

# **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, 23 APRIL, 2007**

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

The Mayor announced the meeting opened at 7.05pm.

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

Mayor Kevin Morgan  
Cr Patricia Carmichael  
Cr Daniel Cunningham  
Cr Jo Dawkins  
Cr Arthur Furlong  
Cr Bryan Miller  
Cr Victor Strzina  
Cr John Utting  
Cr Jack Walsh  
Cr Ian Woodhill

**Officers in Attendance**

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Jodie Peers	Executive Assistant

**Apologies**

Nil

**Leave of Absence (previously approved)**

Cr Peter Jeanes

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

Nil

**4 PUBLIC QUESTION TIME**

Ms R Harms, 37 Elizabeth Street, Cottesloe – Community Consultation on Civic Centre Caterers

In the Cottesloe Council News 7 April edition there was an article regarding Council maintaining the spirit of cooperation in an accountable and transparent manner at all times. This doesn't seem to be happening and Ms Harms asked Council to keep in mind that the people of Cottesloe need to be consulted. Ms Harms stated that she has previously complained about the use of the playgrounds by the in-house caterers. She referred to the draft Future Use of the Civic Centre report which recommends community feedback be obtained in relation to the continued use of the

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Civic Centre by in-house caterers. The 2005 Resident's Satisfaction Survey, which she hadn't seen previously, states 'it is preferred that Mustard Catering be located elsewhere'.

Ms Harms asked will the community be consulted before Council goes ahead with any more in-house catering?

The Mayor replied that Council is still considering as to what its options are and is deliberating over the issues raised. Once a plan from Mustard Catering is in front of Council, full community consultation will be undertaken as per the community consultation policy. The lease is currently being rolled over on a month-by-month basis.

Mr I Ogborne, 42 Hawkstone Street, Cottesloe – Request to stop the removal of tree in lane

Mr Ogborne addressed Council asking for a tree in the lane next to his home to be saved. He presented a petition and photos to the Councillors. Mr Ogborne has received 14 days notice to remove the tree, after approval for the tree to remain was withdrawn by the CEO. There are plenty of other trees in lanes in Cottesloe, should they too be removed? Mr Ogborne stated that this tree is in no ones way and asked that it be allowed to remain and that the first offer by the CEO to allow the tree to remain be reinstated.

Ms S Von Perge, 189A Curtin Avenue, Cottesloe – Item 12.2.2, Western Power Sub Station Upgrading

Ms Von Perge stated her concern in relation to the upgrading of the power sub station. Residents have not been informed of any of the works that are happening. Ms Von Perge asked why residents haven't been consulted?

The Mayor replied that Council is in the process of being consulted itself by Western Power. The sub-station is in the process of getting approvals for upgrade. The recommendation to Council tonight is to request Western Power to fully consult with the affected residents.

The CEO advised that public consultation rests with Western Power. Council has been approached by Western Power as to how the poles are being configured.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Furlong, seconded Cr Dawkins

The Minutes of the Ordinary Meeting of Council held on Monday, 26 March, 2007 be confirmed.

Carried 10/0

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- 7.1 The Mayor thanked the Executive Assistant, Jodie Peers, for the work and support that she has given to Council and wished her all the best for her future.

**8 PUBLIC STATEMENT TIME**

Mr A Macdonald, 27 Vlamingh Parade, Mosman Park – Item 11.1.1, No. 166 Marine Parade, New Two-Storey Residence

Mr Macdonald stated that this project is of the highest calibre and will favourably enhance the streetscape of Cottesloe. It is a low impact dwelling and has been designed to be a private residence. The submission of this design has been a process of many months, and he would like to express his appreciation to Mr Andrew Jackson for the work that was undertaken between Council and the architect to reach a desirable construction.

Mr D Manton, 28A Jarrad Street, Cottesloe – Item 12.2.2, Western Power Sub Station Upgrading

Mr Manton stated his disappointment that there hasn't been more consultation in relation to this matter. The option being recommended by Council is not in the best interests of the residents in the area. The major pruning of the fig tree, spoken about in the report, took place today. Mr Manton has made enquiries with Western Power and has been informed of another option, which hasn't been presented to Council. Mr Manton stated that he understands that Council has limited powers, however he asked that residents be better informed in future.

Mr P Oates, 8 Grange Street, Claremont – Item 12.2.5, Sea View Golf Club – CSRFF Grant Submission – Reticulation Upgrade

Mr Oates advised that the Sea View Golf Club's irrigation system was installed in 1970 and it now leaks significantly, therefore they would like to replace the system. The club has applied for funding assistance from the Department of Sport and Recreation and one part of the funding application is to seek Council support for one-third of the funding. As the reticulation system will be linked with Council's reticulation system, it will be able to be used as a back up for the Town of Cottesloe. Mr Oates asked Council to support their application.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS****9.1 PETITION TO THE TOWN OF COTTESLOE TO APPROACH THE TOWN OF CLAREMONT RE PARRY STREET PLAYGROUND**

Cr Cunningham presented a petition from the residents in Parry Street in relation to the street improvements that the Town of Claremont are proposing. The residents object strongly to a children's playground in the area.

The petition reads:

With reference to the proposal to "upgrade" Parry Street in the near future we would like to present this petition to the Town of Claremont/Cottesloe.

In a letter to the residents of Parry Street several changes have been outlined. These proposed changes, ie upgrading of the median with new infill trees where required; a meandering path for the full length of the median with occasional seating areas; and the placement of bollards to stop vehicles from being driven across it would seem to be acceptable changes to most residents.

However the proposal of a playground within the median with seats and bike racks is most unacceptable due to the safety factor involved. It does also seem unnecessary as there is a lovely big playground nearby at Jasper Green Reserve. If the Council feels the need to have another playground in Claremont perhaps a safer location could be found.

We the undersigned are strongly opposed to the construction of a playground on the median strip as Parry Street is a very busy street. At the particular point where the playground is proposed many cars are driven at high speeds over the hill in a northerly direction and some deliberately and regularly become airborne as they hit the bump caused by tree roots in the road.

Furthermore, the current street parking space on the Cottesloe side of Parry Street is narrow and the likely congestion caused by parents and child carers parking their vehicles in close proximity to the proposed playground will only exacerbate the safety problem.

We sincerely request the Town of Cottesloe approach the Town of Claremont to reconsider this plan.

#### **COMMITTEE COMMENT**

Staff confirmed that they did not know the extent of the consultation that was undertaken by the Town of Claremont.

Cr Cunningham suggested the following recommendation for Council's consideration: Given the local resident opposition for a children's playground in the median strip of Parry Street that Council advise the Town of Claremont it does not support the construction of a children's playground in the median strip of Parry Street and will not agree to the construction of a children's playground in the Town of Cottesloe.

It was requested that staff prepare a further report to Council on the matter.

#### **9.1 COUNCIL RESOLUTION**

Moved Cr Cunningham, seconded Cr Dawkins

**That Council agree to a further consultation process involving electors within a 400m range from Parry Street on both sides as arranged by the Town of Claremont, with the Town of Cottesloe to fund consultation on the west side only with a further report to be provided to the May, 2007 Works and Corporate Services Committee meeting.**

Carried 10/0



**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 CHIEF EXECUTIVE OFFICER****10.1.1 FUTURE PLAN - COMMUNITY CONSULTATION**

<b>File No:</b>	<b>X12.4</b>
<b>Attachment(s):</b>	<a href="#"><u>Focus Group Questionnaire</u></a>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>19 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

In regard to community consultation and the draft Future Plan, Council is requested to agree to the formation of an additional focus group comprised of up to two representatives from each of the following community organisations:-

- Procott and the Cottesloe Business Association
- Cottesloe Coastcare Association
- Earth Carers
- SOS Cottesloe
- Cottesloe Surf Life Saving Club
- North Cottesloe Surf Life Saving Club
- Sea View Golf Club
- Cottesloe Tennis Club

**BACKGROUND**

At the March meeting of Council it was resolved:

That Council:

1. Adopt the draft Future Plan as amended;
2. Repeat the community consultation process undertaken to date with public submissions closing on Friday 11<sup>th</sup> May 2007; and
3. Seek from randomly selected residents, expressions of interest to participate in groups of 15-20 people led by an impartial facilitator.

Tim Muirhead has been engaged to facilitate two focus group meetings and these are planned to be held on the 26<sup>th</sup> April (6.00pm to 8.30pm) and the 2<sup>nd</sup> May (9.30am to noon).

Asset Research has been engaged to recruit the 15 participants for each focus group.

A draft of the questionnaire being sent to each focus group participant in advance of the focus group meetings appears as an attachment to this report.

The Town of Cottesloe's *Community Consultation Policy* has this to say on focus groups.

These are discussion groups of around 15-20 people, usually led by a trained person (facilitator). The participants are invited because they are residents or because they have a particular interest, involvement or stake in the subject being discussed. The group may be comprised of professionals or residents with particular skills and competencies relevant to the particular issue. The purpose is to find out the range of opinions that exist on a particular topic. Focus groups cannot measure how widely those various opinions are held in the community.

## **CONSULTATION**

N/A.

## **STAFF COMMENT**

In discussions with Tim Muirhead the matter of participants being invited "... because they have a particular interest, involvement or stake in the subject..." was raised.

The CEO suggested that an additional focus group comprised of representatives from each of the community organisations that have regular interaction with the Town of Cottesloe might add considerable value to the community consultation process.

These organisations include:

- Procott and the Cottesloe Business Association
- Cottesloe Coastcare Association
- Earth Carers
- SOS Cottesloe
- Cottesloe Surf Life Saving Club
- North Cottesloe Surf Life Saving Club
- Sea View Golf Club
- Cottesloe Tennis Club

It was agreed that an additional focus group would add considerable value by not only by serving as a useful counterpoint to the deliberations of the other focus groups, but also by engendering a heightened awareness of the endeavours of local groups and the need to work collaboratively.

As the formation of the proposed additional focus group was not specifically contemplated by Council in its March 2007 resolution, Council approval is now sought for the formation of an additional focus group.

If the proposal is accepted by Council, further thought should be given by Council as to whether any other community groups should also be invited to participate in the focus group e.g. North Cottesloe Primary School P&C, Curtin Aged Persons Homes, Cottesloe Rugby Club etc.

## **POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The facilitator's costs for the two focus group meetings has been quoted at around \$2,000. A third focus group will increase the facilitator's costs by an additional \$540.

Asset Research's costs in finding 30 participants for the two randomly-selected-resident focus groups is \$1,826. Their costs will not increase with the addition of the proposed third focus group.

As an aside, Asset Research's costs are considerably cheaper than another quote of \$2,970 which was received for the same work. Whether we will find a sufficient number of participants has yet to be confirmed as it is apparently the industry custom to pay each participant up to \$60 to attend each focus group meeting. A reward for attendance has not been offered at this stage.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

That for the purposes of enhanced community consultation in relation to the Town of Cottesloe's draft Future Plan, Council agree to the formation of an additional focus group comprised of up to two representatives from each of the following community organisations:-

- Procott and the Cottesloe Business Association
- Cottesloe Coastcare Association
- Earth Carers
- SOS Cottesloe
- Cottesloe Surf Life Saving Club
- North Cottesloe Surf Life Saving Club
- Sea View Golf Club
- Cottesloe Tennis Club

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Miller

That Council not proceed with the focus groups as proposed in Council Resolution Item 13.1.1 on 26 March, 2007.

Carried 10/0

**10.1.1 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Miller

**That Council not proceed with the focus groups as proposed in Council Resolution Item 13.1.1 on 26 March, 2007.**

Carried 10/0

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Note: The following advice from the CEO was distributed to elected members prior to the meeting.

By the following email you will note that there does not appear to be much enthusiasm amongst Cottesloe residents to participate in the planned focus group meetings to discuss and develop the draft Future Plan.

Placing an advert in the Post as suggested by Asset Research will defeat Council's objective of randomly selecting focus group participants.

Offering an incentive of \$50 per participant will increase costs by \$750 per focus group with the overall cost of consultation rising to approximately \$6,500

Obviously costs need to be balanced against the benefits to be obtained from convening the focus groups.

In other words the question is whether the focus groups are likely to add significant value to the Future Plan to the extent of \$6,500?

If Council is not inclined to providing the proposed \$50 focus group participation incentive, my advice would be to abandon the use of focus groups altogether and rely on the community consultation process already underway.

Currently public submissions on the draft Future Plan close at 4pm on Friday 11th May.

Weekly adverts are being placed in the Post inviting public submissions on the draft Future Plan.

**Email received from Asset Research:**

The group numbers are poor at the moment for this week. At this stage we only have three people who advised that they would come to the session on Thursday (they need to be contacted to confirm as even some of them were doubtful). This is after this weekend where we put in a fair amount of effort to recruit more.

The key problems for this week seem to be:

- People are away after ANZAC day holiday
- No incentive to attend
- Degree of indifference to the process.

I suggest that we continue for the following week as it doesn't seem as if this week's will be successful. Can I also suggest the option that we place an advertisement in the POST requesting that anyone interested in participating call me. This may assist in finding those people who will participate.

In addition you may also want to reconsider the option of providing a \$50 participating incentive.

**10.1.2 SALE OF 45 LYONS STREET**

<b>File No:</b>	<b>45 Lyons Street</b>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>18 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation is made to authorise the Mayor and CEO to sign and seal the Transfer of Land document relating to the sale of 45 Lyons Street Cottesloe.

**BACKGROUND**

In December 2006 Council passed the following resolution:-

That Council:

- (1) Proceed with the sale of No. 45 (Lot 8) Lyons Street, Cottesloe, as described in the advertised Business Plan giving notice of this sales intent, in accordance with Section 3.59 of the *Local Government Act, 1995*;
- (2) Employ Mack Hall & Associates as the Real Estate Agency to undertake this sales process by auction; and
- (3) Inform all unsuccessful Real Estate Agencies of Council's decision in this matter.

The auction was held on Saturday 24<sup>th</sup> February 2007 with the land being sold to G.J. & R. Ventouras for the sum of \$1,695,000.

Settlement is due on 24<sup>th</sup> April 2007 and a Council resolution authorising the Mayor and CEO to sign and seal the Transfer of Land document relating to the sale is now required.

**CONSULTATION**

N/A.

**STAFF COMMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The 2006/07 budget envisaged a profit of \$1,200,000 being realised from the sale of the land.

Costs associated with the preparation of the land for sale (backfilling, compaction etc.) amounted to \$30,638.

Commission and settlement fees associated with the sale of the land amounted to \$28,238.

Goods and Services Tax of \$154,091 will also need to be paid.

After the deduction of these costs and netting out refundable GST, the profit on the sale of the land amounts to \$1,487,373 which represents a windfall gain of \$287,373.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Strzina, seconded Cr Furlong

**That Council authorise the Mayor and CEO to sign and seal the Transfer of Land document relating to the sale of 45 Lyons Street Cottesloe.**

Carried 9/1

**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 16 APRIL 2007**

Moved Cr Furlong, seconded Cr Strzina

That items 11.1.1 and 11.1.2 be withdrawn from en-bloc voting.

Carried 10/0

The above items were dealt with first before the remaining items were dealt with en-bloc.

**11.1 PLANNING****11.1.1 NO. 166 (LOT 19 & 341) MARINE PARADE – NEW TWO-STOREY RESIDENCE**

<b>File No:</b>	<b>166 Marine Parade</b>
<b>Author:</b>	<b>Lilia Palermo</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant (2) Plans</b>
<b>Report Date:</b>	<b>28 March 2007</b>
<b>Senior Officer:</b>	<b>Andrew Jackson</b>
<b>Property Owner:</b>	<b>Ms M. New</b>
<b>Applicant:</b>	<b>AJN McDonald &amp; Associates</b>
<b>Date of Application:</b>	<b>23 January 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30/50</b>
<b>Lot Area:</b>	<b>Total area 742m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Council is in receipt of an application for a new two-storey plus undercroft residence on the subject land zoned Residential with a split density coding of R30/50.

The applicant liaised with officers in formulating and refining the proposal, including the determination of natural ground level, satisfying height requirements and designing to ensure amenity, so that the proposal would achieve a good degree of compliance and there would be minimal objections.

Town of Cottesloe Town Planning Scheme No 2 allows development on the subject land to R50 density subject to development being single-storey in accordance with the height requirements of the Scheme. In this case, however, this restriction does not apply as the proposal uses the lower density coding and in fact the proposal is

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only for a single residence, whereas the site area could permit two dwellings under R30 density.

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

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

- Building Heights Policy No 005

### HERITAGE LISTING

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

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3.3 – Boundary Setbacks	South Ground (whole) 1.5 - 5.1m	1.08-3.535m	Clause 3.3.1 P1
No 3.3 – Boundary Setbacks	North Upper (whole) 2.0m	1.7m (to stairs) – 2.8m (main wall)	Clause 3.3.1 P1
No 3.3 – Boundary Setbacks	South Upper (whole) 6.4m	1.7 (elevator) 3.3 (Master balcony) 4.2m (Front balcony)	Clause 3.3.1 P1
No 3.8 – Visual Privacy	Ground Floor and Upper Floor Terrace – 7.5m	Ground – 3.5m Upper – 4.5m	Clause 3.8.1 P1
No 3.8 – Visual Privacy	Master Bedroom Balcony – 7.5m	Master Balcony – 3.7m	Clause 3.8.1 P1

### STRATEGIC IMPLICATIONS

N/A.

### FINANCIAL IMPLICATIONS

Nil



**CONSULTATION**

## REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A.

## ADVERTISING OF PROPOSAL

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

The advertising consisted of a letter to Adjoining Property Owners

**Submissions**

There were 3 letters sent out. There was no submission received.

**STAFF COMMENT****Building Height**

The proposed residence is a flat roof design two-storey house with an undercroft. The proposal is required to be considered against the height requirements of the Town of Cottesloe Town Planning Scheme No 2.

Clause 5.1.1 (c) states:

*“For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.*

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

*Single Storey                      - Roof Height: 6.0 metres*

*Two Storey                        - Wall Height: 6.0 metres  
   - Roof Height: 8.5 metres*

*Subsequent Storeys - Wall Height: 6.0 metres plus; 3.0 metres per storey  
   - Roof Height: 8.5 metres plus; 3.0 metres per storey*

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

The Natural Ground Level (NGL) at the centre of the site for the purpose of measuring building heights was determined to be AHD 15.5m. The following

documents were considered: Site Survey submitted by the applicant (Prepared by Fugro, Spatial Solutions), Town of Cottesloe GIS contours data and Metropolitan Sewerage Water Authority Plans (1934).

The subject site rises considerably from Marine Parade towards the rear ROW with the difference between the levels at the front of the property and the rear being over 5.5m. The site Survey shows the existing house on the property and therefore the exact contours going through the centre of the site cannot be seen, however, their positioning can be reasonably assumed by joining the contour lines shown on the northern and southern side of the existing house.

The site survey shows a contour of AHD 15.5m running very close to the centre of the site, which can be also verified by the contour data available on the Town of Cottesloe GIS program.

Old Water Authority plans were also checked to verify and compare the levels, although there were only limited spot heights shown on the subject site.

The applicant designed the proposed residence using AHD 15.5m as being the NGL at the centre and reasoning for the centre of the site determination was also provided by the applicant with the plans. After considering all of the available information discussed above, the author of this report agrees with the applicant's centre of the site determination as being AHD 15.5m.

Using AHD 15.5m for the purpose of calculation of building height the following height restriction would apply under the TPS 2:

Wall Height -  $\text{AHD } 15.5\text{m} + 6.0\text{m} = \text{AHD } 21.5\text{m}$

Roof Ridge Height -  $\text{AHD } 15.5\text{m} + 8.5\text{m} = \text{AHD } 24.0\text{m}$

The proposed residence has an overall wall height of AHD 21.5m, with the exception of one section of the building being AHD 22.5m (dining room on the ground floor and master bedroom on the first floor).

The proposed residence has a flat roof design. TPS 2 Clause 5.1.1 (c) does not distinguish between different types of roofs, which makes it very difficult to achieve a compliant development unless it is a conventional pitched roof design. The R-Codes on the other hand allow for a 7.0m wall height for flat/concealed roofs.

Council has consistently applied the Heights Clause of the R-Codes in relation to flat roofs to supplement the height requirements of the TPS 2.

If Clause 3.7.1 (A 1.1) of the R-Codes is used to assess the proposal, the protruding section above the 6.0m with the master bedroom on the first floor would comply with the 7.0m height requirement, as it is AHD 22.5 m ( $\text{AHD } 15.5\text{m} + 7.0\text{m} = \text{AHD } 22.5\text{m}$ ).

It is considered that the proposed residence should be considered as compliant in relation to building heights taking into consideration the wall height criteria for flat roofs under the R-Codes.

### Number of Storeys (Height and Use of the proposed undercroft)

The proposal includes an undercroft, which contains the following uses: double garage, main entry, beach entry, lobby, gardener's store, cellar, archives, garden store, plant room stair case and elevator.

Clause 5.1.1 (a) states the following:

*"In exercising height control policies Council will not regard as a storey undercroft space used for a lift shaft, stairway, meter room, bathroom, shower room, laundry, water closet or other sanitary compartments, cellar, corridor, hallway, lobby, the parking of vehicles or any storeroom without windows or any workshop appurtenant to a car parking area where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council."*

The proposed rooms in the undercroft comply with the above Scheme clause. It was noted that the proposed Gardener's Store is quite a large room which is provided with a sliding door. The applicant specified that the proposed sliding door to the outside will be screened with fixed louvres to satisfy Scheme requirements.

The proposed undercroft ceiling level is AHD 15.13m, which would mean that the undercroft space is wholly below the NGL level at the centre of the site (determined as AHD 15.5m).

Taking into consideration the height of the undercroft in relation to the NLG at the centre of the site and the proposed uses it can be concluded that the undercroft space should not be counted as an additional storey as per Clause 5.1.1 (a) of the Scheme and therefore the proposed residence should be assessed as a two –storey building. It is recommended to include a specific condition as part of the development approval restricting the use of the undercroft to only non-habitable rooms.

### Side Boundary Setbacks

The following side boundary setbacks do not comply with the acceptable development standards of the R-Codes:

Wall ID	Wall Name	Wall Height	Wall Length	Major Opening s	Require d Setback	Actual Setback
South Ground	Whole	2.6 – 5.0	21.5m	Yes	1.5 – 5.1	1.08-3.535m
North Upper	Entire	6.7m	13.3m	No	2.0m	1.7m (to stairs) – 2.8m (main wall)
South Upper	Whole	4.0 – 6.7	20.5m	Yes	6.4m	1.7 (elevator) 3.3 (Master balcony)

						4.2m (Front balcony)
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The above variations to the side boundary setback will be assessed under the Performance Criteria – Clause 3.3.1 (P1) of the R-Codes, which are as follows:

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

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with the protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.*

On the northern side the subject property adjoins a reserve for Parks and Recreation and therefore the above criteria, which mainly relate to the potential impact on adjoining residences, would not apply in this case.

On the southern side there is a private residence – 164 Marine Parade. The adjoining property owners had an opportunity to view the proposed plans, however, there were no comments received by Council.

Overshadowing of the property to the south is below 25% and therefore it complies with the acceptable development standards of the R-Codes.

The proposed development includes considerable amount of cut to accommodate the proposed undercroft.

The major bulk of the ground floor level is in line with the existing natural ground level at the boundary due to the site levels rising considerably towards the rear. The front portion of the building has only two levels, an undercroft and a ground floor, with the two-storey section of the building being setback further to the rear of the site, which reduces the impact of building bulk on the property to the south.

There is some overlooking into the areas of the adjoining property from the proposed front terrace and the master bedroom balcony. Overlooking mainly falls into the area of the side boundary setback. There is no overlooking into the areas of the rear yard, which contains a swimming pool and an outdoor living area.

It is considered that the proposed reduced side setbacks satisfy the above Performance Criteria.

### **Privacy of adjoining properties**

The proposed setback distances from the front terrace and the master room balcony do not comply with the Acceptable Development Standards of the Visual Privacy Clause 3.8.1 (A1) of the R-Codes and therefore the reduced privacy setbacks have to be considered under the relevant Performance Criteria, which are as follows:

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

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

There was no objection received from the affected adjoining property owner.

The area subject of overlooking is an area of a side setback of the adjoining property, which is not considered to be an active habitable space. Boundary Fencing also provides some screening for the openings on the northern side of the single storey residence at the front of 164 Marine Parade.

Also the sources of overlooking the proposed terrace and the master room balcony, are elevated high enough so it can be considered that the outlook would be above and beyond towards the attractive ocean views available from the subject property and not into the adjoining property.

The rear portion of No 164 Marine Parade, where the two-storey residence is located, is not affected by overlooking.

It is considered that the proposed reduced privacy setbacks satisfy the Performance Criteria (Clause 3.8.1 P1) of the R-Codes.

## **DESIGN ADVISORY PANEL**

The proposal was considered by the Design Advisory Panel on 22 March 2007 and the following comments were made:

- The proposal was considered to fit in well with the site and streetscape, being generously setback front and rear, deploying side setbacks (no parapet walls), being stepped into the site (so as to manage the effect of its height), compatible with the scale and backdrop of surrounding residential development (ie rising behind), and creating a book-end to the built form before the open space of the adjacent park.
- The proposal represents high-quality architecture, setting a standard for Marine Parade, when more ordinary development could be proposed.
- The extent and nature of the undercroft spaces were noted, however, they can be appreciated in terms of the design and composition of the dwelling; subject to being suitably controlled.
- The cut into the site was noted and it was suggested that any retaining or boundary walling/fencing should be carefully considered.

## **CONCLUSION**

It is considered that the proposal complies with the requirements of the Town of Cottesloe Town Planning Scheme and the R-Codes. The proposal presents a design that is sensitive to the existing streetscape and the adjoining properties. The proposal exceeds the requirements for the front setback and open space. Some side boundary

setbacks and privacy setbacks are not as per the Acceptable Development Standards of the R-Codes, however, they were considered to satisfy the relevant Performance Criteria.

It is noted that the proposal does not maximise the development potential of the site, which has the capacity for two grouped dwellings, with potentially greater impacts in terms of built mass, more vehicles/crossovers and likely amenity outcomes. Rather, it represents a somewhat individualistic yet relatively subtle residential architectural statement, which is befitting of the setting and landscape.

It is recommended that the application for a new two-storey residence at 166 Marine Parade be approved subject to the standard conditions and some specific conditions relating to the use of the undercroft and the need for amalgamation.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee sought clarification regarding the undercroft and the first floor terrace. The Manager Development Services explained that the design as submitted and a condition appropriately limited use of the undercroft to non-habitable purposes and that the terrace level was assessed as performing satisfactorily in terms of privacy. No objections were received to the proposal.

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

Moved Cr Furlong, seconded Cr Walsh

**That Council GRANT its Approval to Commence Development for the proposed new two-storey residence at No 166 (Lot 19 & 341) Marine Parade, Cottesloe, in accordance with the plans submitted on the 13 February 2007, subject to the following conditions:**

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

- (5) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to remove or alter the existing crossover, or to construct a new crossover, where required, in accordance with the relevant local law and the Town of Cottesloe specifications. In this respect the applicant may consider rationalising the existing crossover to reduce its width.
- (6) The existing crossover is to be reduced to a single-width crossover unless the Manager Engineering Services, grants approval for a wider crossover.
- (7) The right-of-way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
- (8) Any fencing proposed to the front boundary or setback area shall be of an open-aspect design in accordance with Council's Fencing Local Law and the subject of a separate development application and building licence.
- (9) At the building licence stage, full details of all proposed boundary and internal-to-the-site retaining walls, and full details of all proposed boundary and internal-to-the-site fencing or walling, shall be provided, including heights, elevation plans, materials, engineering construction and any other details required, all to the satisfaction of the Manager Development Services, prior to the issue of a building licence, and where such detail or the actual proposals are not satisfactory, additional information, revision or separate further development and building licence applications may be required.
- (10) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997
- (11) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees (February 2000) where development requires the removal, replacement, protection or pruning of street trees for development.
- (12) In accordance with the provisions of Town Planning Scheme No. 2 the various spaces in the undercroft shall not be used for habitable purposes and shall only be used for relevant non-habitable ancillary purposes.
- (13) The two lots comprising the subject land shall be amalgamation into one lot on one certificate of title prior to occupation of the completed development.

- (14) The submission of a comprehensive and fully-detailed landscaping plan for the site and the implementation of that landscaping prior to occupation of the completed development, all to the satisfaction of the Manager Development Services. In this respect landscaping in sympathy with the adjacent park and the foreshore is encouraged, including the retention of existing on-site vegetation wherever possible.

Carried 8/2



**11.1.2 NO. 77 (LOT 8) FORREST STREET – SOLID FRONT FENCE, GATE & POOL**

<b>File No:</b>	<b>77 Forrest Street</b>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Plans Photos</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>21 March 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Catherine Murray &amp; Mark Rodda</b>
<b>Applicant:</b>	<b>Tom Roberts Architect</b>
<b>Date of Application:</b>	<b>21 March, 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>601m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Council is in receipt of an application for a swimming pool, front fence and gate on the subject site.

Given the assessment that has been undertaken, the recommendation is to approve the application subject to open-aspect fencing.

**PROPOSAL**

A solid front fence up to 1800mm in height above natural ground level is proposed to be located along the front boundary. A swimming pool is proposed to be located behind this fence. An open aspect gate is located along the front boundary adjacent to the driveway.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

N/A.

**HERITAGE LISTING**

- |                                     |     |
|-------------------------------------|-----|
| • State Register of Heritage Places | N/A |
| • TPS No 2                          | N/A |
-

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

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town Of Cottesloe Local Law**

Local Law	Required	Provided
Fencing Local Law	50% open between the 900mm and 1800mm above ground level.	Solid fencing to 1800mm above ground level

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**  
Building**External**  
N/A.

## ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Applicant getting the neighbours to sign off the plans in support of the proposal. The immediate western and eastern neighbours signed, being the relevant properties for consultation.

**BACKGROUND**

A proposed two storey residence was given planning approval under delegated authority on 31 January 2006. This proposal was re-approved on 29 January 2007.

The property is located two houses away from the Forrest Street and Curtin Avenue intersection. The property is currently vacant.

**STAFF COMMENT**Front Fence

In regards to the fence, the solid sections do not meet the open aspect requirements of the Fencing Local Law where the solid component of the fence cannot exceed 900mm in height. The proposed solid sections are 1800mm in height.

As the application does not comply with the Fencing Local Law, the standards may be varied if the following criteria are met.

*“The Fencing Local Law states that whether the fence will:*

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

The proposed fence may assist the safe use of land and persons because it will provide a barrier against unwanted visitors. The applicant says this side of Forrest Street is very popular with pedestrian traffic as it is the main link between the beach and Cottesloe Train Station and this fence will provide a visual barrier. A proposed gate will allow visitors to enter the house via the driveway. However, an open aspect fence would also provide security. It is observed that the public footpath is well-separated from the residential properties by the wide verge, which provides for both physical security and a sense of distance in terms of private outdoor recreation (by choice in a front yard facing the street) and pedestrian movement.

However, it is assessed that the streetscape will not be enhanced as the non-complying front fence will add additional bulk to the front setback area. The applicant has argued that the existing streetscape in the vicinity has several solid front fences. This is true as at least three of the properties on this side of the street in the immediate vicinity have solid front fences. However, these fences appear to be approved before the Fencing Local Law came into being and solid front fences are not a current objective. Overall, however, there is a pattern of generally open-aspect fencing to this end of Forrest Street on both sides, including some open front yards and a several pillar-and-rail style open-aspect high fences.

In addition, the applicants argue that surveillance of the street from the house is provided due to the high level of the footpath and road. This occurs as the footpath and road is over a metre higher than the dwelling. However, this could be seen negatively as only two windows from the upper storey of the proposed house will provide surveillance to the street behind a solid front fence. It is assessed that the street being significantly higher than the house does not improve the streetscape or the requirement for a solid front fence.

The applicants' argument of providing privacy for the pool area is of merit as people generally want privacy when around a private pool. However, approving a solid front fence because a pool is proposed also in the front setback could set an undesirable precedent.

At the same time, requiring the fence to be a maximum solid height of up to 900mm above ground level (which is the Fencing Local Law standard) may not adhere to the swimming pool barrier standard AS 1926.1 which requires a fence of 1200mm height with no gap exceeding 100mm vertically or horizontally.

Therefore, it is recommended the fence be amended to allow a solid portion to a maximum height of 900mm with the portion above to 1800mm high being open-aspect. The fence shall also comply with the Swimming Pool standard AS 1926.1. This condition of approval would ensure that the fence meets the open-aspect requirement of the Fencing Local Law whilst providing a sufficient barrier to control entrance to the swimming pool. The requirement of meeting both the Fencing Local Law and the Australian Standard is very possible with a well-designed and considered front fence.

#### Gate

The proposed steel gate is to be located along the length of the front boundary where the driveway is proposed. This is to be open-aspect and in compliance with the Town of Cottesloe Fencing Local Law.

#### Swimming pool

There are no concerns with the swimming pool being located within the front setback. The applicant has chosen to locate the pool in the front setback to take advantage of a northerly aspect. However, this should not be a reason to compromise the open-aspect fence requirement.

### **CONCLUSION**

The proposed front fence should not be supported in its current form as the streetscape is not enhanced. The proposed swimming pool being located in the front setback area should not be seen as a reason for a solid front fence in order to provide the owners of the property additional privacy. It is recommended that the front fence be approved subject to compliance with the Town of Cottesloe Fencing Local Law as well as AS 1926.1 for swimming pool barrier fencing. The swimming pool and gate shall also be approved subject to standard conditions.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee recommended that condition (f) be removed from the recommendation due the heavy pedestrian traffic using the street especially during the summer months. The residence has been designed with a northern orientation and Council should be supportive of passive solar design. Forrest Street is not the norm whereby the discretion available under the local law in terms of convenience and safety was considered warranted in this case and in the context of the streetscape, which the RDC tended to support in the circumstances.

### **OFFICER RECOMMENDATION**

That Council GRANT its Approval to Commence Development for a front fence and a swimming pool at No. 77 (Lot 8) Forrest Street, Cottesloe, in accordance with the plans submitted on 19 February 2007, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.

- (b) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (c) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
- (d) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (e) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (f) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing the front boundary fencing being of an open-aspect design in accordance with Council's Fencing Local Law. Due to the intended swimming pool adjacent, the design of the fence must also comply with Australian Standard 1926.1 for swimming pool barriers. The building licence plans shall be properly-drawn, dimensioned and annotated, not hand-sketches as submitted for the planning approval.

#### **AMENDMENT**

Moved Cr Utting,

That the Committee Recommendation be amended to include (f) from the Officer Recommendation.

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#### **11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for a front fence and a swimming pool at No. 77 (Lot 8) Forrest Street, Cottesloe, in accordance with the plans submitted on 19 February 2007, subject to the following conditions:**

- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) **The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.**

- (c) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.**
- (d) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.**
- (e) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.**

Carried 9/1

**11.1.3 NO. 17A (LOT 59) WEBB STREET – COVERED WALKWAY, SINGLE STOREY ADDITIONS & POOL**

<b>File No:</b>	<b>17A Webb Street</b>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Photos Plans</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>10 April 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Phillip &amp; Margot Downing</b>
<b>Applicant:</b>	<b>Simon Rodrigues Architect</b>
<b>Date of Application:</b>	<b>10 April, 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>516m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Council is in receipt of an application for a covered walkway, swimming pool and single storey additions to the front of an existing two storey residence.

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

**PROPOSAL**

A covered walkway is proposed from the front boundary to the entrance of the residence. The proposed swimming pool is proposed to be located adjacent to the front boundary. A modest kitchen addition is proposed at the front of the residence.

One of the existing gates on the front boundary will be removed and the other being modified to allow for the pool adjacent. Some associated concrete paving and steps are proposed.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

N/A.

**HERITAGE LISTING**

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

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town of Cottesloe Council Resolution**

<b>Resolution</b>	<b>Required</b>	<b>Provided</b>
TP 128A, 28 October 2002	6m front setback residential development in the district	Nil setback for the covered walkway

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
Element 3 Boundary setbacks	1.5m setback Ground west wall	Nil setback	Clause 3.3.2 - P2

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**  
Building**External**  
N/A.

## ADVERTISING OF PROPOSAL

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

The advertising consisted of letter to Adjoining Property Owners

**Submissions**

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



## BACKGROUND

A modern two storey residence and solid front fence was approved in November 1996 and building licence issued in March 1997. There have been no alterations since.

It is noted that the dwelling was approved with a high-walled front setback area on all three sides, which is not the norm in relation to the thrust of the planning codes and fencing controls for open-aspect streetscapes.

## STAFF COMMENT

### Boundary Setbacks

The following side boundary setback doesn't comply automatically with the Acceptable Development standards of the RDC. The setback variation is required to be assessed under the Performance Criteria of Clause 3.3.2 (P2) of the RDC, which are also listed below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground west	Kitchen addition	2.6m	22m (when added to the existing wall)	no	1.5m	Nil to 1m

#### *"3.3.2 – Buildings on the Boundary*

*P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- make effective use of space; or*
- enhance privacy; or*
- otherwise enhance the amenity of the development; and*
- not have any significant adverse effect on the amenity of the adjoining property; and*
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted."*

The ground west wall is proposed to have a 0 to 1m setback from the boundary, compared to a required setback of 1.5m. The wall meets the Performance Criteria of the RDC because it still provides sun to this building and adjoining properties as well as assisting privacy between neighbours as overlooking is not possible. This is because this lot is at a much lower level than the neighbour. The addition is also below the height of the existing boundary wall so there is no significant adverse effect on the amenity of the adjoining property. This variation is recommended for approval.

### Covered Walkway

The proposal is to have a covered walkway from the front boundary gate to the front door of the residence. This would be contained within the existing high/solid front and eastern side walls to the sunken front courtyard, whereby it would be to some extent concealed from view. At the same time it would introduce additional building structure to the front setback area.

The covered walkway roof is flat and is approximately 2.7m high for a length of 6m where the walkway attaches to the house eaves. The proposed screens are approximately 2.5m high and extend for a length of 7.6m near the eastern boundary within the front setback. The screens are to be made of timber and may be over 50% solid.

The proposed covered walkway is classified as a structure within the front setback area. Council's planning policies do not make reference to the construction of any buildings or structures other than carports or garages and front fences to be supported within the front setback area. However it could be argued that the proposed walkway has a similar impact to a carport/ garage in the same location.

In terms of streetscape, the proposed screens will extend above the existing solid boundary fence on the eastern elevation. The screens will be noticeable when driving up (westward) along Webb Street as the subject lot is higher than the eastern neighbour.

The screens may be regarded as fencing, as they perform a similar function. In this respect, the Fencing Local Law allows a fence to be solid to 900mm and open aspect between 900mm and 1800mm in height. The plans do not clearly show whether the screens are sufficiently open aspect, however, the height being 2.5m above ground level is a large variation to the Fencing Local Law standard. In other words, fencing to that height proposed anywhere within the front setback would not ordinarily be supported.

This covered walkway will add additional bulk into the front setback. The existing front fence and side returns are solid up to a maximum height of 3m at the front and approximately 1.8m on the sides. Another above ground structure in the front setback will exaggerate the present bulky situation.

It is assessed that the existing eastern boundary walling and screening provide appropriate enclosure for the front yard & pool area.

Furthermore, the neighbouring properties on either side of the subject site have an open front setback. In summation, the proposed covered walkway should not be recommended due to the increase of bulk within the front setback and it is of no benefit to the streetscape. Had it been proposed originally, in all likelihood it would have not been approved.

It is assessed that the existing eastern boundary walling and screening provide appropriate enclosure for the front yard and pool area.

Design for climate is another consideration. On the one hand a covered walkway would provide protection from the elements (rain, sun, wind), yet this is to a short transition space so does not seem necessary. On the other hand the front courtyard while facing north is sunken and surrounded by high walls, so has less exposure to sun, whereby the proposed structure would further detract from the benefit of northern exposure. It is also noted that in our comparatively fair-weather climate there is no strong need for covered walkways, which are not common features.

Open space

Open space will still comply with the RDC if the kitchen addition and covered walkway are approved.

Swimming Pool

There are no concerns with the swimming pool being located within the front setback per se.

The pool pump and air conditioning unit are proposed next to the eastern boundary and the proposed conditions of planning approval shall require a relocation of these items.

Front Fence

The existing solid front fence is also proposed to be modified. The proposal is to brick up the fence where the western gate currently is located along the front boundary. The existing gate on the eastern side of the front boundary will be enlarged and made open-aspect out of timber.

This presents the opportunity to overcome the excessively bulky gatehouse-effect of the wall structure to the western gate, by lowering it to be in line with the existing main wall. A site inspection revealed that this structure is a substantial obstruction when seen from within the neighbouring western property, blocking a view of the street. Although it may be considered an existing approved structure, this component no longer serves its purpose and a holistic design approach supports making such an improvement in interest of overall amenity. A condition is recommended accordingly.

The proposed timber gate is supported as it is considered to be visually permeable. However, the bricking up of the existing western gate is not supported.

Due to the existing solid front fence and proposed swimming pool, the applicant will be asked to consider redesigning this section of fence whilst still meeting Australian Standards for pool barrier fencing.

**CONCLUSION**

Architecturally, the proposals can be appreciated from a design and lifestyle point of view. However, from a town planning perspective the proposed covered walkway is not supported as it would add further bulk to an existing built up/closed in front setback area and would not enhance the streetscape.

The swimming pool and the single storey kitchen additions are considered acceptable and can be recommended for approval as they will not reduce the amenity of neighbouring properties or impact on the streetscape.

In granting this partial approval the eastern gatehouse-style entry that is to become redundant should be brought into conformity with the main front boundary wall and any further changes sought for the eastern entry area may require additional details to be submitted.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

The Manager Development Services advised that the architect has been informed of the report and recommendation and has indicated that the partial approval would be acted on initially and the subject deleted component given further consideration for possible revised plans.

**11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for the single storey additions and swimming pool at No 17A (Lot 59) Webb Street, Cottesloe, in accordance with the plans submitted on 12 March 2007 subject to:**

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997
- (f) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (g) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
- (h) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (i) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.

- (j) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:**
  - (i) The covered walkway and screens being deleted.**
  - (ii) Any consequent proposed alteration to the existing front courtyard and boundary walling being to the satisfaction of the Manager Development Services, including a separate further application if considered necessary.**
  - (iii) The wall structure to the existing western gate (which is to be removed) being reduced in height to match the alignment of the top of the existing main front boundary wall, in order to achieve a balanced and streamlined appearance that reduces the bulk and scale presenting to the streetscape.**

Carried 10/0

**11.1.4 CHANGE FROM AUTHORISED SIGNAGE TO THIRD-PARTY SIGNAGE TO FOUR TELSTRA INSTALLATIONS**

<b>File No:</b>	<b>D2.3 Town Planning General</b>
<b>Attachment(s):</b>	<b>Planning consultants' report</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>22 March 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
 <b>Property Owner:</b>	 <b>State of Western Australia (road reserves)</b>
 <b>Applicant:</b>	 <b>The Planning Group (WA)</b>
<b>Date of Application:</b>	<b>31 January, 2007</b>
 <b>Zoning:</b>	 <b>N/A</b>
<b>Use:</b>	<b>N/A</b>
<b>Density:</b>	<b>N/A</b>
<b>Lot Area:</b>	<b>N/A</b>
<b>M.R.S. Reservation:</b>	<b>Primary Road Reservation Parks &amp; Recreation Reservation</b>

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**SUMMARY**

Telstra is proposing to allow third-party advertising on four phone booths/pedestals within the Town of Cottesloe. This constitutes development, as currently only authorised telecommunications signage is allowed on Telstra infrastructure.

Given the assessment that has been undertaken, the recommendation is to not support the proposals. Because the proposals fall in MRS reserved land, the Town's recommendation is required to be forwarded to the Western Australian Planning Commission who will determine the application in respect of three locations, while the fourth location may be determined by the Town under delegation from the WAPC.

**PROPOSAL**

The locations of the proposed signage are:

- Marine Parade opposite Cottesloe Surf Lifesaving Club.
- Marine Parade near Eric Street intersection.
- 140 Marine Parade outside the Ocean Beach Hotel).
- Stirling Highway near Jarrad Street.

The first three of these booths/pedestals are located in the MRS Parks & Recreation Reserve to the beachfront and the fourth is located in the MRS Primary Regional Road Reserve for the highway.

Council is not asked to consider the actual Telstra infrastructure, because under the Telecommunications (Low Impact Facilities) Determination 1997 that aspect is exempt from the requirement of planning approval. Council is only asked to consider the aspect of allowing third-party (ie commercial) signage on infrastructure.

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The proposal entails redesigning/re-orientating three of the four booths so the advertising will face on-coming traffic, as follows:

- At Marine Parade opposite Cottesloe Surf Lifesaving Club the phone booth will be re-orientated to face south for on-coming traffic.
- At Marine Parade near Eric Street the phone booth will be re-orientated to face south for on-coming traffic.
- At 140 Marine Parade outside Ocean Beach Hotel the pedestal will be re-orientated to face north for on-coming traffic.
- At Stirling Highway near Jarrad Street the phone booth will not be re-orientated as the rear already faces on-coming traffic.

The advertising signage for the phone booths will be 1470mm high by 700mm wide. The signage commences 460mm above ground level on the rear elevation only. These signs may be illuminated. The advertising signage for the pedestals will be 1599mm high by 814mm wide. The signage commences 560mm above ground level on the rear elevation only. These signs are illuminated.

### STATUTORY ENVIRONMENT

- Metropolitan Region Scheme
- Town of Cottesloe Town Planning Scheme No. 2

### POLICY IMPLICATIONS

- Advertising Policy No. 010

### HERITAGE LISTING

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

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Town of Cottesloe Town Planning Policy

Policy	Required	Provided
TPSP 010 Advertising	Refer below	Refer below

### STRATEGIC IMPLICATIONS

The proposal could be considered in conjunction with the Town's Foreshore Vision as well as Draft Town Planning Scheme No. 3.

### FINANCIAL IMPLICATIONS

N/A.

**CONSULTATION**

## REFERRAL

**Internal**  
Building**External**

Main Roads Western Australia at the Department for Planning & Infrastructure – for Stirling Highway proposal only.

## ADVERTISING OF PROPOSAL

The application was not required to be advertised.

**BACKGROUND**

Telstra has engaged a planning consultant, The Planning Group WA, to prepare an application for planning approval to allow third-party advertising signage on four locations of Telstra infrastructure (booths/pedestals) within the Town.

Currently, the advertising on telephone facilities is limited to that which relates to the supply of telephone services. The application is referred to Council for determination as under the provisions of Part 3 of the Telecommunications (Low Impact Facilities) Determination Act 1997 and Part 5 Item 1(d) of the Schedule, a public payphone is not deemed to be low impact if it is used to display commercial advertising other than that related to the supply of standard telephone services. As a result, the provision of any advertising not related to the supply of telephone services requires the approval of Council.

The consultants have stated the following in favour of the proposed advertising:

- *Telephone booths are accepted urban infrastructure providing a service to the community and typically form part of the modern day streetscape and character of an inner city urban area. It is considered that the content of the sign does not have any adverse impact on the amenity or character of an area, especially given third party signage is already permitted on bus shelters throughout the Town.*
- *The change of content of the signage from Telstra signage to third party signage will not result in the proliferation of any signage or present any safety hazard or obstruction to pedestrians or motorists.*
- *The signage will create opportunities for advertising locally available goods and services.*
- *The proposed signage will be clear and simple in order to maintain its effectiveness.*
- *The revenue raised from the third party advertising will allow for a more diligent maintenance regime to be implemented thus providing greater surety that the telephone booths will be well maintained and kept free of vandalism.*

**STAFF COMMENT****MRS**

- As mentioned, the subject sites fall within the MRS Parks and Recreation Reservation for the three beachfront locations and the MRS Primary Regional



Road Reservation for the Stirling Highway location, rather than being zoned under TPS2.

- Hence, a copy of the application has been forwarded to the WAPC for determination pending Council's recommendation in respect of the beachfront phone booths.
- Also, the Stirling Highway phone booth has been referred to the MRWA at the DPI for comment so Council can determine this one under delegation from the WAPC.
- Under the MRS the consideration of development includes the relationship to the reserved land, regional planning aspects and local planning aspects as governed by a local scheme or policies.

## TPS2

- TPS2 in Clause 5.7.1 requires approval for advertisements as development (as does the MRS) and in Clause 5.7.3 guides that: *Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.*
- While TPS2 does not apply directly to the land in terms of zoning, it does provide a framework for consideration of the local planning implications of the proposal.
- As such TPS2 and related policies are relevant considerations in respect of orderly and proper planning and the preservation of amenity; and hence in Council making a recommendation to the WAPC, or a determination on behalf of the WAPC, while having regard to the regional reservations.
- In this regard it is emphasised that Cottesloe enjoys comparatively good signage control and a low-impact signage regime, notably along the beachfront and highway, which are not heavily commercialised.

## Signs, Hoardings and Bill-Posting By-Law No. 33

- While this local law is not directly applicable to the control of signage on Telstra infrastructure, it embodies the basic considerations associated with signage control, including structural integrity, illumination, avoidance of driver distraction, not blocking views, and so on.
- This reinforces the principle of signage control as development in the context of orderly and proper planning and amenity.

## WAPC Development Control Policy 5.4 – Advertising on Reserve Land

This WAPC Policy recognises the importance of advertising development control and states that: *The erection, alteration, and extension of any advertisement on land reserved by a region scheme requires the approval of the WAPC.* Hence the subject development application for determination under the MRS.

The Policy has the following objectives:

- *To preserve and enhance the amenity of the reserved land and surrounding zoned land;*
- *To ensure the safe and efficient use of roads from which the advertisement is visible; and*

- *To protect the future use of the reserved land by recognising the temporary nature of an advertisement.*

It is assessed that the proposal does not meet these objectives, for the following reasons:

- Reserved lands are often public areas such as regional open space and roads, as in this case, the amenity of which is diminished by commercial advertising.
- Commercial advertising is a known driver distraction and can interfere with important directional signage and traffic signals, which is why MRWA has a policy *Guide to the Management of Roadside Advertising* to manage such; ie to avoid unnecessary and undesirable conflicts between commercial advertising and regional planning reservations.
- The proposed signage bears no relation to the nature of the reserved lands and serves no function in relation to their purpose – rather, it represents opportunistic commercial advertising that adds to the general clutter and discord of infrastructure which is known as urban blight.

Therefore, the claims made by the consultants about the proposals are inconsistent with the spirit and intent of this WAPC Policy to control indiscriminate commercial advertising on MRS reserved land. It is emphasised that this policy also recognises the importance of safe-guarding the amenity of surrounding zoned lands.

### **Local Planning Policies: TPSP 010 – Advertising**

This Council Policy reinforces TPS2 and the Local Law as well as the MRS in addressing commercial advertising, and has the following objectives:

- 2.1 *To preserve the character and amenity of the locality in which the advertisement is to be displayed.*
- 2.2 *To provide guidelines for the development and use of advertising in various zones and on reserved land in accordance with relevant Town Planning Scheme provisions and By-law controls.*

In addressing MRS reserved land this Policy provides as follows:

- 7.1 **WAPC Approval**  
*Council shall make a recommendation to the WAPC with regard to an Application to Commence Development on [MRS] reserved land. Council shall take into account any Policy of the WAPC relating to the development of advertising upon [such] reserved land.*

It is apparent that this Policy makes clear connections with the TPS and MRS in the need for development control of advertising and the relevant objectives and associated policies.

The balance of this Policy guides advertising control on various zoned lands (ie including adjacent to the subject reserved land sites) and it can be seen that the thrust of the Policy is to control the location, size, detailed design and potential impacts of commercial advertising.

**CONCLUSION**

- The MRS, TPS2 and related regional and local policies set out to control advertising signage as development, in recognition of the adverse impacts that commercial advertising can have on the amenity of localities.
- Essentially, the Town of Cottesloe does not support a proliferation of uncontrolled signage and does not support unnecessary advertising that impacts on the amenity of the public domain.
- It is considered that the experience of bus shelter and rubbish bin advertising has been that this treatment of infrastructure is unnecessary, undesirable and unattractive.
- It is also considered that such signage is not effective in itself, tends to be temporary/changing, is prone to vandalism, is a driver distraction, and a general nuisance.
- No sound justification for the signage has been provided.
- It is concluded that the proposals constitute adverse impacts rather than having demonstrable merit and that the application cannot be sustained.

**VOTING**

Simple Majority

**11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council in respect of the development application submitted on 31 January 2007, for approval under the Metropolitan Region Scheme to a change from authorised signage to third-party signage to four Telstra installations in the Town of Cottesloe, advise the Western Australian Planning Commission that it recommends refusal of the proposals for the three sites along Marine Parade requiring determination by the Commission; and that Council refuse the proposal for the site on Stirling Highway under delegated authority from the Commission; all for the following reasons:**

- The proposals are contrary to the orderly and proper planning and the preservation of the amenities of the localities.**
- The proposals are inconsistent with the thrust of the Metropolitan Region Scheme, Commission Policy 5.4 Advertising on Reserved Land, Town of Cottesloe Town Planning Scheme No. 2 and Council Policy TPSP 010 Advertising.**
- The proposals are unrelated to the purpose of the Metropolitan Region Scheme reservations.**
- The proposals would have an adverse impact on the amenity of the public domain, contrary to the restrained signage control enjoyed by the district.**
- There is no need for the proposed advertisements which would provide no public benefit.**
- Council does not favour the proliferation of indiscriminate advertising to property or infrastructure which contributes to urban blight.**

Carried 10/0

**12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 17 APRIL 2007**

Moved Cr Miller, seconded Cr Strzina

That items 12.1.1, 12.1.2, 12.2.1, 12.2.2 and 12.2.5 be withdrawn from en-bloc voting.

Carried 10/0

The above items were dealt with first before the remaining items were dealt with en-bloc.

**12.1 ADMINISTRATION****12.1.1 DONATION REQUESTS 2007/08**

<b>File No:</b>	<b>C7.7</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>4 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

This report recommends that donations designated high priority totalling \$16,455 and donations designated medium priority totalling \$12,981 be approved for payment.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

If all applications are approved per the 'Officer Recommendation' below, the budget for 2007/2008 will have \$29,436 in donations to community groups.

**CONSULTATION**

Advertisements were placed in the local newspaper and letters sent out to all community groups based in Cottesloe informing them of the donation/grant opportunity available.

**STAFF COMMENT**

The Manager of Corporate Services has assessed the applications against the criteria set out in the Town of Cottesloe Donations policy. Those that meet all the criteria are shown on the attachment as priority A. There are a number of applications

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form organisations that the Town of Cottesloe has historically supported on an annual basis (eg Constable Care, Whalebone Classic). These are also recommended for full support from Council.

The applications from groups that have applied for a second consecutive year are not annual events by nature have been recommended for reduced support.

**VOTING**

Simple Majority

**DECLARATION OF IMPARTIALITY**

Cr Utting made a declaration of impartiality as he is a member of the Cottesloe RSL Sub-Branch.

**COMMITTEE COMMENT**

The committee felt that the application from the Scout Group deserved more funding subject to the provision of additional information.

**OFFICER RECOMMENDATION**

That Council:

- (1) The applications that have been designated high priority totalling \$16,455 be approved; and
- (2) The applications that have been designated medium priority totalling \$12,981 be approved.

**12.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

- (1) Approve the applications in the Officer Recommendation, excluding the applications from Lady Lawley Cottage and 1<sup>st</sup> Cottesloe Scout Group;**
- (2) Seek further information from Lady Lawley Cottage regarding their funding request; and**
- (3) Request the 1<sup>st</sup> Cottesloe Scout Group to provide further information on:**
  - (a) a program for the proposed works and how they are intended to be funded,**
  - (b) whether they are willing to engage in dialogue with Council and State Government in relation to the security of future tenure of the site.**

Carried 10/0

**12.1.2 METER EYES**

<b>File No:</b>	<b>C15. 9</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>4 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation is made to implement the Meter Eye equipment throughout the monitored parking areas in Cottesloe in a manner to be confirmed during the budget process for 2007/2008.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

The Parking Local Laws will need to be modified so that they allow for the legal use of Meter Eye equipment as recording instruments in the administration of the Parking Local Laws. The associated Local Law and penalty for wilfully damaging the Meter Eye equipment also needs to be revised to make sure the Meter Eyes fit within the definition of the appropriate Law, and that the penalty is severe enough to act as a deterrent.

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The installation cost of the system if implemented fully in the Town of Cottesloe will be approximately \$300 000. There is however, an expected revenue increase due to the increased effectiveness of Parking Management. It is anticipated that the installation cost will be recovered within the systems' first three years of operation.

**BACKGROUND**

The Rangers' role is demanding with a multitude of differing tasks that need to be completed, these often require immediate action. Parking management is another task that Rangers conduct. Most parking management is the control of over staying vehicles. The traditional method for detecting overstaying vehicles is marking the tyres with chalk that requires the Ranger to return to check these markings. Unfortunately, often higher priority duties don't allow the Ranger to return to the marked vehicles at the appropriate times and thus the chalk marks are wasted and parking management effectiveness is reduced. Chalking of tyres also has inherent health/safety risks. Repetitive bending to mark the tyres, putting hands in wheel wells, as well as being amongst the traffic in the car parks and streets, all provide health and safety concerns for the Ranger.

The Meter Eyes Parking Management system was installed in Napoleon Street in January. The system has just completed a 10 week trial and has shown significant

increases in parking infringements and revenue compared to chalking during the same period last year. See below for a summary of the data. And Appendix A for a more detailed summary

	2006	2007	% increase
Napoleon St. Total Infringements	111	430	287%
Rest of Town Total Infringements	137	203	48%

	2006	2007	\$ increase
Revenue Napoleon Street	\$3,885	\$15,050	\$11,165
Revenue Rest of Town	\$4,795	\$7,105	\$2,310

The key advantage with Meter Eyes is that the Ranger can conduct primary tasks while at the same time monitor parking in busy areas. If there is an over stay in the street the Ranger is driving through, the Ranger is alerted and has the option to write an infringement. Additionally, a Ranger in the administration area can be aware of the current status of parking throughout the Town from viewing the PC. A quick phone call can then be made to other Rangers if a necessity arises to police a particular area.

The Meter Eye system also collects data on all vehicle movements within the monitored bays. This data will be useful for analysing current parking trends and possibly assist with the facilitation of improved parking strategies. Also, this real time data will be used to show drivers how many bays are available in particular areas (via signs in prominent locations).

## CONSULTATION

Nil

## STAFF COMMENT

The Rangers historically have used the system of chalking tyres to manage parking within the Town. This method is time consuming, presents health and safety issues, and is only partially effective. Since January, the Town has been trialling the Meter Eye Parking Management System in Napoleon Street. These devices electronically detect the presence of vehicles and alerts Rangers via a hand held device if vehicles over stay. This system eliminates the need for chalking and many of its inherent problems. The Meter Eye system will have the benefit of recording vehicle movements in real time, thus significantly increasing the detection of overstaying vehicles. Additionally, the system will provide substantial data on parking bay vehicle movements that can be used by the Town to facilitate improved parking strategies.

The recommendation is to install the Meter Eye system into the other timed parking areas of the Town. This will include both the business precinct and the beach areas. The Meter Eyes Parking Management system will improve the effectiveness of parking management within the Town by actively monitoring vehicle movements in

real time. The Rangers can read this data both locally (parking area) and remotely (office) and act accordingly. Rangers will be able to perform their primary duties knowing that when a free moment is available, they can drive past busy areas and monitor the over stay situation.

The traditional method of chalking tyres takes considerable time and is only partially effective at managing parking even if the Ranger is able to return to check the marked tyres. This method also has considerable Health and safety issues

**VOTING**

Simple Majority

**COUNCIL COMMENT**

Comments raised by Council included:

- Advertise where the meter eyes will be installed.
- Ensure there is sufficient daily parking in Cottesloe.
- Concern that this is a revenue raiser.
- It will discourage people shopping in Cottesloe.
- Concern that Council has no coherent plan to address the long term parking situation in Cottesloe.

**OFFICER & COMMITTEE RECOMMENDATION**

That Council implement the Meter Eye equipment throughout the monitored parking areas in Cottesloe in a manner to be confirmed during the budget process for 2007/2008.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Miller

That the motion be amended to include:

- (2) Request staff to provide a report, within three months, on the long term parking requirements and solutions for the town centre.

Carried 10/0

**12.1.2 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Miller

**That Council**

- (1) **Implement the Meter Eye equipment throughout the monitored parking areas in Cottesloe in a manner to be confirmed during the budget process for 2007/2008; and**
- (2) **Request staff to provide a report, within three months, on the long term parking requirements and solutions for the town centre.**

Carried 9/1



**12.1.3 BUDGET REVIEW 2006/07**

<b>File No:</b>	<b>C 7. 6</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>12 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

Local Governments are required to conduct a budget review between 1<sup>st</sup> January and 31<sup>st</sup> March each financial year. This budget review consists of a detailed comparison of the year-to-date actual results with the budget.

**STATUTORY ENVIRONMENT**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 provides the following:

**Review of budget**

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There is a significant surplus compared to budget as at 28 February 2007. Many factors have contributed to this surplus but the main factor is the projected surplus revenue received from the sale of the Lyons Street sump site.

**BACKGROUND**

Regulation 33A is a relatively new provision (March 2005) that is meant to ensure that Council is kept fully abreast of marked variances between budgeted and actual income and expenditure.

**CONSULTATION**

The Accountant has consulted with all senior staff within Council during the preparation of the budget review.

**STAFF COMMENT**

The budget review shows that Council's finances are tracking well when compared with both year to date and with projected figures. Barring unforeseen circumstances it looks as though Council is heading towards a surplus position. Attached is a Statement of Financial Activity for the period 1 July, 2006 to 28 February, 2007 with commentary on significant variances. Also attached is the Operating Statement and more detailed reports are available upon request.

There is a requirement to review the materiality levels each year that trigger a report on significant variances in the budget review. It is recommended that this be maintained at the same levels as last year, that is, any variance being greater than 15% or \$25,000.

**VOTING**

Absolute Majority

**COMMITTEE COMMENT**

Nil

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

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) Maintain the materiality level used to report on significant variances in the budget review as being greater than 15% and greater than \$25,000; and**
- (2) Adopt the budget review.**

Carried 10/0

**12.1.4 PURCHASING POLICY - REVISED**

<b>File No:</b>	<b>X4.11</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>4 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation has been made to adopt the new Purchasing Policy.

**STATUTORY ENVIRONMENT**

The Local Government (Functions and General) Regulations 1996 (WA) are in the process of being changed which will lift the threshold value for Tenders from \$50,000 to \$100,000. It will also require local governments to adopt a purchasing policy. To be compliant with the regulations a purchasing policy has to be in place by the time that the amended regulations were scheduled to come into effect on 30 March 2007.

**POLICY IMPLICATIONS**

*Purchasing policy.*

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

WALGA's Total Purchasing Solutions section has prepared a new model purchasing policy which was distributed to all Councils on 19 January 2007.

In preparing this policy, Total Purchasing Solutions have consulted widely and reviewed more than 30 existing Local Government purchasing policies. Other information has been reproduced from model documentation supplied by the State Supply Commission.

The scope of the model policy was to provide a framework to assist Local Governments to meet the minimum legal purchasing requirements contained in new Regulations.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Manager Corporate Services has contacted the other WESROC councils to determine both whether they have a 'buy local' clause, and if they have adopted the new requirement from The Local Government (Functions and General) Regulations

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1996 (WA). Only two of the seven councils contacted have adopted a purchasing policy that complies with the new requirements. There were three councils that have a 'buy local' clause. A clause that reflects the best of these intentions has been included in the amended policy.

The *Buy Local Policy* is an initiative of the State Supply Commission aimed at recognising the contribution of local businesses in building a stronger Western Australian economy. Provisions relating to purchasing local are not legally enforceable; they provide guidance to the Town's Administration and Elected Members when considering related matters.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

That Council adopt the new *Purchasing Policy*.

## **PURCHASING**

### **OBJECTIVES**

- To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- To deliver a best practice approach and procedures to internal purchasing for the Town of Cottesloe.
- To ensure consistency for all purchasing activities that integrates all of the Town of Cottesloe's operational areas.

### **PRINCIPLE**

The Town of Cottesloe is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities.

This policy:

- Provides the Town of Cottesloe with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Town of Cottesloe receives value for money in its purchasing.
- Ensures that the Town of Cottesloe considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Town of Cottesloe is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Town of Cottesloe's purchasing practices that withstands probity.

**ETHICS & INTEGRITY**

All officers and employees of the Town of Cottesloe shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Town of Cottesloe.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Town of Cottesloe policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Town of Cottesloe by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

**VALUE FOR MONEY**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Town of Cottesloe. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- preference will be given to locally sourced and/or recycled products in the event that all other criteria are equal and the price of the local supplier is within 5% of the lowest quote;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;

- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

## **SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Town of Cottesloe is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Town of Cottesloe's sustainability objectives.

Practically, sustainable procurement means the Town of Cottesloe shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;
- For new buildings and refurbishments – where available use renewable energy and technologies.

## **PURCHASING THRESHOLDS**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

AMOUNT OF MODEL POLICY PURCHASE	
UP TO \$3,000	DIRECT PURCHASE FROM SUPPLIERS REQUIRING ONLY TWO VERBAL QUOTATIONS.
\$3,001 - \$19,999	OBTAIN AT LEAST THREE VERBAL OR WRITTEN QUOTATIONS.
\$20,000 - \$39,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS
\$40,000 - \$99,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS CONTAINING PRICE AND SPECIFICATION OF GOODS AND SERVICES (WITH PROCUREMENT DECISION BASED ON ALL VALUE FOR MONEY CONSIDERATIONS).
\$100,000 AND ABOVE	CONDUCT A PUBLIC TENDER PROCESS.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

#### **Up to \$3,000**

Where the value of procurement of goods or services does not exceed \$3,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains a sample form for recording verbal quotations.

#### **\$3,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Town of Cottesloe employee seeking the verbal quotations.

- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains sample forms for recording verbal and written quotations.

### **\$20,000 to \$39,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

**NOTES:** The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - Written Specification
  - Selection Criteria to be applied
  - Price Schedule
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The *Local Government Purchasing and Tender Guide* produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

### **\$40,000 to \$99,999**

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The *Local Government Purchasing and Tender Guide* has a series of forms including a Request for Quotation Template which can assist with recording



details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

## **REGULATORY COMPLIANCE**

### **Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the *Local Government Act 1995*;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), regional council, or another local government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Functions and General Regulations* apply.

### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### **Anti-Avoidance**

The Town of Cottesloe shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

### **Tender Criteria**

The Town of Cottesloe shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and

\$100,000 and above, the panel must contain a minimum of 3 members.

### **Advertising Tenders**

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
  - such information as the Town of Cottesloe decides should be disclosed to those interested in submitting a tender;
  - detailed specifications of the goods or services required;
  - the criteria for deciding which tender should be accepted;
  - whether or not the Town of Cottesloe has decided to submit a tender; and
  - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

### **Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Town of Cottesloe not to compromise its Duty to be Fair.

### **Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

**Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Town of Cottesloe. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and ☐initialled by at least two Town of Cottesloe Officers present at the opening of tenders.

**No Tenders Received**

Where the Town of Cottesloe has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

**Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Town of Cottesloe by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

**Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Town of Cottesloe may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

**Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Town of Cottesloe and tenderer have entered into a Contract, a minor variation may be made by the Town of Cottesloe.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

**Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

**Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Town of Cottesloe's internal records management policy.

RESOLUTION NO:

ADOPTION: 26 March 2007

REVIEW: March, 2011

**AMENDMENT**

That the following clause be amended to read:

- preference will be given to Australian made and/or locally sourced and/or recycled products in the event that all other criteria are equal and the price of the local supplier is within 5% of the lowest quote;

**12.1.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council adopt the new *Purchasing Policy*.**

**PURCHASING****OBJECTIVES**

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- such information as the Town of Cottesloe decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Town of Cottesloe has decided to submit a tender; and
- whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

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Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Town of Cottesloe not to compromise its Duty to be Fair.

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A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

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- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;

- purchasing is arranged within 6 months of the closing date of the lapsed tender.

**Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Town of Cottesloe by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

**Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Town of Cottesloe may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

**Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Town of Cottesloe and tenderer have entered into a Contract, a minor variation may be made by the Town of Cottesloe.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

**Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

**Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Town of Cottesloe's internal records management policy.

RESOLUTION NO:

ADOPTION: 26 March 2007

REVIEW: March, 2011

Carried 10/0

**12.1.5 FIREWORKS POLICY**

<b>File No:</b>	<b>X4.11</b>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>27 March, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation is made to advertise a draft *Fireworks Policy* for public comment.

**STATUTORY ENVIRONMENT**

Clause 5 of the Town of Cottesloe's *Beaches and Beach Reserves Local Law No. 3* provides that in order to protect the quiet and amenity of the beach reserves, no person shall discharge any firework except in the course of a function or activities approved in writing by the Council.

**POLICY IMPLICATIONS**

Subject to community consultation, it is intended that the *Fireworks Policy* form part of Council's policy manual.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

At the December 2006 Council meeting, a staff recommendation was made to delegate authority to the Chief Executive to grant approval for up to six fireworks displays within the Town of Cottesloe per annum.

Council subsequently resolved to request staff to prepare a draft policy on fireworks displays in Cottesloe for Council's consideration.

A copy of the draft policy follows:

**FIREWORKS****(1) INTENT**

The fireworks policy is intended to:-

- minimise distress and potential risk to the community and environment,
- support uses of the beach that promote the public enjoyment of the beach, and
- ensure legislative requirements are met.

Observance of the policy will protect the quiet and amenity of the beach reserves and ensure that approved Fireworks on Town of Cottesloe beach reserves have the required public notice, operate within restricted times and occur at a minimum distance of 500m from a protected place.

## **(2) BACKGROUND**

Clause 5 of the Town of Cottesloe's *Beaches and Beach Reserves Local Law No. 3* provides that in order to protect the quiet and amenity of the beach reserves, no person shall discharge any firework except in the course of a function or activities approved in writing by the Council.

This policy sets out those circumstances where approval in writing will generally or may be granted by the Council at its absolute discretion.

The main issues to be considered by Council when approving a fireworks event include:-

- potential damage to sand dune vegetation caused by spectators and fireworks,
- litter management and disposal,
- adverse noise for adjacent residents and nesting birds, and
- public liability protection for the Town of Cottesloe.

## **(3) DEFINITIONS**

*Council* – means the council of the Town of Cottesloe.

*Fireworks* – means firework displays held on beach reserves under the care, control and management of the Town of Cottesloe for the entertainment of particular recognised groups or the general public.

*Function* – means without limiting the generality of such term, includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of five or more persons, or a picnic for a gathering of more than 10 persons.

*Restricted Times* – means the hours between 4.00 pm and 10.00 pm on any approved day.

*Protected Place* – means a sensitive establishment e.g. health care facility, nursing home, aged persons' home, church, animal shelter, bird nesting site or menagerie.

*Public Notice* - means notification of a Fireworks event by a letterbox drop to all surrounding residents within 200m of the Fireworks site and a notice in the local paper, a minimum of 10 days prior to the event.

**(4) POLICY STATEMENT**

Applications for Fireworks on Council beach reserves will generally be approved by Council, at its absolute discretion, for New Years Day, Australia Day and Lunar New Year celebrations. Any approval granted is conditional upon Public Notice and all other State and Commonwealth legal requirements being met.

Applications for Fireworks on days other than those listed above may be approved by Council at its absolute discretion. Any approval granted is conditional upon Public Notice and all other State and Commonwealth legal requirements being met.

Applications will not be approved for Fireworks within 500m of a Protected Place or for hours outside Restricted Times or for events beginning later than 8.30pm.

Applications are to be in writing and received sixty days prior to the Fireworks event. Applications must address how the following risks are to be managed:-

- potential damage to sand dune vegetation caused by spectators and fireworks,
- litter management and disposal,
- adverse noise for adjacent residents and nesting birds, and
- public liability protection (\$10m minimum) for the Town of Cottesloe.

Applications are to be accompanied by a cadastral map setting out the site of the Fireworks event and showing a 200m and a 500m radius from the event site.

The Council may attach conditions to any approval, including conditions relating to:-

- compliance with Council's *Outdoor Concerts and Large Public Events* policy
- prevention of damage to the beach reserve, foreshore areas and sand dunes,
- measures to prevent debris or litter of any kind entering the ocean.
- crowd and traffic management and safety measures, including adequate car parking and ablution facilities, suitable first aid facilities and planned evacuation routes for emergency vehicles, and
- variation or cancellation of firework events because of unsuitable weather or fire risks.

In some cases, particularly in relation to crowd management, safety and environmental matters, the Council may require the applicant to have that part of their proposal assessed or approved by another relevant agency, person or body.

**CONSULTATION**

Under Council's *Community Consultation Policy* the draft *Fireworks Policy* is considered to be a policy development matter.



The level of consultation for policy development demands that at the minimum, consultation include;

- The invitation of submissions with the placement of advertisements in the local newspaper.
- Information being placed on the Internet at [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au) together with an invitation for submissions,
- An article in *Cottesloe Council News* about the draft policy with the article informing and encouraging feedback.
- Consultation with ratepayer groups such as SOS Cottesloe Inc and Cottesloe Coastcare.

Council's *Community Consultation Policy* also requires that when dealing with a policy development matter, in most circumstances Council would also:

- Issue a media release and conduct interviews with local journalists.

Depending on the circumstances Council might also want to:

- Undertake a statistically correct survey of particular attitudes, beliefs or information in relation to the policy. This may be done by phone, written survey or door-knock of individual households.
- Conduct discussion groups of around 15-20 invited people, usually led by a trained facilitator.
- Issue a non-addressed leaflet or flyer that summarises the issues and invites feedback to Council. The flyer indicates how that feedback can be given.
- Undertake personal briefings. These are held at the request of a member of members of the local community to discuss a particular issue with a responsible officer. They may include the Mayor and/or Councillors.

## **STAFF COMMENT**

The draft policy is based on:-

- South Australian local government policies
- Swan River Trust policy, and
- knowledge of the fireworks display permit process as set out by the Department of Consumer and Employment Protection.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Nil

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

Moved Cr Miller, seconded Cr Strzina

**That Council undertake community consultation (with public submissions closing on Friday 8<sup>th</sup> June 2007) regarding the proposed *Fireworks Policy* by way of:-**

- the invitation of submissions with the placement of advertisements in the local newspaper,

- information being placed on the Internet at [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au) together with an invitation for submissions,
- an article in *Cottesloe Council News* about the draft policy with the article informing and encouraging feedback, and
- consultation with ratepayer groups such as SOS Cottesloe Inc and Cottesloe Coastcare.

Carried 10/0

## 12.2 ENGINEERING

### 12.2.1 COTTESLOE TENNIS CLUB - REQUEST FOR SHARED COSTS FOR BOUNDARY FENCE REPLACEMENT, NAPIER STREET

**File No:** E17.10.69 & E10.11  
**Attachment(s):** [Proposal & Plan](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 3 April, 2007  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

The Cottesloe Tennis Club have requested a Council contribution of 50% of the cost of replacing the Napier Street boundary fence line of the tennis courts. The Napier Street road reserve is vested in the Town of Cottesloe and the Tennis Club grounds are part of an 'A' Class reserve administered by the Town. The estimated total cost is \$15,000 + GST.

This report recommends that Council not contribute 50% of the cost of the Napier Street tennis court fencing and that the Cottesloe Tennis Club be informed of Council's decision on this matter.

#### STATUTORY ENVIRONMENT

The area of the Cottesloe Tennis Club grounds, Reserve 3235, Lots 37, 38 and 39 are vested in Council but are the subject of a 21 year lease covering payments, maintenance, repairs and the general keeping in good condition by the Club of all grounds, buildings, services and fittings within the property.

#### POLICY IMPLICATIONS

Nil.

#### STRATEGIC IMPLICATIONS

The most applicable Strategic Plan implication is:

*District Development/Environment/Parks & Reserves: Maximum use of available reserve land for a balance of public recreation and revegetation with local species. Provide clean, safe, sustainably managed areas using "user pays" principles.*

#### FINANCIAL IMPLICATIONS

The request is for Council and the Tennis Club to share the estimated new fencing cost of \$15,000 + GST. This is not budgeted for in the 2006/07 budget.

#### BACKGROUND

The length proposed for replacement is 116m long by 2.1m high. This section of fence is in poor condition compared to the Broome Street boundary green coated mesh fence.

The fence is on the property boundary and, if it was private property, Council would normally not consider a contribution to the fencing replacement.

The *Dividing Fences Act, 1961* does not apply to the Crown or to land used for 'public purposes such as roads, parks and reserves under the control of local governments. Both Napier Street and the land occupied by the Cottesloe Tennis Club are Crown land.

## **CONSULTATION**

Nil.

## **STAFF COMMENT**

There are no legal or lease obligations on Council to provide funds for this fencing. The Sea View Golf Club also has a long surround fence, part of which is also in poor condition. The provision of a contribution to the tennis court fencing, on an "A" Class reserve with a 21 year lease – will create a precedent to similar requests in the future.

The lease document, in regards to the Tennis Club premises, concentrates on the main building. There is also an agreement that the Club will be responsible for the operation and possible improvements to the well from which all reticulation water is supplied.

The lease includes the general principle of everything in the lease area, which would include fencing, being the responsibility of the club to maintain and replace as the need arises, over the period of the lease.

Therefore the fence replacement cost should be borne by the club, to meet club requirements for a fence to meet tennis court specifications.

## **VOTING**

Absolute Majority – unbudgeted expenditure

## **DECLARATION OF INTEREST**

Cr Dawkins declared a financial interest as she is a member of the Cottesloe Tennis Club and left the meeting at 8.06pm and did not participate in the debate or vote.

## **OFFICER RECOMMENDATION**

That Council not contribute 50% of the cost of the Napier Street tennis court fencing and that the Cottesloe Tennis Club be informed of Council's decision on this matter.

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

Moved Mayor Morgan, seconded

**That Council make a donation of 50% of the cost of the Napier Street fencing not to exceed \$7,500 + GST.**

Carried 8/1

Cr Dawkins returned to the meeting at 8.08pm.

**12.2.2 WESTERN POWER SUB STATION UPGRADING - CORNER JARRAD STREET AND CURTIN AVENUE, COTTESLOE**

**File No:** X 8.26  
**Attachment(s):** [Western Power plans](#)  
[Photo montage of steel pole](#)  
[Key dates – sub station upgrade](#)  
[Meeting minutes 14/2/07](#)  
[Western Power list of option benefits](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 11 April, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Council agreed in 2006 to the proposed Western Power general plans for the upgrading of this sub station but also resolved to oppose any intrusion of this site into the MRS road reserve for the future regional road on the east side of the sub station.

Recent discussions have taken place with Western Power officers where accurate plans were provided showing altered power lines, pole locations and connections in and around the site to allow the upgrading to occur.

This report recommends that Council:

- (1) Inform Western Power that the pole and line layout under Option 2 with two separate crossings of Curtin Avenue is supported;
- (2) Request that the most southern of the two new poles be removed as soon as sub station development allows this removal to occur; and
- (3) Request Western Power to fully inform residents of Curtin Avenue opposite the Cottesloe sub station, from Finney Street to Jarrad Street, of the nature and program for this pole and line installation.

**STATUTORY ENVIRONMENT**

Western Power has control of the existing sub station site and can continue to develop within that site, to meet their power supply obligations without Council involvement, other than a small section of the originally fenced compound that was within the MRS road reserve for a regional road alignment.

Council must also be involved and approve any changes to the 66KV and 132KV power pole and line alignments on the road reserve as they enter and exit the sub station site.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

Western Power are progressing their arrangements regarding the upgrading of the Cottesloe sub station capacity from 66KV to 132KV, involving the progressive replacement of the smaller 66KV transformers to 132KV capacity, the replacement or construction of switch gear and similar equipment, the construction of a total boundary masonry/brick fence and the changes to power pole alignments to 'feed' 132KV power into the sub station.

Recent discussion have concentrated on two options for power pole and line changes in the area of the sub station and Curtin Avenue.

**CONSULTATION**

Several meetings between Western Power and Town of Cottesloe staff. No local resident consultation.

**STAFF COMMENT**

Western Power has requested a Council decision on a choice of two options for a preferred new line route into the existing sub station from the existing 132KV power line on the western road verge of Curtin Avenue.

Option 1 for the connection of the 132KV line to the sub station is for one new steel pole on the 132KV line to be connected in two directions to the sub station; one of which would cut across Curtin Avenue at right angles (requiring the removal of one small Norfolk Island Pine tree) plus a second line on a diagonal south east alignment requiring heavy pruning of a large fig tree on the west side of Curtin Avenue.

The new steel pole would be wider at the base than Option 2, because of the two lines coming from it. This pole would be on the north side of the Finey Street intersection with Curtin Avenue. Eventually, the south east diagonal line would be removed.

Option 2 is for two separate connection lines to cross Curtin Avenue from two separate new steel poles, one at the Finey Street/Curtin Avenue intersection (same location as Option 1) and one in front of the third property south of Finey Street. This second pole would be eventually removed, at the end of the project. It would also mean that the fig tree, which provides a level of screening to properties on the western side of Curtin Avenue, would not require pruning. The Finey Street/Curtin Avenue intersection pole would also not be as wide at the base, due to only one line being involved.

The completion of Stage 2 is proposed for the end of 2009. All redundant power poles and lines will have been removed by that time.

Both options require a permanent large steel pole at the Finey Street/Curtin Avenue intersection, with Option 2 requiring a smaller pole.

Option 2 requires a second street pole in front of a private property in Curtin Avenue, but this is a temporary pole. Option 2 does not involve any fig tree pruning.

In both cases a small Norfolk Island Pine tree will be removed opposite Finey Street.

Western Power is responsible for the information to be provided to property owners regarding their proposals for sub station upgrading.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Concern was raised regarding the use of the word supported in recommendation item (1).

### **OFFICER RECOMMENDATION**

That Council:

- (1) Inform Western Power that the pole and line layout under Option 2 with two separate crossings of Curtin Avenue is supported;
- (2) Request that the most southern of the two new poles be removed as soon as sub station development allows this removal to occur; and
- (3) Request Western Power to fully inform residents of Curtin Avenue opposite the Cottesloe sub station, from Finey Street to Jarrad Street, of the nature and program for this pole and line installation.

### **COMMITTEE RECOMMENDATION**

That Council:

- (1) Inform Western Power that the pole and line layout under Option 2 with two separate crossings of Curtin Avenue is the least undesirable of the two options presented;
- (2) Request that the most southern of the two new poles be removed as soon as sub station development allows this removal to occur; and
- (3) Request Western Power to fully inform residents of Curtin Avenue opposite the Cottesloe sub station, from Finey Street to Jarrad Street, of the nature and program for this pole and line installation.

### **AMENDMENT**

That the motion be amended to:

That Council:

- (1) Inform Western Power that the pole and line layout under Option 2 with two separate crossings of Curtin Avenue is the less undesirable of the two options presented;
- (2) Request that the most southern of the two new poles be removed as soon as sub station development allows this removal to occur;
- (3) Request Western Power to fully inform residents of Curtin Avenue opposite the Cottesloe sub station, from Finey Street to Jarrad Street, of the nature and program for this pole and line installation;
- (4) Request Western Power to postpone all work on new poles until Western Power have carried out a consultation process with affected neighbours; and
- (5) Request staff to seek further information on the reported third option for referral back to Council.

Carried 10/0

#### **12.2.2 COUNCIL RESOLUTION**

Moved Cr Cunningham, seconded Cr Strzina

**That Council:**

- (1) Inform Western Power that the pole and line layout under Option 2 with two separate crossings of Curtin Avenue is the less undesirable of the two options presented;**
- (2) Request that the most southern of the two new poles be removed as soon as sub station development allows this removal to occur;**
- (3) Request Western Power to fully inform residents of Curtin Avenue opposite the Cottesloe sub station, from Finey Street to Jarrad Street, of the nature and program for this pole and line installation;**
- (4) Request Western Power to postpone all work on new poles until Western Power have carried out a consultation process with affected neighbours; and**
- (5) Request staff to seek further information on the reported third option for referral back to Council.**

Carried 10/0



**12.2.3 MAINTENANCE OF ROAD RESERVE VERGE PARKING AREAS POLICY**

<b>File No:</b>	<b>E17.1</b>
<b>Attachment(s):</b>	<a href="#"><u>Policy Letter from Woodhouse Legal</u></a>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>4 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

Council adopted its *Maintenance of Road Reserve Verge Parking Areas* policy in September, 2005. Legal comment has been received regarding an Agreement Form required for this policy casting doubt on the legality on Council trying to contract private individuals or groups with the liability of a car parking area on a road verge.

This report recommends that Council:

- (1) Remove the *Maintenance of Road Reserves Verge Parking Areas* policy from its policy manual;
- (2) Adopt an attitude in future that private or restricted use car parks on road reserves within the Town of Cottesloe will generally not be acceptable unless a general public benefit can be demonstrated; and
- (3) Attend to maintenance issues on existing road verge private/restricted use car parks where a public safety issue exists. Issues relating to surface condition and aesthetic values are to be directed towards the users of such car park areas for solution.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

This item concerns the content of Council's *Maintenance of Road Reserve Verge Parking Areas* policy (attached).

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

If Council is responsible for the maintenance of all verge car parking areas in Cottesloe, the cost is estimated at approximately \$5,000/year for maintenance repairs. Long term replacement costs of these areas could be substantial.

**BACKGROUND**

In the adoption of this policy, a draft standard agreement form was to be drawn up and checked by Council's lawyer, to cover the long-term maintenance and upgrading responsibilities of private property owners, with this agreement form to be sent to all affected landowners with private infrastructure on the road verge.

A draft agreement document was eventually created and sent for the consideration of legal principles involved. The legal comment is included in the attachments.

The subject had originally been raised when Council had been requested to share the cost of resurfacing a restricted/private use car park on the Salvado Street road reserve, adjacent to units on No. 22. It also applied to many other areas in the Town of Cottesloe, including several government/institutional parking areas on Gibney Street.

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

**CONSULTATION**

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

**STAFF COMMENT**

It appears that the solution to Council not having to maintain restricted/private use verge parking areas is not legally possible. Council carries the vesting of care, control and maintenance responsibilities on the entire road reserves under its control, including these parking areas. At various times in the past, Council has approved the construction of such parking areas. The construction will normally have been checked and approved, mostly as a development condition. Maintenance costs would be expected to be low in the early years and increase to a point where works are required after 10 years.

With regards to parking on verges, Council's Rangers have regular cause to book infringements for people who have parked on a verge and a complaint has been raised by the owner of the adjacent property.

This is done under the power of section 7.9 of Council's *Parking and Parking Facilities* Local Law. This has applied to constructed parking bays fronting private properties and government or institutional facilities, when a complaint has been received.

The original issue that commenced this debate, 22 Salvado Street, arranged for the resurfacing of the large adjacent verge parking at their own cost, with no Council contribution.

Another verge parking area, on the east side of Broome Street, north of Eric Street, was denied a resurfacing of the parking area funded by Council funds. It is not unsafe and any potholes will be filled. In due course, when the surfacing is in poor

condition, but still safe, it is expected that the owners of the units served by this car park will eventually fund a resurfacing.

Therefore, it appears that unless Council can modify its *Parking* Local Law, with a complex, non-standard inclusion for exclusive use and responsibility levels for verge car parking, it is very doubtful that the new policy's intentions would have the legal 'teeth' to force proper maintenance standards on private owners and the acceptance of legal liability in a case of damage or injury relating to these parking bays.

In future, any consideration of future requests for new or extra verge parking areas will require consideration of general public use value, long term maintenance costs and the removal of private/restricted use if public funds are to be involved.

Maintenance on existing areas should be restricted to safety issues only, with resurfacing being encouraged as a private use issue.

### **VOTING**

Absolute Majority

### **COMMITTEE COMMENT**

Nil

### **OFFICER RECOMMENDATION**

That Council:

- (1) Remove the Maintenance of Road Reserves Verge Parking Areas policy from its policy manual;
- (2) Adopt an attitude in future that private or restricted use car parks on road reserves within the Town of Cottesloe will generally not be acceptable unless a general public benefit can be demonstrated; and
- (3) Attend to maintenance issues on existing road verge private/restricted use car parks where a public safety issue exists. Issues relating to surface condition and aesthetic values are to be directed towards the users of such car park areas for solution.

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

Moved Cr Miller, seconded Cr Strzina

**That this item be withdrawn to allow staff further time to consult with Council's lawyer on requirements of Council's *Parking and Parking Facilities* Local Law to be modified to achieve Council's objectives in this matter.**

Carried 10/0

**12.2.4 WESROC TOTAL WATER CYCLE**

<b>File No:</b>	<b>X11.20</b>
<b>Attachment(s):</b>	<a href="#"><u>WESROC Total Water Cycle Management Draft Action Plan, 2007</u></a>
<b>Author:</b>	<b>Mr Geoff Trigg</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>4 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The project initiated by WESROC in mid 2001 for the development of a regional strategy for the management of stormwater quality, including the monitoring of the existing situation, has now been completed.

This report provides Council with the outcomes of that monitoring, including implementation recommendations at a local and regional level.

Those recommendations are to:

- (1) Agree to the final report of the WESROC Total Water Cycle Project being provided to State Government agencies (including the Department of Water) for inclusion in the review process of environmental standards and criteria currently being undertaken as part of the revision of the stormwater management manual of WA;
- (2) Continue programs to enhance stormwater harvesting and recharge;
- (3) Pursue education programs targeting domestic fertiliser application as a key issue for stormwater and groundwater quality improvement, with development on a regional basis and a local implementation level; and
- (4) Have staff review education frequencies and timings of Gross Pollutant Traps, to optimise performance.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

The most applicable Strategic Plan provisions for this project are:

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

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

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

In mid-2001 WESROC initiated the development of a regional strategy for the management of stormwater quality.

Consultants Jim Davies and Associates (JDA) were engaged and the City of Subiaco provided project management. The final report was endorsed by WESROC and participating Councils.

WESROC Councils agreed, in 2002, that:

1. The regional and local stormwater quality management implementation plans, as presented in this final report, be endorsed.
2. WESROC Councils work with all other Councils to jointly implement regional initiatives.
3. Funding provided in the 2002/03 budget be applied to implementation of study recommendations, particularly to the development of water sampling/testing and community education programs.

Since that time, JDA have been commissioned to develop and implement an integrated monitoring program targeting identified priority catchments to establish baseline stormwater quality data.

**CONSULTATION**

Nil, other than internal consultation between Cambridge and all WESROC Councils.

**STAFF COMMENT**

The sites tested were:

- Two street sweeping sites (to monitor whether extra street sweeping removed more pollutants).
- Four gross pollutant trap sites.
- Twelve receiving environment sites (lakes, the Swan River and the ocean – including the GPT sites).
- Eighteen stormwater sites – including GPT sites.

The following is a summary of the JDA conclusions and recommendations:

- Monitoring results were compared to other previous studies both in the WESROC area and wider Swan Coastal plan region and found to provide good agreement in terms of stormwater, groundwater and receiving environment water quality. This provided confidence of monitoring outcomes and study analysis.
- Monitoring results were also compared to mean concentrations for urban stormwater estimates presented in Australian Runoff Quality (IEAust, 2003), and found to be of considerably better quality. This indicates stormwater

quality in Perth is better than in the eastern states of Australia. Reasons for the differences are unknown but may be due to factors, which influence local hydrology including rainfall seasonality, climate, topography, soil type, catchment behaviour. Alternatively they may be due to current local stormwater management practices having evolved to be appropriate for local conditions.

- In 2004 monitoring results compared favourably to Swan Canning Cleanup Program 5 year targets. For stormwater in 2004, almost all catchments had Total Nitrogen mean concentrations within Swan Canning Cleanup Program values, with the majority of catchments also having Total Phosphorus within Swan Canning Cleanup Program target values.
- In 2006 Total Nitrogen results compared favourably to Swan Canning Cleanup Program 5 year targets. For stormwater in 2004, almost all catchments had Total Nitrogen mean concentrations within Swan Canning Cleanup Program values, with some catchments also having Total Phosphorus within Swan Canning Cleanup Program target values.
- Based on calculated mean concentrations, stormwater quality was found to be typically better than groundwater quality for Total Dissolved Solids, Electrical Conductivity, and Total Nitrogen and generally worse quality in terms of Total Phosphorus and Metals.
- In areas where infiltration is the dominant method of stormwater disposal by local authorities, Total Nitrogen values in groundwater were found to be significantly higher than stormwater Total Nitrogen values. This indicates infiltration of local authority drainage is unlikely to be causing groundwater concentrations. Resident fertiliser application moving vertically through the soil profile is considered a more likely cause.
- For Total Phosphorus, groundwater has considerably lower concentrations than stormwater, despite infiltration systems having been used for many years. This indicates Total Phosphorus is being bound in the soil profile, both in domestic gardens and at local authority infiltration basins. As all local authorities within WESROC use phosphate free fertilisers for irrigation of Public Open Space areas, this indicates the source of Total Phosphorus in stormwater is likely to be from domestic application of garden fertiliser rather than impact of Council operations.
- The highest metal concentrations in catchments generally occurred in areas with higher density of major roads (defined as primary and secondary roads).
- Outcomes for this study may assist Department of Environment and Conservation process to establish suitable principles and criteria for urban stormwater management within established area such as WESROC. Little stormwater, groundwater and receiving water body quality data is currently being collected by State Government agencies in the Study Area. The water quality data collected for this study by WESROC represents the best regional set of data within an established area of Perth.

*Gross Pollutant Traps*

From 2006 sampling results Gross Pollutant Traps do not significantly capture dissolved metals and are not designed to do so. Metals attached to sediment may be trapped but then may be dissolved within the Gross Pollutant Trap chamber. Gross Pollutant Traps are designed to capture solids and sediments. Quantifying sediment removal and associated particles was not part of the 2006 stormwater monitoring program.

*Street Sweeping*

The direct contribution of street sweeping to stormwater pollutant removal is difficult to quantify, given the number of management factors potentially impacting nutrient and metal concentrations, particularly as no historical knowledge of stormwater quality without street sweeping within the Study Area is known.

Results did not show significantly lower concentrations of nutrients and metals for the City of Subiaco and Peppermint Grove catchments, which sweep more frequently than other Councils. This result does not however mean street sweeping is not efficient in removing pollutants, particularly as stormwater pollutant concentrations are considerably lower than Australian mean concentration contained in Australian Runoff Quality (IEAust, 2003).

From the 2006 monitoring, there was no statistically significant improvement in water quality from the fortnightly swept catchments compared to the quarterly swept catchments. Results (Total Suspended Solids, nutrient and metals) for the fortnightly swept catchment varied both greater and less than the paired quarterly swept area.

Based on the findings of the study, the following are recommended:

- Outcomes from this study be provided by WESROC to State Government (Department of Water) for inclusion in the review process of environmental standards and criteria currently being undertaken as part of the revision of the stormwater management manual for WA.
- Infiltration of stormwater within WESROC should be encouraged, particularly when viewed in the context of total water cycle management and low availability of groundwater in some areas (eg Mosman Park, Cottesloe and Peppermint Grove which have a thin freshwater lens above saline groundwater).
- Education campaigns should target domestic fertiliser application as a key issue for stormwater and groundwater quality improvement. Where targeting stormwater, a campaign should focus on catchments, which do not discharge to infiltration basins, but discharge directly to receiving water bodies such as significant wetlands and the Swan River.
- Local authorities should regularly monitor and review Gross Pollutant Trap education frequencies and timings with a view to optimising performance of these units.

The development of these programs is suited to a regional approach to ensure consistency of data collection and community information with WESROC to coordinate the projects.

The social and environmental implications for the Town and other local governments within the western suburbs are significant. The development of the regional strategy is innovative and will raise awareness within the western suburbs communities of the environmental impacts that actions on and near their properties can have for the lakes, river and ocean environments not only within their immediate locality but also within neighbouring communities.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

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

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) Agree to the final report of the WESROC Total Water Cycle Project being provided to State Government agencies (including the Department of Water) for inclusion in the review process of environmental standards and criteria currently being undertaken as part of the revision of the stormwater management manual of WA;**
- (2) Continue programs to enhance stormwater harvesting and recharge;**
- (3) Pursue education programs targeting domestic fertiliser application as a key issue for stormwater and groundwater quality improvement, with development on a regional basis and a local implementation level;**
- (4) Have staff review education frequencies and timings of Gross Pollutant Traps, to optimise performance; and**
- (5) Have staff report to the Strategic Planning Committee on the implementation of items (2), (3) and (4).**

Carried 10/0



**12.2.5 SEA VIEW GOLF CLUB - CSRFF GRANT SUBMISSION - RETICULATION UPGRADE**

<b>File No:</b>	<b>2 Jarrad Street</b>
<b>Attachment(s):</b>	<a href="#"><u>Sea View Golf Club Submission documents</u></a>
<b>Author:</b>	<b>Mr Geoff Trigg</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>12 April, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The Sea View Golf Club reticulation system is in urgent need of substantial upgrading/replacement. The Club is preparing a submission to the Department of Sport and Recreation for a Community Sporting and Recreation Facilities Fund (CSRFF) grant. The total estimated project cost is \$575,000 and the grant application will be for one-third of this amount.

This application to Council is for a grant or a loan on an interest free basis of \$190,000 for the project.

In addition, the Club has requested that Council arrange a loan of \$100,000 to the Club, through the WA Treasury Corporation where the Club would repay all of the principal and interest.

This report recommends that Council agree to arrange a Western Australian Treasury loan of \$290,000 for the Sea View Golf Club for the purpose of the upgrading of the Club reticulation system, with the Sea View Golf Club to repay the principal amount and interest during the term of the loan.

**STATUTORY ENVIRONMENT**

The land involved is made up of 'A' Class reserves 6613 and 1664, vested in Council.

The Sea View Golf Club area is within these reserves and leased to the Club for a period of 21 years.

The Club is responsible for its own requirements for infrastructure to provide for all of its golfing requirements, including an effective water reticulation system. However, funds for the upgrading of the reticulation system are not confined to the Club for provision, if other sources (ie grants, Town of Cottesloe) can be arranged.

**POLICY IMPLICATIONS**

No direct policy associated with this issue. Council's *Donations* policy normally deals with much lower cost issues ie less than \$10,000.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Of the \$575,000 estimated cost of the project, \$190,000 will be sought as a CSRFF grant, a grant or interest free loan of \$190,000 is requested from Council, a \$100,000 loan is sought through Council which would be repaid over the term of the loan (including interest) and the remainder paid by the Sea View Golf Club in cash and in-kind.

**BACKGROUND**

The Sea View Golf Club has been battling for a number of years with a piped reticulation system which has continually broken down, water has been wasted from pipeline blow outs and the future currently involves increasing maintenance issues and costs.

This upgrade/replacement project has been fully designed for the long term. Membership fees have been increased to support this work. The 21 year lease also has supplied the assurance that the cost of long term works will not be wasted.

**CONSULTATION**

Prior discussion between the Sea View Golf Club and staff. No ratepayer or resident consultation.

**STAFF COMMENT**

This project certainly appears to be needed, with many golf club site reticulation problems being known of by staff. The 21 year lease granted by Council provides the surety for the Club to invest in its infrastructure, long term.

A Western Australian Treasury loan could be arranged through the Town of Cottesloe at a very competitive interest rate, with the Club repaying the principal and interest over the period of the loan.

The policy manual provides no direction to staff on a request of this nature. The Strategic Plan mentions 'user pays' principals.

No inclusion of works or expenditure of this type has been made in financial or engineering long term planning.

Benefits of this expenditure would not apply to the total ratepayer/resident base of the Town of Cottesloe.

**VOTING**

Simple Majority

**DECLARATIONS OF IMPARTIALITY**

Cr Furlong made a declaration of impartiality as he is a social member of the Sea View Golf Club.

Cr Strzina made a declaration of impartiality as he is a member of the Sea View Golf Club.

Cr Walsh made a declaration of impartiality as he is a casual member of the Sea View Golf Club.

**DECLARATION OF INTEREST**

Mayor Morgan declared a financial interest as being a member of the Sea View Golf Club and left the meeting at 8.17pm and did not participate in the debate or vote.

**COMMITTEE COMMENT**

The CEO advised the meeting that a loan of \$190,000 over 10 years at an interest rate of 7% would attract interest of \$77,372. The Sea View Golf Club's expectation was that the Town of Cottesloe would bear the interest cost of \$7,737.20 annually assuming the club repaid equal half-yearly instalments of the principal.

**OFFICER RECOMMENDATION**

That Council agree to arrange a Western Australian Treasury loan of \$290,000 for the Sea View Golf Club for the purpose of the upgrading of the Club reticulation system, with the Sea View Golf Club to repay the principal amount and interest during the term of the loan.

**COMMITTEE RECOMMENDATION**

That subject to the Sea View Golf Club satisfying the requirements of Council's *Self-Supporting Loans* policy and the approval of a grant from the Department of Sport and Recreation, Council approve:

- (1) an interest-free loan of \$190,000; and
- (2) a self-supporting loan of \$100,000

with both to be repaid over a period of ten years and to be used for the purpose of upgrading the Sea View Golf Club's reticulation system.

**AMENDMENT**

Moved Cr Dawkins, seconded Cr Cunningham

That subject to the Sea View Golf Club satisfying the requirements of Council's *Self-Supporting Loans* policy and the approval of a grant from the Department of Sport and Recreation, Council approve Western Australian Treasury loans of \$290,000 for the Sea View Golf Club for the purpose of the grading of the Club reticulation system on the basis of:

- (1) an interest-free loan of \$190,000; and
- (2) a self-supporting loan of \$100,000

with both to be repaid over a period of ten years and to be used for the purpose of upgrading the Sea View Golf Club's reticulation system.

Carried 6/3

**12.2.5 COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Cunningham

**That subject to the Sea View Golf Club satisfying the requirements of Council's *Self-Supporting Loans* policy and the approval of a grant from the Department of Sport and Recreation, Council approve Western Australian Treasury loans of \$290,000 for the Sea View Golf Club for the purpose of the grading of the Club reticulation system on the basis of:**

- (1) an interest-free loan of \$190,000; and**
- (2) a self-supporting loan of \$100,000**

**with both to be repaid over a period of ten years and to be used for the purpose of upgrading the Sea View Golf Club's reticulation system.**

Carried 8/1

The Mayor returned to the meeting at 8.33pm.

**12.3 FINANCE****12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH, 2007**

<b>File No:</b>	<b>C 7. 4</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>31 March, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2007, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Operating Statement on page 17 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$707,249 as at 31 March 2007. Operating Revenue is ahead of budget by \$70,834 (0.95%). Operating Expenditure is \$636,414 (11.1%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 March 2007 is shown on page 40.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$54,266) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$141,640). This includes scheme review expenses. Most of the variance in Town Planning is dependent upon the outcome of the current Supreme Court appeal and the Scheme Review.

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The Capital Works Program is listed on pages 23 to 24 and shows total expenditure of \$2,315,463. This includes \$171,853 of capital expenditure related to projects funded with grant money received in the last financial year. The other items of capital are budgeted with some timing differences causing the variance

**VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Strzina

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2007, as submitted to the 17 April, 2007 meeting of the Works and Corporate Services Committee.**

Carried 10/0

**12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 MARCH, 2007**

<b>File No:</b>	<b>C12 &amp; C13</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>31 March, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 March, 2007, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

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

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Schedule of Investments on page 49 of the Financial Statements shows that \$2,787,491.40 was invested as at 31 March, 2007

Reserve Funds make up \$703,592.14 of the total invested and are restricted funds. Approximately 51% of the funds are invested with the National Australia Bank, 26% with Home Building Society and 23% with BankWest.

The Schedule of Loans on page 50 shows a balance of \$317,153.24 as at 31 March, 2007. There is \$168,521.51 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 March, 2007, as submitted to the 17 April, 2007 meeting of the Works and Corporate Services Committee.**

Carried 10/0



**12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 MARCH, 2007**

<b>File No:</b>	<b>C 7. 8</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>31 March, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 March, 2007, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 41 of the Financial Statements:

- \$12,601.08 to WA Local Govt Super Fund for staff deductions
- \$20,068.64 to BCITF for payment of levies collected
- \$17,276.00 to BCITF for payment of levies collected
- \$15,372.07 to WA Local Govt Super Fund for staff deductions
- \$15,322.54 to WA Local Govt Super Fund for staff deductions
- \$11,440.44 to B&N Waste for green waste collected in January 2007
- \$28,050.00 to K&F Concrete for installation work on footpaths
- \$224,375.82 to FESA for 3<sup>rd</sup> quarter levy payment
- \$169,451.931 to Town of Mosman Park for road construction costs
- \$47,668.38 to Trum P/L for waste collection
- \$12,243.00 to Claremont Asphalt for road construction work
- \$16,740.30 to Flexi Staff for temporary depot staff
- \$30,158.70 to K&F Concrete for installation work on footpaths

- \$19,800.00 to NGIS for work on Critical Infrastructure Project
- \$10,430.85 to Surf Life Saving WA for lifeguard contract for February 2007
- \$25,300.00 to Sculpture by the Sea for purchase of new sculpture
- \$13,651.62 to WMRC for disposal and tipping fees
- \$51,694.13 and \$54,664.12 for staff payroll

**VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 31 March, 2007, as submitted to the 17 April, 2007 meeting of the Works and Corporate Services Committee.**

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD  
ENDING 31 MARCH, 2007**

<b>File No:</b>	<b>C 7. 9</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>31 March, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 March, 2007, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Sundry Debtors Report on pages 47 to 48 of the Financial Statements shows a balance of \$230,090.14 of which \$88,417.68 relates to the current month. The balance of aged debt greater than 30 days stood at \$141,672.46 of which \$125,742.85 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report on page 46 of the Financial Statements shows a balance of \$481,860.70. Of this amount \$158,207.19 and \$8,894.08 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$314,759 in 2007 compared to \$393,835 last year.

**VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the period ending 31 March, 2007; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 March, 2007.**

Carried 10/0

**13 AUDIT COMMITTEE MEETING HELD ON 5 APRIL, 2007****13.1 LTFP/SUSTAINABILITY ASSETS**

A spreadsheet containing a financial breakdown of the Town of Cottesloe's roads using pro rata allocation of cost by length was tabled. The spreadsheet will form the basis to facilitate separate depreciation of the different elements of a road. That is: clearing and excavation, base, surface and kerbing. This will provide a more accurate depreciation figure for the most significant group of assets within the Council.

The Long Term Financial Plan (LTFP) was tabled. Mr Patrick stated the main assumptions including: the library upgrade was not included; no sale of the depot; and, no upgrade of the council offices. This plan will be presented to the Council at the April meeting.

**13.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council adopt the 20 year Long Term Financial Plan.**

Carried 10/0

**14 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.1 NOTICE OF MOTION REPORT****14.1.1 ADVERTISEMENT OF DEVELOPMENT APPLICATIONS - NOTICE OF MOTION - 16/2007**

<b>File No:</b>	<b>X4.10</b>
<b>NOM Date:</b>	<b>19 April, 2007</b>
<b>Author:</b>	<b>Mrs Jodie Peers</b>
<b>Councillor:</b>	<b>Cr Walsh</b>

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**SUMMARY**

Cr Walsh has given notice that he intends to move the following motion at the Council meeting on 23 April, 2007.

That Council advertise its Development Applications in the local Post Newspaper, in a similar fashion to the practice of the City of Subiaco.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Over the last year, the Town of Cottesloe has dealt with 268 development applications which equates to approximately 5 development applications per week.

The direct cost of placing a 3 column by 14cm deep advert in the Post newspaper is currently \$276.36 ex GST. Over a year this amounts to \$14,370.72

Indirect staff costs of approximately \$1,500 will also be incurred each year with the compilation, preparation and dispatch of the advertisement to the Post.

**BACKGROUND**

Cr Walsh provides the following background information on this motion:

I know there is probably a majority of Councillors that don't think this is necessary and that a website notification is sufficient. SOS have asked if I was prepared to move this and I certainly am.

When a Development Application comes in it does not impact on only the immediate neighbours. In the interests of better communications with our residents an ad in the Post newspaper seems warranted to me. While many residents may use the internet they would only access the Town of Cottesloe website when they have a distinct concern. No one accesses it on a regular basis just in case there may be an unsatisfactory Development Application being lodged on a nearby block. A Post newspaper ad will be glanced at as a matter of interest and certainly help local communication.

It obviously works well for Subiaco and (Claremont or is it Nedlands?). It should not necessarily be part of the Cottesloe News section and would indeed be more effective as a separate item.

### **CONSULTATION**

Nil.

### **STAFF COMMENT**

Council will recall a question from Valerie Frearson-Lane at the February Council meeting asking whether Council would list applications for development in the newspaper.

At the meeting, the Mayor advised that developments are advertised to adjoining owners and there has been no identified need to change this. Further that it was a matter that Council could give further consideration to.

As the CEO has editorial control over the Cottesloe Council News page, he indicated that he would be happy to publish a list of development applications received on a monthly basis if there was general support for it amongst elected members.

An email was therefore sent to all elected members seeking individual views on the proposal. The email included copies of adverts placed by the Subiaco and Nedlands Councils in the Post together with advice that the Town of Cottesloe's list was likely to be longer as the Cottesloe Council News page is only published monthly.

Members were advised that any list that was published would mean that the news content of the page was reduced accordingly.

The majority view on Council (6 of 11 - with 3 of 11 not responding) was that development applications should not be listed on the monthly Cottesloe Council News page.

Reasons that were advanced in favour of the listing were that:

- ...this is a good move that will help in council/community relations

Reasons that were advanced against the listing were that:

- Publishing this sort of information will turn our interesting newsy section into a classified like section which will risk losing readers and end up counterproductive.

- I believe the Cottesloe News page is informative and easy to read – keeping the public aware of Community events. I am loathe to destroy the community attractiveness of the page.
- I do not believe that anything constructive will be served by advertising each and every development application that Council receives.
- I believe it would be a waste of space. Those interested can view agendas on the website. Those directly involved get a letter alerting them to the development application.

Given the above the CEO decided that future Cottesloe Council News pages would not contain such a list until such time as Council decided otherwise.

Nevertheless there was broad support for greater accountability and transparency with a list of development applications being placed on our website as an alternative. One elected member noted that "...it is efficient, easy and environmentally friendly". The website list has now been implemented and it is intended that a regular footnote will be placed on our Cottesloe Council News page which will direct people to the web page without adversely consuming the news content of the page.

It has been argued that the Council web page and the proposed reference to it in the Cottesloe Council News is insufficient as:-

1. People may not be inclined to hunt the information up unless they have a specific requirement or motivation to do so.
2. Not everyone has access to the Internet - despite the high rate of Internet usage amongst Cottesloe residents relative to other local government areas.

It is anticipated that the broader advertising of development applications will result in an increased number of enquiries being made of the Town of Cottesloe's planning staff. These enquiries can be quite time consuming as most residents are unfamiliar with the Town Planning Scheme and Residential Design Codes and have to be 'walked' through the statutory planning requirements.

In addition, those residents who feel aggrieved with a development application tend to argue their point of view with Council staff. This can be very demotivating for staff as they must respond impartially and without bias while at the same time striving to be sympathetic to and satisfying customer needs.

As a result there may be a requirement to increase the number of town planning staff in order to handle any additional workload. This should not be seen as an obstacle to the publication of a development application list. Rather that increased accountability and transparency that is intended to improve decision making has a cost that should not go unrecognised.

Whether an additional town planning staff member is required will only be determined by the passage of time.

The Development Services Committee might also anticipate that there will be an increased number of people wanting to make statements on individual development applications.



**VOTING**

Absolute Majority – unbudgeted expenditure.

**COUNCILLOR RECOMMENDATION**

That Council advertise its Development Applications in the local Post Newspaper, in a similar fashion to the practice of the City of Subiaco.

**AMENDMENT**

Moved Cr Utting,

That all Council matters shall be decided by the Council at Council meetings and not by email.

Lost for want of a seconder

**AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

That this item be deferred pending a report to Council on the alternatives.

Lost 6/4

**14.1.1 COUNCILLOR RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Utting

That Council advertise its Development Applications in the local Post Newspaper, in a similar fashion to the practice of the City of Subiaco.

Lost on the casting vote of the Mayor 6/5

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

Nil

**16 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8.55pm .

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