers notify residents affected by road closures which are in place for the event;**
5. **All signage to be approved by the Chief Executive Officer one month prior to the event;**
6. **Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;**
7. **Class this event as a "Community" event and charge the fee of \$550 and a bond of \$1,000 to be paid prior to the event commencing;**
8. **The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
9. **The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**

10. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*; and
11. The event complies with relevant sections of the Town's Beach Policy.

Carried 6/0

10.4.5 RESOURCE SHARING ARRANGEMENT WITH THE SHIRE OF PEPPERMINT GROVE

File Ref: SUB/1346
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to endorse a proposal to implement the sharing of information technology resources with the Shire of Peppermint Grove.

BACKGROUND

At its meeting in February, Council resolved;

That Council;

1. *Confirms the Town's position that it does not support forced Local Government amalgamations or mergers;*
2. *Will not enter into amalgamations without allowing a poll of Cottesloe residents by the WA Electorate Commission in accordance the Local Government Act;*
3. *Will vigorously explore resource sharing with neighbouring councils; and*
4. *Contact the Premier and the Minister for Local Government asking that a rescission of the Governor's Order be carried out as soon as possible to restore confidence in the path forward.*

Since this time staff have been working with the administrations of neighbouring local governments to identify opportunities to work collaboratively, in order to improve efficiencies and ultimately reduce costs to residents and ratepayers.

Several meetings have been held with the Town of Claremont and the Shire of Peppermint Grove regarding resource sharing, which will ultimately provide essential administrative and other services, in a centralised and efficient manner.

As a part of the first step of this process, research has been undertaken into the current state of each local government's information systems, gaps in these systems and potential projects that could be initiated. Out of this research it was discovered that one of the local government's systems had very limited capacity to be integrated with third party software, which would place a restriction any future resource sharing projects.

Accordingly, solutions to this were investigated and a possible solution is being presented in this report.

STRATEGIC IMPLICATIONS

This project will provide a valuable test case for shared resources projects and further enhance the Town's ability to participate in such projects.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

At this stage, the proposed project will operate on a cost recovery basis, so there are no anticipated long term costs. There may be savings associated with the sharing of costs associated with the Town's current information systems in later years.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

This project has been developed in partnership with staff from the Shire of Peppermint Grove.

STAFF COMMENT

There are several ideas that are currently being considered as projects that the three local governments (Claremont, Cottesloe and Peppermint Grove) could work together on, to provide improved efficiencies and reduced costs for each local government. However, all of these projects require some level of integration with legacy systems in the first instance, which is complicated if each local government has a different system in place.

When projects were being discussed for implementation, it was discovered that one system in particular, has issues integrating with third party software, which would have restricted that local government's ability to participate further in any future resource sharing project. As such, an investigation was undertaken as to whether the Town could assist, by providing access to its servers and systems, to replace the system with restricted integration abilities.

The investigation into hosting data has revealed that not only is it possible, but that it could also provide some level of cost saving over the short to mid term. More importantly though, it also provides a test case for sharing resources as well as reducing the complexity of any project that the three local governments may ultimately adopt. It must be stressed that this particular project is not seen as the "end game", but rather an important stepping stone towards a larger, and ultimately more efficient resource sharing initiative.

Administration staff from the Town and the Shire of Peppermint Grove are now at the stage where a formalised agreement will need to be set in place. It is proposed that

the Town will host the financial and records data of the Shire of Peppermint Grove within the Town's current information systems. While the data will be on the same servers, it will be in a different "environment" which will prevent any contamination of data or unauthorised access. The establishment of the new "environment" will essentially see the Town's systems replicated on our servers, with only several, relatively minor, additional user licenses being required. The operational savings are found in the removal of the need for the Shire of Peppermint Grove to have their own "proprietary license" for each piece of software, which is where the large costs are normally contained.

There will be upfront costs in the setting up of the new environment and commissioning it for use. These costs will be initially met by the Town and then passed onto the Shire of Peppermint Grove for reimbursement. Staff at the Town will be able to provide training and support for the officers at the Shire of Peppermint Grove, a further cost saving in the implementation of this project.

In order the project to proceed from this point, an agreement will need to be reached between the local governments, structuring the process. As such Council is being asked to authorise the Chief Executive Officer to enter into an agreement with the Shire of Peppermint Grove, to provide access to the Town's information systems as well as training and support required, on a cost recovery basis.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed operational aspects of the resource sharing agreement at length. The Chief Executive Officer emphasised that sharing of information technology resources with the Shire of Peppermint Grove is a stepping stone in resource sharing with neighbouring local governments and not the final solution.

Cr Downes queried why the Town of Mosman Park is not involved. The Mayor advised that while the Town of Mosman Park is not directly involved at this stage, there may well be opportunities in the future.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council authorise the Chief Executive Officer to enter into an agreement with the Shire of Peppermint Grove, to:

- 1. Provide access to the Town's information systems;**
- 2. Host the Shire's data on the Town's servers as required; and**
- 3. Provide support to the Shire of Peppermint Grove on the use of those systems;**

on a cost recovery basis.

Carried 6/0

**10.4.6 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015
TO 31 MAY 2015**

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2014 to 31 May 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$400,347 or 4% more than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements. Operating expenditure is \$321,549 or 3% more than year to date budget however most of this relates to non cash depreciation charges as a result of building revaluations. Capital expenditure, which is detailed on pages 28 to 31, is \$243,619 or 15% more than year to date budget.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 16 June 2015 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.4.7 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MAY 2015

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 May 2015, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 22 of the attached Financial Statements shows a balance of \$11,535,838.87 as at 31 May 2015. Approximately 33% of these funds were invested with Bankwest, 30% with National Australia Bank, 20% with Westpac Banking Corporation and 17% with the Commonwealth Bank of Australia.

The Schedule of Investments on page 23 of the attached Financial Statements shows a balance of \$5,147,372.01 as at 31 May 2015. Included in this balance is \$256,620.19 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 May 2015. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 16 June 2015.

Carried 6/0

10.4.8 LIST OF ACCOUNTS PAID FOR THE MONTH OF MAY 2015

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of May 2015, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 16 June 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of May 2015 is included on pages 12 to 18 of the attached Financial Statements. The following significant payments are brought to Councils attention;-

- \$36,863.64 & \$25,369.20 to the Affirmative Group for streetscape works at the Town Centre
 - \$166,527.90 to the Shire of Peppermint Grove for library contributions
 - \$70,210.71 to Cobblestone Concrete for installation of footpaths
 - \$26,950.00 to Cardno (WA) Pty Ltd for asset management and structural assessment services
 - \$33,044.50 to WMRC for waste disposal services
-

- \$110,756.31 & \$82,606.98 to Town of Cottesloe staff for fortnightly payroll
- \$196,876.00 to National Australia Bank being a transfer to term deposit

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council receive the list of accounts paid for the month of May 2015 as included in the attached Financial Statements, as submitted to the 16 June 2015 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.4.9 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MAY 2015

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 16 June 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 31 May 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 16 June 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 24 and 25 of the attached Financial Statements shows a total balance outstanding of \$141,984.81 as at 31 May 2015. Of this amount, \$54,777.00 relates to a non current loan debtor with a community organisation which is not yet due for payment. Of the remaining balance, \$29,815.17 is under sixty days old.

The Rates and Charges Analysis on page 25 of the attached Financial Statements shows a total balance outstanding of \$308,465.45 as at 31 May 2015 of which \$185,293.94 and \$45,506.08 relates to deferred rates and outstanding emergency

service levies. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$155,919 as compared to \$154,459 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 31 May 2015 as submitted to the Works and Corporate Services Committee.

Carried 6/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 PERTH FREIGHT LINK**

The following motion was proposed by Cr Walsh

That Cottesloe informs the Local Member for Cottesloe and the State Government of its objections to the proposed \$1.6 billion Perth Freight Link toll road.

Perth Freight Link Proposal

The Curtin University report on the proposal says that in 2014, 3000 truck movements per weekday used the port and that this number will quadruple in the future, to a staggering 13,200 truck movements per weekday.

The Curtin University report makes the compelling case for using rail to access the current port or a new, alternative port. One train can transport the same amount of freight it would take dozens of trucks to move.

Environmental impacts of proposed Perth freight link include:

- Devastation of the Beelihar Wetlands and Banksia Woodlands, both important to WA as ecological habitats for rare native species.
- Increased diesel pollution from huge increase in truck activity which produces 'particulates', or fine particles which disseminate throughout the environment. Studies highlight the danger of increased particulates in the atmosphere, which cause lung and heart disease and various cancers.

The PFL would be a backwards step in traffic management and infrastructure in Western Australia. It is an outdated concept and the financial and environmental cost would be immeasurable.

Impacts of the proposed Perth freight link on Cottesloe

Major increases in traffic, particularly truck movements on -

- Stirling Highway
- Curtin Avenue
- Port Beach Road
- Marine Parade

Those affected – motorist, cyclists and pedestrians as well as our residents. Remember we have Curtin Avenue residents already complaining about Curtin Avenue traffic – especially heavy vehicles.

With 13,200 truck movements to and from the port, many of these trucks would use the roads above, particularly Curtin and Port Beach Roads, given that they would have to pay a fee to use the new toll road.

With all these extra trucks on the roads, access from Cottesloe to Fremantle and points south would be a traffic nightmare. Let us pass this motion and support the new outer harbour port (James Point), or rail access to and from the current port.

STAFF COMMENT

At this stage, the Town has not conducted a detailed analysis of the Perth Freight Link, nor been able to assess any potential impact on Curtin Avenue, Stirling Highway or Marine Parade. The comments provided below are only a response to the information provided and further research is recommended.

The comments provided by Cr Walsh indicate that truck movements will increase from 3,000 to 13,200 movements per day, which will result in increased traffic on Curtin Avenue. It is also then suggested that the increase will be higher than a proportional increase, as the number of movements on Curtin Avenue and Stirling Highway will be impacted by people seeking to avoid any toll.

What may have been missed is that as the State is able to control heavy haulage routes via the RAV permit system. As the State will also be controlling the Heavy Vehicle Charging Network (HVCN), the State can legislate to prevent these kinds of vehicles from using roads such as Curtin Avenue and Stirling Highway, should they wish to, effectively forcing all RAV permit vehicles onto the HVCN. Theoretically, if the State were to remove Curtin Avenue and Stirling Highway from the list of roads that this class of vehicles are permitted to use as of right, the number of these vehicles on these roads would be greatly reduced. If such a measure could be secured by the Town, it would be a great achievement for residents.

While rail does have advantages in moving bulk commodities, particularly grains and ores, its effectiveness for container transport is not as profound. The reason being that commodities are normally concentrated in a location before transport to or from a port, hence, rail can provide a method of moving large quantities in a single movement, as opposed to multiple truck movements for the same result. With container transport, the containers are often sent to or received from a variety of locations, which requires disaggregation at some point in the journey – reducing the benefit of rail transport. If containers were transported by rail to and from the port, they would still need to be transferred to trucks at a second location, to be transported to their final destination. As the destinations would include several areas in the metropolitan area, as well as many rural, regional and remote locations, the overall efficiency of rail is not as great. That said, it would be more efficient for the Fremantle area.

With regards to the impacts on the Beelihar Wetlands and Banksia Woodlands, the Town is not in a position to make any formal comment on that aspect of the project.

While not in a position to provide comment on the overall Perth Freight Link proposal, it is felt that if the Perth Freight Link Project proceeds, and has an element involving a toll, it would be worth asking the State Government to

remove Curtin Avenue, Stirling Highway and all other roads in Cottesloe from the roads that heavy haulage vehicles are permitted to use. If this were to occur, it could result in lower traffic numbers in Cottesloe, with the associated benefits.

Moved Cr Walsh, seconded Cr Pyvis

That Cottesloe informs the Local Member for Cottesloe and the State Government of its objections to the proposed \$1.6 billion Perth Freight Link toll road.

Lost 4/3 (casing vote)

For: Crs Walsh, Pyvis, and Birnbrauer

Against: Mayor Dawkins, Crs Angers and Jeanes

11.2 ROOF GARDENS IN COTTESLOE

The following motion was proposed by Cr Walsh

That Council request the Chief Executive Officer to investigate and prepare a policy that prevents further examples of roof gardens and roof pools wherever possible, for presentation to the August Development Services Committee meeting

In Cottesloe we have seen a number of proposals for roof gardens and pools. While the idea may seem attractive this is only at a superficial level. For the neighbouring houses it invariably means a loss of amenity with rooftop areas mostly being used on hot, still nights when the noise from a rooftop party settles like a blanket on the neighbourhood and disturbs the quiet enjoyment of nearby residents.

A number of recent applications has highlighted a more disturbing trend. Roof gardens can now be used to meet open space requirements, so with the approval of the neighbour (the developer turning one block into three), you might be able to build boundary to boundary, using roof gardens as open space.

The propensity for houses in Cottesloe being out of proportion with block sizes is a concern. Such houses cover the block fence to fence, with no space for trees and gardens. This trend will be exacerbated unless the use of roof gardens and roof pools is proscribed in our LPS3.

Whilst the first owner may be enthusiastic about gardening on the roof, despite the elements, there is no guarantee that following owners will maintain the roof garden and unfortunately there are no council checks on this situation. It is safe to assume that such proposed gardens may not exist for any length of time. Therefore these developments will no longer fulfill the open space criterion.

We need to stop the spread of the use of roof gardens as a tool to build boundary to boundary, removing shady trees from the Cottesloe environment

and to do this, we need a provision in our LPS3 now. We must be proactive rather than reactive.

Cottesloe is a very attractive place to live because it is a green, leafy suburb close to the beach, with attractive streetscapes. It is up to us to keep it so by acting now.

Moved Cr Walsh, seconded Cr Birnbrauer

That Council request the Chief Executive Officer to investigate and prepare a policy that prevents further examples of roof gardens and roof pools wherever possible, for presentation to the August Development Services Committee meeting

AMENDMENT

Moved Mayor Dawkins, seconded Cr Walsh

That the motion be amended so that it now reads “That planning officers prepare a report to amend the Local Planning Scheme No. 3 that does not allow roof gardens or terraces, including any pools, to be treated as open space.”

Carried 6/0

COUNCIL RESOLUTION

That planning officers prepare a report to amend the Local Planning Scheme No. 3 that does not allow roof gardens or terraces, including any pools, to be treated as open space.

Carried 6/0

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Dawkins, seconded Cr Angers

In accordance with Standing Orders 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23(2)) that Council discuss the confidential report behind closed doors.

Reason: In accordance to S 5.23(e)(iii): *a matter that if disclosed, would reveal — (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

Carried 6/0

Mr Humfrey, Mr Jackson, and Mr Elkins and members of the media left the meeting at 9:13 PM

13.1.1 CONTRACT OF EMPLOYMENT FOR THE CHIEF EXECUTIVE OFFICER - JUNE 2015

File Ref: PER/249
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer

Proposed Meeting Date: 22 June 2015

PURPOSE

Council is being asked to consider authorising the execution under Common Seal of the Chief Executive Officer's Contract of Employment.

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.23 – Closing meeting to the public.

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or

- (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Refer to the confidential report attached.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

That Council, having satisfied itself of the provisions of the draft Contract of Employment for the Chief Executive Officer as attached, authorise the Mayor and Chief Executive Officer to execute the contract under Common Seal.

Carried 6/0

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Dawkins, seconded Cr Angers

“In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media”

Carried 6/0

Mr Humfrey and members of the media returned to the meeting at 9:16 PM.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

The Mayor advised the public present of Council's resolution.

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:16 PM.

CONFIRMED MINUTES OF 22 June 2015 PAGES 1 – 90 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /