

# 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 FEBRUARY, 2009

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

The Mayor announced the meeting opened at 7.05 PM.

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

**Elected Members**

Mayor Kevin Morgan  
Cr Greg Boland  
Cr Patricia Carmichael  
Cr Dan Cunningham  
Cr Jo Dawkins  
Cr Bryan Miller  
Cr Jack Walsh  
Cr Ian Woodhill

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Krystal Shenton	Executive Assistant

**Apologies**

Cr Jay Birnbrauer  
Cr John Utting

**Officer Apologies**

**Leave of Absence (previously approved)**

Cr Victor Strzina

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

Nil

**4 PUBLIC QUESTION TIME**

Ruth Greble, 47 John Street Cottesloe on behalf of Sally Pyvis, Forrest Street Cottesloe .

What is the Council's position on Amalgamation?

Mayor:

Council has not formally considered its position in relation to amalgamations, but it might be assumed that Council would be opposed if only because of its earlier resolutions in support of increased regional co-operation and resource sharing across the Western Suburbs. It might be even more strongly assumed that Council is opposed to forced amalgamations in that Council would require compliance with the current poll provisions in the Local Government Act whereby a proposed amalgamation must be refused if a poll is called and at which at least 50% of electors of the district vote and of those that vote at least 50% oppose the amalgamation. The Minister has yet to set out his criteria for amalgamation and once we receive that we will call a special meeting at which we will also present a WESROC report by Professor Dollery on our options, which contrary to my wishes, WESROC did not earlier agree to present to each Council together with a briefing on the report.

**5 PUBLIC STATEMENT TIME**Ruth Greble, - 47 John Street Cottesloe - Item 10.2.21 – Norfolk Island Pine Trees – John Street Cottesloe.

I have read the consultant's report and would draw Council's attention to recommendation 6.4.

Ms Greble provided Council with copies of photographs of trees in John Street taken in 1976, 1978 and 1980.

As you can see from the photos the shadow around the tree is quite sparse and it has not changed since that time. I am requesting that Council hold off removing the tree outside number 49. If Council is concerned and consistent with its intentions to take down dangerous trees, it should start with number 37 John Street. In addition, can Council confirm the qualifications of the consultant?

Brett Enderby - North Cottesloe Surf Life Saving Club – Item 10.1.1 – No 151 Marine Parade – Proposed Alterations and Additions to North Cottesloe Surf Life Saving Club

Mr Enderby outlined the Club's aspirations to provide adequate facilities for its growing membership, their plans for their future and the fact that the Club is a non-commercial, not-for profit organisation.

Mr Enderby provided Council with some photographs to support their proposal using "Photoshop" to demonstrate before and after images. The Club is aware of Council's position on developments west of Marine Parade, however, their proposal remains within their leased area and the proposed structure would be less "ad hoc" than the current courtyard and any noise from the courtyard would be removed. The Club needs the additional space for office, storage and a first aid training room.

Craig Smith-Gander President of North Cottesloe Surf Life Saving Club – Item 10.1.1 – No 151 Marine Parade – Proposed Alterations and Additions to North Cottesloe Surf Life Saving Club

As President of the NCSLSC, Craig, outlined the Club's community focus and role, and advised that current membership was approximately 1,900 of which 600 were Cottesloe residents. Staffing has also increased to three full-time staff, including a Development Officer. The Club needs storage for equipment, better training and office facilities and increased disabled facilities. The Blue Duck has approximately 25% of our leased area and they provide the revenue to support the Club's activities. The Club supports a motion to defer this matter in order for them to more fully consult with the community and Council Officers including some 3D modelling to demonstrate the impact of their proposal.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Miller, seconded Cr Dawkins

[Minutes December 15 2008 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 15 December, 2008 be confirmed.**

Carried 8/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE**

Moved Cr Walsh, seconded Cr Miller

**BACKGROUND**

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

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

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

**Suspension of Standing Orders**

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

**COUNCIL RESOLUTION**

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

Carried 8/0

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

For the benefit of the members of the public and specialist Officers present the Chairman determined to consider the following reports first;

- 10.2.1 General Electors Meeting - Consideration of Decisions
- 10.2.2 Statutory compliance audit - 2008 return
- 10.2.3 Ordinary Election - Appointment of State Electoral Commissioner as Returning Officer for Postal Vote Election
- 10.2.4 Sustainability Health Check – Final Report
- 10.2.7 Planning Institute of Australia 2009 National Congress – Northern Exposure: exploring new horizons - request to attend.
- 10.2.8 Draft Policy - Assets With Realisable Value
- 10.2.13 Five Year Plant Replacement Program
- 10.2.14 Five Year Playground Capital Improvement Program
- 10.2.17 Five Year Program - Road Safety Improvement and Speed Restriction.
- 10.2.18 Five Year Major Road Rehabilitation and Improvement Program
- 10.2.20 Marine Parade / Jarrad Street Intersection Modifications.
- 10.2.22 Restoration of the Groundwater Aquifer - National Water Initiative
- 10.2.24 Statutory Financial Statements for Period Ending 31 December 2008
- 10.2.25 Statutory Financial Statements for Period Ending 31 January 2009
- 10.2.26 Schedule of Investments and Schedule of Loans for the Period Ending 31 December 2008
- 10.2.27 Schedule of Investments and Schedule of Loans for the Period Ending 31 January 2009
- 10.2.28 Accounts for the Period Ending 31 December 2008
- 10.2.29 Accounts for the Period Ending 31 January 2009



- 10.2.30 Property and Sundry Debtors Reports for the Period Ending 31 December 2008
- 10.2.31 Property and Sundry Debtors Reports for the Period Ending 31 January 2009

**10 REPORTS OF COMMITTEES****10.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 FEBRUARY 2009****10.1.1 NO. 151 MARINE PARADE – PROPOSED ALTERATIONS AND ADDITIONS TO NORTH COTTESLOE SURF LIFE SAVING CLUB**

**File No:** 1622  
**Author:** Ed Drewett  
**Attachments:**

**Proposed Meeting Date:** 16-Feb-2009

**Author Disclosure of Interest:** Nil  
**Senior Officer:** Andrew Jackson  
**Property Owner:** Crown land (Leased to NCSLSC)  
**Zoning:** N/A  
**Density:** N/A  
**Lot Area:** N/A  
**MRS Reservation:** Parks and Recreation

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**SUMMARY**

This application is for alterations and additions to the North Cottesloe Surf Life Saving Club (NCSLSC).

The proposed development is on land reserved under the Metropolitan Region Scheme (MRS) for Parks and Recreation and therefore the application is to be determined by the Western Australian Planning Commission (WAPC).

The recommendation is to advise the WAPC that Council is supportive of the proposed alterations and additions to the lower ground level; and to the store, kitchen, training room, external stairs and balcony extension at the Marine Parade level within the current lease boundary. However, the proposed location of the new First Aid Training Room and Office in the existing northern courtyard is not supported, for the following reasons:

- a) The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;
  - b) The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views, and would not contribute to the desired streetscape along Marine Parade; and
-

- c) The proposed addition would be an ad-hoc addition to the premises contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the MRS.

## **PROPOSAL**

The proposed alterations and additions to the existing Surf Club are summarised as follows:

### Lower ground level

- Modification/addition to the northern part of existing gym;
- Removal of existing stairs on western elevation and replacement with new external stairs to access proposed balcony extension above;
- New internal store/alteration & extensions to existing toilets/provision of new showers;
- New double entry door to foyer.

### Marine Parade level

- 33m<sup>2</sup> extension to existing balcony (west elevation);
- Reduction in size of existing storeroom/increase in size of kitchen;
- 54m<sup>2</sup> addition to create new First Aid Training Room and an Office, with a curved roof to match that existing and to provide covered entry to new addition;
- Existing first aid room and office to be demolished to increase size of training room.

## **BACKGROUND**

A briefing by the NCSLSC to Council took place towards the end of last year at the Club and this was followed up with preliminary discussions with the Town's Officers prior to submission of the planning application.

The applicant advises that the overall intentions for the development of the Club comprises of two phases. Phase 1 being the current development application for the area inside the Club's lease boundary and Phase 2 which involves the extension to the Club's lease area to accommodate a new 'below-ground' storage area. According to the Club these plans have been developed over a two-year period and give it the capacity to further enhance its contribution to the community, particularly in the areas of lifesaving, junior development, education, training and promotion of healthy lifestyles.

Only Phase One is the subject of this planning application and which has been advertised to date. Any proposal for the expansion of the premises requiring the extension of the current lease area would require the submission of a separate planning application and further public consultation as deemed appropriate by Council, in addition to approval of the lease change.

Previous proposals considered by Council for the NCSLSC include internal and external alterations and additions approved in 1997 and the erection a shade sail in the northern courtyard supported by Council in 2004.

**CONSULTATION**

There is no statutory requirement for this application to be advertised as it is not on land zoned under the Town Planning Scheme (TPS 2). Nevertheless, nine letters were sent out by Council to owners living opposite the site and one letter was sent to SOS Cottesloe notifying them of the application as it was considered that some level of advertising was appropriate.

Six written submissions were received from neighbouring residents and one verbal submission was made from an owner currently overseas. The main points raised in the submissions are summarised as follows:

R.A & S.J Langmead, Units 1, 2 & 3/160 Marine Parade

- Strongly supports Council's policy of no further development west of Marine Parade.
- Considers that the proposal is for minor building additions and all confined within the Surf Club's existing leasehold area and therefore, if supported by Council, has no objection.
- Over 60% of the top deck of the Surf Club's premises was leased in a commercial venture in the late 1980s to secure the Club's viability at the time. This consideration which was granted by the community has proven very successful for both the Club and the Community but should the Club have a long term requirement for additional premises then renegotiation for part of the leased area must be considered.

Mr J. Shulman, 1/158 Marine Parade

- Expresses concern regarding the proposed addition at the Marine Parade level as it will have a permanent roof structure and will obstruct views.

Mr R. Boulden, 3/158 Marine Parade

- The proposed extension in the courtyard area will obstruct my views and that of my neighbours.
- The proposed design, together with the existing appearance of the Blue Duck restaurant and Surf Club, resembles a warehouse from Marine Parade.
- The ocean front of the building is obviously nicely presented which is not in view to the public.
- There has been increased noise and anti-social behaviour with many more events and functions at the Club. Increasing the useable area by relocating the existing office and constructing a further balcony area will enable the Surf Club to increase their numbers and create further noise problems. The decibels from the music are extremely loud and create a disturbance which spills out to the lawn area. There also seems to be no time restriction of some of these events.

M. Shave, 156A Marine Parade

- Objects to further expansion of the Surf Club.
- Purchased and designed own property as intended to live opposite an A-Class reserve with a legally binding footprint.
- The Surf Club made decision to forego their exclusive use of large part of clubrooms in favour of commercial enterprise to which we objected energetically. The “kiosk” which was approved is very different to the busy restaurant that trades at present and has already expanded over the road reserve.
- The proposed extension of the roofline will negatively impact on my right to enjoy my home and its value.
- Where does expansion stop? The argument that the Club supplies important social services is negated by the fact that the more than adequate land/building has been turned over to commercial enterprise. When does the restaurant lease expire? Surely at that time the Club will have adequate opportunity to provide all amenities it needs.

Mrs A. Battley, 1/154 Marine Parade

- Objects to proposed addition as it will totally block views and de-value her property.
- The structure facing Marine Parade is currently an eyesore and not sympathetic to the streetscape. The proposed extension is only extending the eyesore even further.
- A lot of effort has been made to make the front of the building attractive but with no consideration of the streetscape along Marine Parade which is where it is visible to passing traffic and neighbours.

A. Treloar & M. Chester, 2/154 Marine Parade

- Strongly objects to the height of the proposed curved roof over the courtyard extending to the northern courtyard wall.
- The proposed roof is much higher than the ceiling height of the alterations and the normal height needed for the office.
- A flat roof above normal ceiling height or a curved roof starting at the normal kitchen height would be preferable to extending to the height of the existing roof. This may not look as good but it would not interfere with the visual amenity of all the residents on this section of Marine Parade.

Mrs N. Jacoby, 3/154 Marine Parade

- Verbal submission (as overseas) – Objects to further extensions to the Surf Club.

**STAFF COMMENT**Strategic Framework

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Although the subject land is regional reservation under the MRS, Council has day-to-day responsibility for the management and maintenance of the foreshore and beach areas and a direct strategic planning responsibility in guiding the use and development of the area in the public interest.

It is to these ends that Council has pursued a foreshore vision, addressed most recently via the Enquiry-by-Design which is producing a Concept Plan, and has considered very carefully proposals (both indicative and actual) arising in the foreshore, such as for the Cottesloe Indiana Tea House, Barchetta and Cottesloe Surf Life Saving Club premises.

Previously, the NCSLSC had produced a concept master plan for its premises, understood to include a suggested additional storey of administration space and a watchtower, however, following liaison the Town advised that the proposal appeared inconsistent with Council's approach to the preferred planning and development directions for the area.

### Statutory Framework

As mentioned, the WAPC is the decision-making body for applications on land reserved for Parks and Recreation under the MRS. Council provides advice on the application to the WAPC for determination. The WAPC is reliant on Council for consideration of local planning aspects, amenity impact and community consultation.

### Policy Framework

Council has five strategic documents that broadly address development west of Marine Parade. These are:

1. Council's Beach Policy
2. Beachfront Development Objectives
3. Future Plan (2006-2010)
4. Draft Beachfront Policy
5. Foreshore Concept Plan (in progress)

Relevant sections from these documents in respect to the proposed development are as follows:

The Council's Beach Policy (adopted May 2004) states, inter alia, that:

*The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.*

The Beachfront Development Objectives (adopted December 2004) include:

*To encourage the innovative reuse of existing structures on the beachfront while not permitting any further built structures for commercial use (west of Marine Parade).*

*To ensure new developments are low rise at street frontage onto Marine Parade;*

*To require that new developments shall respond sympathetically to adjoining existing development and shall limit overshadowing.*

The Future Plan 2006-2010 states, inter alia:

*Council does not support any new building development west of Marine Parade outside existing footprints;*

*The two life-saving clubs have historical significance and current importance for the welfare of locals and visitors enjoying an active beachfront. The aspirations of the clubs will need addressing as part of a planned approach for the future of the whole foreshore.*

The Draft LPS3 Beachfront Policy states, inter alia:

*Development should be designed to contribute positively to streetscapes in terms of scale and form of buildings (including roof shapes), visual integration (cohesiveness and harmony), and the overall beachfront urban appearance;*

*The interface between buildings and streets should address the public domain and provide for interaction between the sites/buildings and footpaths;*

*A streetscape presence should be created for outward-looking and welcoming buildings, rather than alienated from the public realm...*

The Foreshore Concept Plan being prepared as part of the Enquiry by Design undertaken in relation to LPS3 does not deal specifically with the NCSLSC premises, however, the EbD identified a low-key character, preservation of views, accessibility and dune protection as key objectives to be achieved in planning for the foreshore and beachfront areas.

Due regard should therefore be given to these statements when considering development proposals on the foreshore, which guide Council's decision-making.

#### Comments on proposed development

The proposed internal alterations, small addition to the gym, and the replacement of the stairs on the western elevation would not have any significant effect on the visual amenity of adjoining residents or the streetscape, and the proposed balcony addition would improve the visual appearance of the existing building when viewed from the beach by providing a more open and active frontage to match the existing balcony areas. As such, there is no planning objection to supporting these changes.

However, the main planning issue is regarding the proposed permanent addition of a new First Aid Training Room and Office within the existing open courtyard area. Although this is to be located within the existing lease boundary of the NCSLSC it does

not represent a 'replacement' building as inferred under Council's Beach Policy, but rather it comprises further built structures, albeit of relatively modest proportions.

Furthermore, although the proposed additions would appear sympathetic to the existing development and would not create overshadowing, being on the northern side, it is likely to have a significant impact on the visual amenity currently enjoyed by residents living directly opposite the Club as it could partially inhibit their existing ocean views and be detrimental to their general outlook. This is further reflected in the submissions received during advertising.

The wall height of the proposed addition would be 3.2m above the existing ground level and the proposed curved roof would extend up to a height of 4.6m to match the existing roofline and therefore would appear a prominent addition to the surf club building over the eastern portion of the existing courtyard. As such, comments received regarding the visual appearance of the proposed extension on Marine Parade appear valid as neither the existing building or the proposed extension appear to contribute to the streetscape, with only two high level windows being proposed in the eastern elevation.

The Town is unaware of past complaints from neighbouring residents in respect to noise and anti-social behaviour emanating from the Surf Club and the matters raised during advertising have been forwarded to the Principal Environmental Health Officer for consideration. It is, however, not necessary to specifically condition hours of use etc for the proposed alterations and additions as the main courtyard area is existing and the Surf Club has advised that its current membership is not proposed to be increased.

The expiry of the current lease arrangement between the Surf Club and the Blue Duck restaurant could also be considered when considering any future significant development proposal for the Surf Club, as that large part of the building could possibly be reverted (partially or wholly) back to use by the Surf Club, in order to alleviate development pressure rather than seeking to expand the lease area.

## **Conclusion**

On balance, the proposed alterations and additions at the lower ground level and Marine Parade level are considered acceptable, with the exception of the proposed First Aid Training Room and Office in the northern courtyard area. The latter additions represent a new built structure which would extend well beyond the walls of the existing main building, albeit within the existing 'walled' lease boundary, and it would have a detrimental impact on the visual amenity of neighbouring residential properties, impact on their existing views and has not been designed so as to have an outward-looking and welcoming street presence along Marine Parade.

Council has previously had to address similar development proposals on the beach reserve and has generally taken a cautious approach towards allowing new built structures west of Marine Parade. Whilst it is understood that this current proposal may be of benefit to the NCSLSC it should be considered in light of these other decisions and Council's policies and objectives for the foreshore.



**VOTING**

Simple Majority

That with respect to the proposed alterations and additions to the north Cottesloe surf life saving club at 151 Marine Parade, Cottesloe, Council advise the WAPC that:

1. The proposed location of the new first aid training room and office in the northern courtyard is not supported, for the following reasons:
  - (i) The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;
  - (ii) The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views and would not contribute to the desired streetscape along Marine Parade; and
  - (iii) The proposed addition would represent an ad hoc addition contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the Metropolitan Region Scheme.
  
2. The proposed alterations and additions to the lower ground level and to the store, kitchen, training room, external stairs and balcony extension at the marine parade level within the current lease boundary be supported, subject to the following conditions:
  - (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;
  - (ii) 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 approval of the Council and the WAPC;
  - (iii) No development shall take place outside the existing lease boundaries;
  - (iv) The Building Licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services and shall include:
    - a) The deletion of the proposed first aid training room and office within the northern courtyard;
    - b) Compliance with the Health (Public Building) Regulations;

- c) Where the kitchen is to be used for catering to the public or members it is required to meet the standards for a Class 1 or Class 3 Food Premises in accordance with the Food Hygiene Regulations;
- d) Access to and within new toilets for those with disabilities to comply with AS 1428.1; and
- e) No development shall obstruct the existing dual use paths.

**COMMITTEE COMMENT**

Committee expressed appreciation of the club's activities and needs but also concerns about the issues associated with progressive developments within the foreshore and the resultant implications, as well as overall planning for the area. Committee also clarified through the Manager Development Services that the WAPC was the decision-maker, subject to a detailed recommendation from the Council on the local planning considerations. Committee agreed that point 1 (iii) of the recommendation should have some rewording (as shown below).

**COMMITTEE RECOMMENDATION**

That with respect to the proposed alterations and additions to the north Cottesloe surf life saving club at 151 Marine Parade, Cottesloe, Council advise the WAPC that:

1. The proposed location of the new first aid training room and office in the northern courtyard is not supported, for the following reasons:
  - (i) The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;
  - (ii) The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views and would not contribute to the desired streetscape along Marine Parade; and
  - (iii) The proposed addition would be an undesirable addition contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the Metropolitan Region Scheme.
2. The proposed alterations and additions to the lower ground level and to the store, kitchen, training room, external stairs and balcony extension at the marine parade level within the current lease boundary be supported, subject to the following conditions:

- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;
- (ii) 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 approval of the Council and the WAPC;
- (iii) No development shall take place outside the existing lease boundaries;
- (iv) The Building Licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services and shall include:
  - a) The deletion of the proposed first aid training room and office within the northern courtyard;
  - b) Compliance with the Health (Public Building) Regulations;
  - c) Where the kitchen is to be used for catering to the public or members it is required to meet the standards for a Class 1 or Class 3 Food Premises in accordance with the Food Hygiene Regulations;
  - d) Access to and within new toilets for those with disabilities to comply with AS 1428.1; and
  - e) No development shall obstruct the existing dual use paths.

**COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Dawkins

**That Council defers consideration of the item to its March meeting to enable further reporting on the proposal to ensure that Council is as fully informed as possible in relation to the club's needs and intentions and the strategic, policy and planning aspects to be taken into account; and that Council advises the WAPC accordingly and seeks a corresponding extension of time to make a recommendation on the application.**

Carried 8/0

**10.1.2 PROPOSED LOCAL PLANNING SCHEME NO. 3 – ENQUIRY BY DESIGN – OUTCOMES  
REPORTS & SCHEME PROPOSALS**

**File No:** SUB/719 & SUB/720  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 16-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report presents to Council the findings of the Enquiry by Design (EbD) in order to progress the completion of Local Planning Scheme No. 3 (LPS3) and to give direction on those matters to be addressed outside of the Scheme.

Firstly, draft planning controls are presented for agreement to be advertised for comments, prior to consideration for incorporation into LPS3. Secondly, ongoing actions are outlined to reach agreement on and implement longer-term strategic planning matters arising from the EbD.

The aim is to finalise LPS3 by September 2009, hence to now proceed to the next step of Council advertising the EbD outcomes during March. After that Council is to consider submissions received then determine its recommendations on the proposals for inclusion in LPS3, for agreement with the Western Australian Planning Commission (WAPC) and Minister for Planning, as well as to decide upon other actions for the strategic matters.

In preparing this officer report liaison has occurred with the main consultants and the Department for Planning & Infrastructure (DPI) to discuss the draft main report on the EbD. This has included agreement in-principle regarding the manner of incorporating proposed measures into LPS3. Note, however, that all of the consultancy reports were still being completed at the time of compiling this officer report, whereby the final products were not entirely available.

**BACKGROUND**

The EbD stakeholder workshops and community engagement phase was conducted at the end of 2008. Since then the consultant reports have been produced and the joint clients have liaised about the next steps.

The consultant reports on the EbD comprise:

1. The main report by Hames Sharley, the lead urban designers, on the technical content and findings of the EbD workshops, engagement, studies and liaison.
  2. The record of the EbD proceedings by Estill, the facilitators.
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3. A report of cost estimates, by Rawlinson Quantity Surveyors, on the rail and road options studied – note that this additional work was agreed to as a post-EbD task and the report is not due until 13 February 2009 after which it will be circulated.

The required outcomes from the EbD comprise the following planning measures:

1. Building Design Controls for the two beachfront hotel sites, to be incorporated into LPS3 via Special Control Area 2.
2. A Foreshore Concept Plan for the public domain foreshore to the central beachfront, as an adjunct to LPS3 that would be implemented via separate means.
3. A Preliminary Structure Plan for the railway lands to address Curtin Avenue, connectivity and development opportunities to the west of the Town Centre, as a precursor to a formalised structure plan via Development Zone E of LPS3.

Accordingly, the purpose of this officer report is to:

1. Provide advice about the above planning measures.
2. Propose advertising arrangements for those planning measures required to be considered for incorporation into LPS3.
3. Suggest ongoing actions to pursue those matters extending beyond the Scheme.

### **CONSULTATION**

The EbD was a major and successful consultation exercise. It was devised whereby the outcomes would undergo wider consultation so as to contribute to the final decisions. In particular, proposals intended to be incorporated into LPS3 are to be advertised for submissions, which Council is to have regard to in determining its recommendations to the WAPC and Minister for Planning. This is consistent with the advertising of LPS3, which left out identified EbD aspects subject to further study and consultation. In addition to that, Council can give consideration to continuing consultation in advancing the more strategic initiatives under the EbD.

It is emphasised that it is the outcomes for LPS3 which are the subject of advertising for submissions, rather than the EbD reports themselves. The reports form the information background to the Scheme proposals and the broader planning matters. While some comment on the EbD reports may be attracted, they are not under review and it is their outcomes, especially those proposed to be incorporated into the Scheme, upon which submissions are sought.

It is important to maintain the momentum of and enthusiasm for the EbD process. In this respect Council is encouraged to concentrate on the recommended Scheme measures and the other outcomes, rather than to dwell on the history of deliberations which led to the EbD. This is because there is a statutory imperative to complete the Scheme and an impetus to define solutions for the other matters being studied.

### **STATUTORY REQUIREMENTS**

Proposed LPS3 when advertised for public submissions contained two requirements for additional study and consultation:

1. Under clause 6.4. Special Control Area 2 (SCA2) – Cottesloe Beach Hotel and Ocean Beach Hotel:

*The objectives of this Special Control Area are to —*

- (a) ensure that development of these sites is compatible with the beachfront location, surrounding development and amenity of the locality; and*
- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.*

*In this Special Control Area, the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid —*

- (a) adverse building bulk impacts;*
- (b) adverse overshadowing impacts; and*
- (c) adverse streetscape character impacts;*

*and shall conform to the requirements for three-storey development as set out in clause 5.7.2.*

*This Special Control Area is intended to be subject to Building Design Controls. Further consideration of the Building Design Controls is to occur through an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure during the advertising period for this scheme.*

*Following additional public advertising and consideration of submissions, the Building Design Controls formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.*

2. Under Schedule 14 Development Zone Provisions; for Development Zone E:

*Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development.*

*Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8.*

*The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes and the potential for integration with the nearby Town Centre zone on the eastern side of the railway line.*

*The Structure Plan will provide for car parking in accordance with clause 5.8.*

*The Structure Plan will provide for development in accordance with the Residential Design Codes and any Design Guidelines. The Design Guidelines will be formulated following an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure. Guidelines for the height of buildings will have regard to the Town of Cottesloe Town Centre Study (2005) Concept Plan. Following public advertising and consideration of submissions, the Design*

*Guidelines formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.*

Hence LPS3 is already constructed with the frameworks for SCA2 and Development Zone E, and requires the incorporation of certain specific measures to fulfil their respective provisions. As these remaining measures were not available to be advertised with the rest of the proposed Scheme, they are required to be advertised at this stage for dissemination of the proposals arrived at.

The Draft Building Design Controls section of this report below elaborates on the substance of BDC, how they would operate and where they are to be incorporated into LPS3.

Schedule 14 lists Development Zone E and prescribes its particular land use and development parameters, which are linked to various main provisions of the Scheme, including a generic structure planning process. Design Guidelines are identified to be created as a level of detailed planning control. Note that the EbD Preliminary Structure Plan does not absolutely have to produce detailed design guidelines at this juncture, as the eventual plan and aspects for design guidelines could be quite different; however, it would be useful for appropriate principles and criteria to be articulated for reference in formulating detailed design guidelines when needed.

It is emphasised that the EbD was required to produce only a *preliminary* structure plan, as a final structure plan cannot be formalised until LPS3 is operative (and because the full structure planning process is more complicated, allowing for greater detailed design). That process would again involve public advertising and agency consultation.

#### **STRATEGIC IMPLICATIONS**

The EbD inputs to LPS3, which is Council's core planning instrument guiding and managing land use and development in the district for at least five years. The EbD also deals with regional and local planning matters apart from LPS3, which are to be pursued by a range of other strategic and statutory actions.

#### **POLICY IMPLICATIONS**

The EbD does not directly affect Council's policies at this point, but may give rise to new planning policies in time.

#### **SUSTAINABILITY IMPLICATIONS**

The EbD relates generally to sustainability in terms of planning mechanisms and proposals which would link to sustainability at the more detailed level of design, approval and development.

#### **FINANCIAL IMPLICATIONS**

A scheme review is a statutory necessity and the EbD became a critical component of the process. The EbD has been a lengthy, complex and intensive endeavour and a major expense, as forecast in a report on the cost implications to Council in July 2008. Council expenditure to get to this stage amounts to some \$205,000 (which is considerably more than contributed by the DPI). This has consumed most of Council's

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current budget for town planning. Remaining costs to Council during 2009 associated with conclusion of the EbD for finalisation of LPS3 are variable subject to the need for any more consultancy inputs, additional study, negotiations and so on, but could account of some tens of thousands of dollars. It can be appreciated that allowing for Council and DPI staff time the total cost of the EbD would be in the order of half a million dollars. Future implementation represents further costs over several years which are yet to be estimated depending on what eventuates.

## **Draft Building Design Controls**

### Background

- As explained above in the Statutory Requirements section of this report, SCA2 for the two beachfront hotel sites sets out objectives and initial height parameters, then requires the formulation of BDC for further development control.
- The concept of BDC implies specially-tailored provisions with a greater degree of prescription and certainty, although this may include allowance for some guided flexibility. The term connotes that particular attention is required to plan for well-controlled building design for orderly and proper development, so as to ensure appropriate built form and function. BDC mean more comprehensive consideration and depth of detail for a three-dimensional, multi-faceted approach to building design and development control.
- The Model Scheme Text (MST) outlines that scheme provisions for a SCA can typically address its purpose and objectives, the planning aspects for special consideration and any special application or procedural requirements.

### Nature of BDC

- LPS3 in clause 6.1.2 provides that SCA provisions apply in addition to any zoning or general provisions of LPS3. This means that the BDC would augment the basic controls of LPS3 applicable to the subject sites, and as a rule the more specific provisions would have precedence (unless this approach is expressly varied).
- At the same time the BDC can be cross-referenced to other provisions of LPS3 where they are to be relied upon.
- LPS3 informs the nature and scope of BDC in several sections as set out below, and the BDC should be framed to be consistent with this direction.
- The aims of LPS3 in clause 1.6 in relation to development:
  - *Encouragement of mixed land use.*
  - *Compatibility with the recreational and residential nature of the beachfront setting.*
  - *Accessibility to and visibility of the beachfront reserves (foreshore area).*
  - *Compatibility with the aesthetic value of heritage places (Cottesloe Beach Hotel and Cottesloe Beach Precinct) and the coastal landscape.*
  - *The integrity, amenity and scenic quality of the coastal landscape.*
  - *Acceptable standards of public amenity and convenience.*



- The SCA2 objectives and provisions in clause 6.4 about aspects to be considered:
    - *Compatibility with beachfront location, surrounding development and amenity of location.*
    - *Built form, bulk and scale, streetscape character, amenity impacts and other relevant aspects.*
    - *A three-storey height limit (as defined by LPS3 clause 5.7.2) at the Marine Parade frontage, to avoid adverse building bulk, overshadowing or streetscape character impacts.*
  - The objectives of the subject zones:
    - Hotel Zone (CBH)*
      - *Ensure that the built form of any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, site coverage, bulk, overshadowing or other relevant aspects.*
      - *Support the heritage provisions of the Scheme applicable to any land or buildings in the zone.*
    - Development Zone 'A' (OBH)*
      - *Provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design.*
      - *Ensure that land use and development within the zone is compatible with the amenity of the surrounding locality.*
      - *Ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects.*
      - *Support the heritage provisions of the Scheme applicable to any land or buildings in the zone.*
      - *Allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain.*

(Note: LPS3 in clause 6.2 sets out the structure planning process, including provision for detailed area plans, which express in fine detail considerations for the planning and development of such land. This includes a range of planning considerations in addition to actual building design controls.)
  - The objectives of the adjacent zones:
    - Foreshore Centre and Restricted Foreshore Centre Zones*
      - *Ensure that the urban character, aesthetics and amenity of the locality are not compromised by inappropriate land use or development.*
  - Matters for consideration:
    - LPS3 in clause 10.2 requires Council in considering development to have due regard to a range of matters, which reinforce the above considerations.
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From the above framework and direction a range of planning aspects are required to be addressed by the BDC, including:

- *Building height, bulk and site coverage.*
- *Overshadowing.*
- *Built form character in streetscape context (urban design).*
- *Aesthetic and scenic qualities of development in context of locality, including respect for views.*
- *Respect for heritage.*
- *Traffic and parking implications.*
- *Attention to public domain.*

In formulating the BDC associated development and design parameters which may be expected to be taken into account would include:

- *Plot ratio.*
- *Setbacks.*
- *Site works (undercrofts, retaining, cut and fill).*
- *Open space, public areas and landscaping.*
- *Overlooking / privacy.*
- *Wind effects.*
- *Street-level presentation.*
- *Interfaces.*
- *Materials and finishes.*
- *Design for climate and sustainability.*
- *Plant and equipment, service areas.*
- *(Any other relevant aspects.)*

The EbD addressed such matters as reflected in the Hames Sharley report and the proposed BDC herein.

#### Format of BDC

- As discussed, LPS3 already contains SCA2 for the two beachfront hotel sites, which is the starting point for the incorporation of BDC into the Scheme.
- As advertised, LPS3 in clauses 6.4.3 and 6.4.4 described the intent to create BDC and those clauses can now be replaced with direct identification of the BDC, as set out below.
- The table contains the provisions for SCA2 and shows the existing text to be retained, the text to be deleted and the text to be added. The new wording is essentially operational in referring to the BDC and guiding how they are to be applied.

6.4.	Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel
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6.4.1	The objectives of this Special Control Area are to —
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	(a) ensure that development of these sites is compatible with the
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beachfront location, surrounding development and amenity of the locality; and

- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.

6.4.2 In this Special Control Area, the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid -

- (a) adverse building bulk impacts;
- (b) adverse overshadowing impacts; and
- (c) adverse streetscape character impacts;

and shall conform to the requirements for three-storey development as set out in clause 5.7.2.

Text to be deleted:

~~6.4.3 This Special Control Area is intended to be subject to Building Design Controls. Further consideration of the Building Design Controls is to occur through an Enquiry by Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure during the advertising period for this scheme.~~

~~6.4.4 Following additional public advertising and consideration of submissions, the Building Design Controls formulated from the Enquiry by Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.~~

Text to be added:

6.4.3 This Special Control Area is subject to Building Design Controls as set out in Schedule 15 – Building Design Controls for Special Control Area 2: Cottesloe Beach Hotel and Ocean Beach Hotel.

6.4.4 The Building Design Controls comprise of specific controls that apply in addition to any other applicable planning provision or development requirement under the Scheme. Where there is any inconsistency between a specific Building Design Control and any more general provision or development requirement of the Scheme, the Building Design Control shall prevail.

6.4.5 All applications for planning approval in Special Control Area 2 shall address the Building Design Controls applicable to the site, to the satisfaction of the Council.

6.4.6 The Council in determining applications for planning approval shall have regard

to the aims of the Scheme, the objectives of Special Control Area 2, the objectives and provisions of the zone applicable to the subject site, the objectives of the adjacent zones and the matters to be considered under clause 10.2.

- A new Schedule (number 15) can be created to set out the detail, as indicated below – this is a sample of how the schedule would be structured:

### **Schedule 15 – Building Design Controls for Special Control Area 2: Cottesloe Beach Hotel and Ocean Beach Hotel**

[clause 6.4]

Pursuant to clause 6.4 of the Scheme, the Building Design Controls for Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel, are contained in this Schedule.

#### **1. Cottesloe Beach Hotel**

*Development proposals (including changes of use) for the Cottesloe Beach Hotel site (defined by a Hotel Zone on the Scheme Map) or buildings are to be formulated and determined having regard to the following Building Design Controls (as applicable to a particular proposal).*

*Text of BDC goes here – refer to appendix of this report for intended detail.*

#### **2. Ocean Beach Hotel**

*Development proposals (including changes of use) for the Ocean Beach Hotel site (defined by Development Zone ‘A’ on the Scheme Map) or buildings are to be formulated and determined having regard to the following Building Design Controls (as applicable to a particular proposal).*

*Text of BDC here – refer to appendix of this report for intended detail.*

#### **EbD Outcome for BDC**

- The outcome of the EbD for BDC recommended to be included in LPS3 is contained in an appendix to this report.
- It has been taken virtually directly from the Hames Sharley report (with only some minor editing and clarification at this stage).
- The BDC comprise a combination of explanatory statements, design principles and development controls, which can be reflected in the Scheme in order to manage development in terms of both direction and prescription.
- The advantage of this comprehensive and descriptive approach is that the statements of intent provide the context for the principles and prescriptions, which may be given weight in decision-making.

- Where for particular controls less discretion and greater certainty is sought, more mandatory language may be required and the provisions of the Scheme dealing with variations may require modification. This would require closer consideration in response to Council's approach to the matter.

### Next Steps

- The draft BDC are to be advertised for submissions, which Council must consider then determine in recommending upon BDC proposed for inclusion in LPS3.
- It is advocated that the BDC as indicated in the appendix to this report be advertised, as this represents the findings of the EBD from the consultant's report, rather than making any changes of substance at this stage and pending the consideration of submissions. Only some minor editing is to be done for accuracy and consistency, and what is to be advertised is the finished version from the consultant's report, with the figures etc as indicated.
- This is also important to satisfy the DPI as joint client, as the DPI at the time of writing this officer report is yet to comment on the draft BDC and would not want them to be altered by Council alone at this stage. Further liaison with the DPI can occur in considering the submissions.
- A distinct advertising period is intended for three weeks during March. This will allow a short period of time for staff to attend to the advertising arrangements after Council's agreement on 23<sup>rd</sup> February. It will also allow a short space of time for staff to report on the submissions to the Council meeting on 23<sup>rd</sup> March. This timeline is anticipated for correlation with the program for finalisation of LPS3. If resources or the volume of submissions render this infeasible, or if Council desires a longer advertising period, or if Council debates / defers the matter, then the overall program will be affected.
- The advertising is intended to comprise as follows:
  1. *A letter to all landowners/residents in Cottesloe, together with a summary of the EbD including the proposed BDC.*
  2. *A letter to all stakeholders and agencies involved in the EbD, with the same (excepting the clients and consultants involved).*
  3. *Publication of the full reports from the consultants on the website.*
  4. *Copies of those full reports available for perusal at the Civic Centre and Library.*
  5. *Notices of the above in the Council notice boards at the Civic Centre and Napoleon Street.*
  6. *Coverage in the The Post local newspaper by way of an article and the Civic Centre News page (if available).*

### **Preliminary Structure Plan**

#### Background

- The notion of formulating a preliminary structure plan for the railway lands area grew out of Council's efforts to achieve a solution for Curtin Avenue, facilitate

east-west connectivity and foster the Town Centre, all priority strategic aims for the planning of the district.

- In producing proposed LPS3 Council carried out studies of the Town Centre and Curtin Avenue to narrow-down potential options and preferences, and these studies included community and government agency involvement. This laid a foundation for more extensive investigation for an integrated plan for the area. The designation of the railway lands in LPS3 as a Development Zone ('E') introduced standardised structure plan provisions for that area. This means that once LPS3 is in place, whenever the area is intended to be planned for an actual development project, the full statutory process of first creating a structure plan would be invoked.
- LPS3 contains a framework for the operation of Development Zones, comprising: objectives; the structure planning provisions of Cl. 6.2 (which is located in Part 6 – Special Control Areas, to which they also pertain); and Schedule 14 – Development Zone Provisions (which sets out express development parameters for each one (there are five, 'A' to 'E'). Those for the railway lands are quoted below. They cover subdivision, development, land uses (with an emphasis on more diverse and denser housing in relation to the railway station and town centre), parking, the Residential Design Codes (RDC) and any Design Guidelines (in which the height of buildings will have regard to Council's Town Centre Study).
- Development Zones contain the following objectives, with which Development Zone E should be consistent:
  - (a) *provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
  - (b) *ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
  - (c) *ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
  - (d) *support the heritage provisions of the Scheme applicable to any land or buildings in the zone; and*
  - (e) *allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain.*
- As LPS3 is not yet operative, and as there is no intention to develop the railway lands at present, the task of the EbD was to generate a preliminary structure plan as a precursor to LPS3 and possible development. The value of this is to tackle the issues in advance (particularly Curtin Avenue which is the main structural element affecting the area), to foreshadow a likely structure plan, to test the efficacy of the plan and to identify aspects for further investigation.

#### EbD Outcome for Preliminary Structure Plan

- The Preliminary Structure Plan as the preferred option arising from the EbD is contained in an attachment to this report.

### Next Steps

- The Preliminary Structure Plan is a basis for Council to give further consideration to the preferred road and rail solutions for and the future development of the area. As the Plan does not yet form part of LPS3 and is not required to finalise the Scheme, Council is free to decide how to progress the Plan.
- As Council is committed to addressing Curtin Avenue and connectivity irrespective of LPS3, it would wish to pursue structure planning in any case.
- A structure plan itself still requires planning implementation through a range of statutory processes, such as subdivision and development approvals, possible scheme amendments or policies, and where MRS reservations apply (ie for Curtin Avenue and the Railway) the MRS amendment process is the initial step required.
- Once a preferred plan is adopted, physical construction would occur over time, subject to detailed planning, funding and works programs.
- Nonetheless, given the EbD exercise it is desirable to advertise the Plan as part of the findings at this point, in order to convey the indicative structure to date, to provide the context of the railway lands usage and transport infrastructure, and to obtain comments; all of which will assist Council on this matter and in finalising LPS3.

### **Foreshore Concept Plan**

#### Background

- The idea of a Foreshore Concept Plan originated from Council's consideration of the earlier Foreshore Vision Masterplan, which was a private initiative that Council supported in principle to stimulate exploration of opportunities to improve the public domain foreshore, especially in the vicinity of the main Cottesloe beach.
- Community comment on the Vision plan was sought in association with previous consultation undertaken on draft LPS3. Council then looked at ways to approach the matter and a working group recommended an enquiry-by-design process. This became included in the overall EbD for LPS3, with a view to examining the foreshore area in relation to how the central beachfront containing the two hotel sites may develop.
- As Marine Parade and the public foreshore west of it are classified Parks & Recreation (P&R) Reserve under the Metropolitan Region Scheme (MRS), town planning control for this land is governed by that rather than the local planning scheme. Council is, however, the custodian of the foreshore regarding its day-to-day use and maintenance, as well as planning for the provision and management of infrastructure.
- Therefore, consideration of how the foreshore could be enhanced and how beachfront development may affect it was seen as a worthwhile component of the EbD, so as to gain a better appreciation of the interrelationship between the two areas.

EbD Outcome for Foreshore Concept Plan

- The EbD process has enabled a vision for the foreshore to be studied in greater depth, with the benefit of stakeholder participation and a focus on tangible outcomes.
- As set out in the Hames Sharley report, this has considered the historical context, issues and opportunities, desired future character, and key principles and elements for design and development.
- The Foreshore Concept Plan formulated by the EbD is contained in an attachment to this report.

Next Steps

- The Foreshore Concept Plan is a basis for Council to give further consideration to the preferred improvement of the area. As the Plan does not form part of LPS3 and is not required to finalise the Scheme, Council is free to decide how to progress the Plan.
- Once a preferred Concept Plan is adopted, implementation would occur over time, subject to detailed planning, funding and works programs, and following the various approvals involved (eg Council, WAPC, HCWA).
- Nonetheless, given the EbD exercise it is desirable to advertise the Plan as part of the findings at this point, in order to convey the concept to date, to provide the context of the beachfront precinct, and to obtain comments; all of which will assist Council on this matter and in finalising LPS3.

**APPENDIX: DRAFT BUILDING DESIGN CONTROLS TO BE ADVERTISED****DRAFT BUILDING DESIGN CONTROLS****SPECIAL CONTROL AREA 2 being for the Cottesloe Beach Hotel and Ocean Beach Hotel**

These draft building design controls have been prepared following the Cottesloe EbD workshops. They will be used by the Town of Cottesloe to assist in its decision-making and can be incorporated (subject to advertising, consideration of submissions and possible modification) into Local Planning Scheme 3.

There is also a requirement under draft LPS3 for a structure plan for the OBH site as Development Zone A. This will guide any subdivision of the OBH site into logical parcels and cover issues such as pedestrian and vehicle access and building locations.

A building envelope is defined for each hotel site which has been established during the EbD process by defining desired character and form of buildings. Qualitative guidelines are then given for development within these envelopes. The envelope requirement provides maximum limits to development and therefore



maximum residential density or plot ratio limits are not considered to be required.

### **DESIRED CHARACTER**

Cottesloe foreshore and beachfront character - Cottesloe foreshore is a regional beach within an established and historic seaside suburb. It is internationally recognised for its long sandy beach, Norfolk Island pine trees, shady lawns and grassed terraces close to the water as well as the beachfront strip along Marine Parade including Indiana Teahouse, the Cottesloe Beach Hotel and the Ocean Beach Hotel. The foreshore offers a range of public and recreational activities while remaining a tranquil place with a sense of spaciousness and ease. The Foreshore Concept Plan addresses ways to enhance this unique character and improve the amenity.

Natural environment, topography and landscape - The coastline, landform and vegetation of Cottesloe provide a distinctive natural landscape setting, which underpins its identity as a seaside suburb. The topography falls towards the coast down from the ridgeline. Marine Parade and the beachfront buildings are set some way above the beach itself. This provides ocean views from vantage points along the ridge and also limits the impact of built form from the beach. The 'chocolate box' motel accommodation at the Ocean Beach Hotel and the Indiana Teahouse at Cottesloe can be seen from the beach.

The Norfolk Island pine trees are the defining landscape element in Cottesloe, offering a backdrop to the buildings and a unifying scale to the district as well as shade and distinctive visual character. Limestone, natural timber and metal finishes are used in public areas along the foreshore. The colours and textures of the foreshore landscape suggest a palette for future built elements.

Built character - Built form in the surrounding area is predominantly two to three storey, residential, highly articulated and predominantly horizontal in form. It is human in scale, somewhat eclectic in character and set in a grid of predominantly wide streets with open verges. This has been referred to as a 'villa landscape' or as the 'Cottesloe grain'. Buildings on the beachfront are similarly varied in character and form.

The separate identities of the two principal beaches, North Cottesloe beach at Eric Street and Cottesloe main beach at Forrest Street are recognised by some local community members and could continue to be expressed. In addition to the natural foreshore character differences, an important part of the identity of the two beaches is the distinctive character of each of the two hotels. Both hotels were established in the early part of the last century. They are substantial buildings with a presence on Marine Parade. They have their main bar areas fronting Marine Parade to respond to the views and both originally had verandas for outdoor drinking looking out to the ocean.

*FIG Foreshore Concept Plan*

**Building Design Controls: Desired Character**

- The existing built and landscape character of the foreshore and beachfront should be respected and enhanced by future development.
- Buildings should be delicate, judicious and well planned.
- Development should respond to the themes and design intent of the Foreshore Concept Plan.
- Development should be located and designed to respond to the effects of coastal processes.
- The legible and distinct topography and natural landscape at Cottesloe should be preserved by ensuring new buildings do not dominate in scale or character.
- Buildings should be stepped relative to topography and not introduce artificial ground levels that detract from the natural landform.
- Materials and details should reflect the Cottesloe character through use of a variety of natural materials and colours that naturally weather and age in the coastal environment.
- Building character, scale and setting should complement and add visual value to the surroundings and buildings should be contemporary in design.
- Buildings should have a variety of character to avoid homogenous, large scale development.
- The two hotels should continue as landmarks for the two beaches with distinctive character and public activity overlooking the ocean.
- Development on the Cottesloe Beach Hotel site should respond to the narrower streetscape and building scale of John Street and Warnham Road.
- Development on the Ocean Beach Hotel site should respond to both the Eric Street corner location and the residential grain around the site.

**VIEWS AND VISTAS**

There are many views and vistas that help to give the Cottesloe foreshore area its distinct and attractive sense of place. Important views from public places are recognised as:

- The ocean panorama from the ridge particularly on the wide streets of Eric Street, Napier Street and Forrest Street.
- Ocean views from the terraces at the Cottesloe Civic Centre.
- Narrower streetscape views down streets such as John Street and Warnham Road where the building edge is important in the view.
- Views generally along the foreshore and Marine Parade and views up and down the streets approaching the foreshore.
- Views from the beach, along it and inland.

**Building Design Controls: Views and Vistas**

- Important public views of the coast and views from the beach should be respected, retained and enhanced.
- Any changes to these public views proposed through redevelopment should be investigated to establish whether the effect may be offset by potential overall community benefit.

- Buildings should not dominate views to, along and from the foreshore and beach.

## HERITAGE

The Cottesloe Beach Hotel is listed as a State registered site by the Heritage Council of WA and is heritage-listed in Schedule 1 of the Town of Cottesloe Town Planning Scheme No. 2. The building has elements from both the 1900s and the 1930s and has continuously operated as a viable hotel that acts as an important community meeting place. The art deco character of the 1938 remodelling, diminished in post World War Two renovations and additions was reinstated in a major refurbishment in 1985-86. The hotel is one of the few significant historical buildings on the Perth metropolitan beachfront and is a noteworthy art deco design. The beer garden, while currently associated with social problems also has some heritage value.

Reference should be made to the Heritage Council of WA requirements File no 0597 and National Trust of Australia (WA) File no 2/41 for assessment of heritage significance for Cottesloe Beach Hotel (formerly Hotel Cottesloe) located at 104 Marine Parade Cottesloe and being Lot 39 of suburban lot 50. The hotel is also referred to in the Town of Cottesloe Municipal Inventory 1995.

While the Ocean Beach Hotel, built in 1907, is not a State heritage listed building, it has occupied the corner site on Marine Parade and Eric Street since the beginning of the last century. Originally it was a federation building with two storey verandas but has since been modified several times. Its presence and prominent corner location remains significant in the Cottesloe beachfront context.

### Building Design Controls: Heritage

- The Cottesloe Beach Hotel building should be retained and restored as a historic landmark and a viable and important community meeting place.
- The building should be retained in line with its eastern extent along Warnham Road and including the existing internal staircase.
- The significant fabric from the two eras of the hotel and the original entrance on John Street should be expressed in restoration.
- New buildings on the site should be of contemporary architecture that is respectful of the character of the hotel
- New built form should not dominate the heritage building.
- A clearly expressed separation of form should be made between the original hotel building and any new residential development.
- The Ocean Beach Hotel should remain in its current prominent corner location at North Cottesloe and address both Marine Parade and Eric Street frontages.

The Cottesloe Beach Hotel site is currently zoned Hotel under TPS2. This zoning does not permit permanent residential uses. As an incentive to restore the heritage hotel building and provide short- stay accommodation (minimum 50 rooms), permanent residential could be permitted to the residual part of the site.

**ACTIVITY AND USES****Tourist Destination**

Cottesloe beachfront is recognised as a major tourist destination with attractions, activity, amenity and access but lacking in accommodation. The two hotel sites are recognised as valuable community meeting places and focal points on the Cottesloe beachfront for both locals and tourists. The size and character of the current hotel establishments that attract large crowds of drinking patrons has caused some social and behavioural issues, and the range of eating and drinking venues is limited. Eric Street and Warnham Road offer a northerly aspect with some shelter from the westerly winds which suits active and alfresco uses.

**Short Stay Accommodation**

There is a deficit of short stay accommodation along the Perth beachfront, particularly at Cottesloe, which is a very popular tourist destination. There is an estimated need for about 300 rooms per year to be provided in Perth in the next ten years and currently 362 rooms are planned. The two hotel sites are recognised as the most appropriate locations in Cottesloe for short stay accommodation and about 50 rooms are seen as a viable minimum provision.

**Retail and Commercial**

There is limited existing retail and commercial use at the beachfront. It is important to note that patronage of retail uses are affected by the seasonal nature of the beachfront activity.

**Residential**

Provision of more dwellings in established urban areas makes better use of existing infrastructure and services (including public transport). It eases pressure on the Perth urban fringe by reducing land clearing (including biodiversity impacts) and demand for new infrastructure (water, sewer, power, roads) and service (medical, education, community) provision including unsustainable transport networks. Increased residential intensity is encouraged by the state government in areas of high amenity like Cottesloe. Smaller dwellings to suit one to two person households of all abilities particularly need to be planned for with changing demographics in the Perth urban area.

Draft LPS3 limits the size of dwellings in the Foreshore Centre and Restricted Foreshore Centre zones to 125sqm maximum. While it was agreed that there is benefit in providing smaller dwellings, this maximum size was considered by some workshop participants to be too restrictive for permanent resident apartments. According to advice received from Colliers International subsequent to the workshop, typical luxury unit sizes in recent developments in the Perth metropolitan area range widely from 50sqm to 450sqm. With the aim to achieve an

increased number of one to two person apartments, an average size of 100sqm is therefore considered more appropriate.

There are issues of amenity where residential dwellings are located close to other activities such as entertainment, recreation, eating and drinking that should be addressed through building and site design guidelines.

### **Building Design Controls: Activity and Uses**

- Cottesloe beachfront should continue to offer a range of recreational and low key tourism experiences. The tourism experience should support the recreational experience but not overtake it.
- Short stay accommodation options should be increased with an increased number and range of rooms.
- Retail activity at the beachfront should be limited to tourist oriented retail outlets that do not replicate the local shopping function of the Town Centre or the Eric Street shops.
- The two hotels should continue to function for their original purpose, however, hotel patronage numbers should be reduced to a sustainable level and more, but smaller bars and eating places provided with greater capacity for alfresco dining.
- Development at Cottesloe beachfront should provide a high density of dwellings, preferable small in floor area, with an average size of 100sqm and designed for universal access.
- Residential parts of the development should be distinguished from the more public areas.
- Permanent residential should be adequately separated from the noise and activity of short stay and hotel activities.
- Hotel service areas should be located away from public and residential areas.
- The Cottesloe Beach Hotel site is currently zoned Hotel under TPS2 which does not permit residential uses. As an incentive to restore the heritage hotel building and provide short-stay accommodation (minimum 50 rooms), permanent residential could be permitted to the residual part of the site.
- Active uses associated with the Cottesloe Beach Hotel should be located on the ground floor along Marine Parade, Warnham Road and John Street for the extent of the existing hotel building.
- Residential could be permitted at ground level along Warnham Road and John Street east of the existing hotel and short stay accommodation.
- The Ocean Beach Hotel should continue to be located as a prominent landmark at the corner of Eric Street and Marine Parade. The hotel should provide (minimum 40 to 50 beds/rooms) short stay accommodation.
- Active uses on the Ocean Beach Hotel site should be located on the ground floor along Marine Parade and part of Eric Street, with residential located to Gadsdon and Eileen Streets.

*FIG Insert plan showing location of uses*

### **SITE PLANNING AND STREETSCAPE**

**Site Grain**

The Ocean Beach Hotel site is currently made up of a large number of lots forming a large development site. The Cottesloe Beach Hotel is also a large lot. This may lead to development solutions that are out of scale and character with the surrounding built form and street grain.

**Landmark Locations**

The Ocean Beach Hotel sits prominently on the corner of Eric Street and Marine Parade. Both these streets are wide and spacious and the existing built form is predominantly three storeys. There are fewer Norfolk Island Pines or other mature trees at North Cottesloe adding to the openness of the streetscape. The Eric Street frontage offers a retail and alfresco location that has the advantage of being out of the wind, facing north and having exposure to traffic arriving at the beachfront. The corner hotel building is a significant landmark, as is the more recent and taller motel accommodation building known as the 'Chocolate Box' for its original appearance in dark brown clinker brick.

The Cottesloe Beach Hotel sits, fronting Marine Parade, as one of the defining landmarks within the historical precinct of the main beach at Cottesloe. It is two storeys high with a pitched tile roof and located between John Street and Warnham Road, which are both narrow streets with a residential scale.

**Site Edge and Amenity of Adjoining Public Spaces**

The Cottesloe foreshore offers magnificent ocean panoramas and vistas, which, along with the theatre of passers by and beach goers can be enjoyed from beachfront development that is oriented to the foreshore setting particularly for alfresco eating and drinking. The amenity, comfort and safety of the public foreshore spaces are important to its success as a place for tourists and locals. The foreshore generally has good amenity which is to be improved by the proposed widened promenade along the east side of Marine Parade. There is little overshadowing from beachfront buildings, however, some areas of the beachfront are dark and windy at night especially in winter and there is a need for more shade and shelter from the wind to enjoy the foreshore year round. Behind Marine Parade, the intersecting streets offer good residential amenity away from the activity of the beachfront.

**Building Arrangement and Orientation**

This should be based on site analysis taking account of topography, climate, obtaining and sharing of views, access and circulation (vehicles pedestrian, cycle and universal), servicing, the relationship with neighbouring properties and provision of a streetscape presence.

**Building Design Controls: Site Planning**

**Generally**

- Development should not dominate the public realm.
- New development should respond to the new promenade proposed along Marine Parade with alfresco areas at promenade level.
- Fine grained and segmented street frontages should be provided with pedestrian openings and access ways into and through the development.
- Buildings should have clear delineation and separation of public and private entrances.
- The finished ground floor level should be within 1.2 metres of the adjacent footpath level.
- A high quality, active commercial and retail street edge should include verandas or colonnades with shopfront openings, terraces and other design elements that provide pedestrian comfort (shade and shelter) and a good interface with the street (height above street).
- A hospitable residential interface should be provided by avoiding solid courtyard walls and including screening, small level changes above the street boundary, varied building setbacks and landscape.
- New development should be designed to improve night time amenity and usability and increase the sense of safety and security.
- Courtyards, walkways and other openings and entrances into the sites should be provided offering views through the site and a built grain that responds to climate and surrounding context.
- Overshadowing of the public realm should be minimised.
- Landscape should be used to soften the effects of parking, roadways and coastal microclimate.

**Cottesloe Beach Hotel**

- The Cottesloe Beach Hotel should be developed to respond to the grain of the side streets.
- Any new development behind the Cottesloe Beach Hotel should be respectful of the existing building and respond to the narrower side streets in scale, character and edge treatment.

**Ocean Beach Hotel**

- The Ocean Beach Hotel site should be developed as a series of gridded site components that provide permeability and public access through the site responding to the surrounding grain of development.
- Built form at the corner of Marine Parade and Eric Street should reflect its landmark location.
- The incongruous form and positioning of the 'chocolate box' should be replaced by a more appropriate response to landscape, topography, and context.
- At the Ocean Beach Hotel, the north facing Eric Street frontage should continue to be used at ground level for interactive public uses such as retail,

alfresco eating and drinking.

- At the Ocean Beach Hotel increase the street set back from Marine Parade to provide a wider footpath and alfresco edge.

*Insert plans of CBH and OBH*

## **BUILDING HEIGHT AND ENVELOPE**

### **Building Height**

The Cottesloe townscape and sense of place identified during the workshop provide a clear basis for the establishment of building height and envelope for future development that respond to the built form, topography and landscape character of the surrounding area.

It is recognised that Cottesloe is a major tourist and recreational activity node. Its international recognition as a renowned beachfront is due to its unique character of horizontally expressed beachfront buildings dominated, particularly at Cottesloe beach, by Norfolk Island Pines. This creates a relaxed landscape ambience that is valued by both the local community and tourists. While there is a need for additional tourist accommodation with views of the ocean this should not be at the expense of the very character that defines Cottesloe and attracts local and international visitors. New development should fit unobtrusively into the existing townscape and foreshore landscape.

Building height and form should be respectful of views and vistas of the beach and ocean valued by the community from streets and public places. There are many such views down streets leading to the beach and from the Cottesloe Civic Centre among other public places. The Cottesloe Civic Centre is regarded as a valued community venue, and has significant historic value. The grassed terraces are open to the public and used regularly for both formal and informal public gatherings to enjoy the ocean views and coastal ambience and climate. With improved access to the Civic Centre these views could be enjoyed by tourists as part of their Cottesloe experience.

The defined building envelopes take account of these views and also of overshadowing of the public foreshore area, which may impact on continued enjoyment of the public spaces of the beachfront and foreshore in all seasons.

During the workshop the impact of building height and form was tested using 3D modelling of potential building envelopes on the two hotel sites. These sites, due to their size and landmark qualities require special consideration with regard to building height, which has been set at a three storey (12metre) limit by draft LPS3 for other beachfront development. The impact on views and vistas from public places including the beach and the Cottesloe Civic Centre, overshadowing of the foreshore and other public areas, and streetscape activity, scale and character were also considered along with criteria for appropriate building form for climate and the Cottesloe context.

Principles set out in draft LPS3 and State Planning Policy SPP2.6 section 5.3 were



used as a basis for establishing the building envelopes. Draft LPS3 proposes a three storey height limit on the two hotel sites at the Marine Parade frontage (clause 6.4). Any variation to this would otherwise be covered by building design controls considered and formulated as part of this EbD process.

SPP2.6 applies to all development within 300 metres of the horizontal setback datum. The policy limits the height of buildings to a maximum of five storeys (and not exceeding 21 metres) in height. Town planning schemes may specify lower maximum heights in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality. SPP2.6 also provides for higher structures up to eight storeys (and not exceeding 32metres) in height that may be permitted where:

- There is broad community support for the higher buildings following a process of full consultation.
- The proposed development is suitable for the location taking into account the built form, topography and landscape character of the surrounding area.
- The location is part of a major tourist or activity node.
- The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore.
- There is visual permeability of the foreshore and the ocean from nearby residential areas, roads and public spaces.

The Cottesloe Beach and Ocean Beach Hotel sites are the only sites, under LPS3, where additional height can be considered beyond the three storey limit for development on the Cottesloe foreshore. This additional height can only be achieved by careful planning of the sites to achieve a development of desired character.

#### **Building Design Controls: Building Height and Envelope**

- Maximum development height along Marine Parade frontage should be up to three storeys (and not exceeding 12 metres) in height; Additional height is not supported except for on the two hotel sites where any variation is confined to designated building envelopes.
- Development on the two hotel sites is controlled by the designated building envelopes. The building envelope diagram controls the height and setback of built form. The envelope controls the maximum extent of building. It is not anticipated that buildings will extend to the building envelope in all parts and no part of the building (or attachment to the building) shall project beyond the building envelope.

#### **Cottesloe Beach Hotel site**

The Cottesloe Beach Hotel site building envelope is to be based on the following key criteria:

- The full extent of the existing hotel including the roof is to be retained and

cannot be built over.

- Development behind the existing hotel is to be generally three storey and up to four storey where overshadowing and impact on views from the Cottesloe Civic Centre terrace are minimal.
- Solar access on surrounding streets and the foreshore shall be achieved during winter.
- Views from the terraces at the Cottesloe Civic Centre must be respected.
- Built form that complements the heritage hotel.
- Streetscape character along Marine Parade, John Street and Warnham Road is to reflect human scale and be in keeping with the character of surrounding buildings.

*Diagram of CBH envelope*

**Buildings within the Cottesloe Beach Hotel site shall have:**

- Clear separation (visual, acoustic and building character) between hotel uses (including short stay accommodation) and any permanent residential dwellings.
- Scale and articulation that respond to that of surrounding built form and open space (the 'Cottesloe grain')
- A street edge that is articulated and varied rather than a continuous urban wall.
- A balance of buildings and open spaces such as courtyards and balconies that provide for good design for climate.
- Street frontage that offers passive surveillance with living spaces and balconies overlooking the street but not neighbouring private residential areas.
- Provision for alfresco dining and bar areas to the north (Warnham Road) and west (Marine Parade) frontages of the hotel.
- No projections of lift shafts, masts, service pipes, air conditioning equipment or similar above the roof except for solar and PV panels designed to suit the roofscape.
- Floor to floor heights suitable for each use and for appropriate connection into the existing hotel building.
- Ground floor residential setback along John Street and Warnham Road shall be minimum 1.8 metres to allow for a small private outdoor space in front of each dwelling.
- Setback along John Street and Warnham Road shall be setback minimum 3.6 metres above the second storey to respond to the residential streetscape scale.
- Ground floor finished floor levels shall be maximum 1.2 metres above the adjacent footpath level (This can be modified to allow for natural basement ventilation subject to acceptable design).
- Balconies on the first floor may project to the street boundary and balconies on the second floor may project to the 1.8 metre setback.
- Solar, wind and privacy screens designed as integral elements of the building character.
- Roof form that is flat or pitched to match or compliment the heritage hotel.

**Ocean Beach Hotel**

The Ocean Beach Hotel site building envelope is to be based on the following key criteria:

- Generally three storey development with the potential for up to five storey buildings set within the site away from street frontages and two storeys along Gadsdon Street.
- Solar access on surrounding streets and the foreshore shall be achieved during winter.
- Views from the ridge on Eric Street to the western horizon are to be considered.
- Views from the foreshore and the beach should not be dominated by buildings.
- Streetscape character and vistas along Marine Parade, Eric Street, Gadsdon Street and Eileen Street is to reflect human scale and be in keeping with the character of surrounding residential context.

*Fig Diagram of OBH envelope*

**Buildings within the Ocean Beach Hotel site shall have:**

- Clear separation (visual, acoustic and building character) between hotel uses (including short stay accommodation) and any permanent residential dwellings.
- Scale and articulation that respond to that of surrounding built form and open space (the 'Cottesloe grain').
- A street edge that is articulated and varied rather than a continuous urban wall.
- A balance of buildings and open spaces such as courtyards and balconies that provide for good design for climate.
- Provision for public pedestrian access through the site through or between buildings.
- Street frontage that offers passive surveillance with living spaces and balconies overlooking the street but not neighbouring private residential areas.
- Provision for alfresco dining and bar areas to the north (Eric Street) and west (Marine Parade) frontages of the hotel.
- No projections of masts, service pipes, air conditioning equipment or similar above the roof except for solar and PV panels designed to suit the roofscape.
- Floor to floor heights suitable for each use and for appropriate connection into the existing hotel building
- Ground floor residential along Gadsdon and Eileen Streets shall be setback a minimum of 3.0 metres to allow for a small private outdoor space in front of each dwelling.
- Ground floor finished floor levels shall be maximum 1.2 metres above the adjacent footpath level.
- Balconies on the first floor may project to the street boundary and balconies on the second floor may project to the 3.0 metre setback.
- Solar, wind and privacy screens designed as integral elements of the building character.
- Roof form that are flat or pitched in sympathy with surrounding buildings.

Plot ratios under draft LPS3 are too low to achieve optimum development within the proposed envelopes. The building envelope will set a maximum development capacity on these sites. Therefore plot ratio as a means of development control is not considered necessary.

### **ACCESS AND PARKING**

Beachfront parking is a significant issue and the two hotels do not currently provide adequate car parking on site. Provision of parking for redevelopment on the hotel sites, apart from secure residential parking in basements and limited parking for short stay accommodation and commercial servicing and operations, would significantly restrict development and not provide a good built form outcome. Parking demand on the beachfront has a number of peaks such as evening entertainment sessions and summer day beach use. There is, therefore an opportunity for some efficiency and reciprocal arrangements if a combined common public parking area is established. Cash in lieu parking provisions for hotel and commercial patrons could be directed towards managed public parking in a central location at Car Park No. 2 and/or to public transport.

To limit the total provision of parking on the beachfront and encourage other modes of transport the LPS parking provisions should be varied for the two hotel sites.

#### **Building Design Controls: Access and Parking**

- Car parking should not dominate development. The intrusive impact of car parking should be minimised through design and configuration of parking areas and basements.
- No vehicular access will be allowed from Marine Parade.
- Service access will be allowed only in the locations designated.
- Limited vehicle parking should be provided on the site as follows:
- One bay per 100sqm floor area of residential dwelling, a maximum of 2.0 bays per dwelling, all provided below ground.
- 0.5 bays per hotel/motel room (maximum and provided below ground).
- Limited parking for hotel and commercial uses based on a maximum of 10% provision on site and the balance as cash in lieu provision.
- No parking for visitors to residential.
- Secure cycle parking bay for each dwelling and short stay room.

### **DESIGN FOR CLIMATE**

#### **Building Design Controls: Design for Climate**

Buildings should be designed to provide comfortable living conditions, both indoor and outdoors, for residents throughout the year. All buildings should provide:

- Natural light to living areas.
- Natural cross flow ventilation to living areas and wet areas.

- Solar access to indoor and outdoor living areas.
- Sun shading with seasonal flexibility.
- Preserved solar access to neighbouring properties.
- Useable outdoor areas for public and private use, including courtyards.
- Facility for drying clothes outdoors and out of public view.

### **Building Design Controls: Low Energy and Water Use**

#### **LOW ENERGY AND WATER USE**

All new development should be designed to current best practice sustainable standards for low energy and water use including:

- Use materials with low embodied energy.
- Use efficient electrical fixtures and fittings.
- Use low water usage appliances.
- Re-use water where possible.
- Collect rainwater where practical.
- Use solar energy and water heating.
- Reduce and recycle (minimum 50%) construction waste.

#### **SECURITY AND PRIVACY**

The amenity of the Cottesloe foreshore and beachfront as a living environment as well as a tourist destination is important. There are always conflicts of amenity within a mixed use precinct which need to be addressed through careful design. Visual and acoustic privacy is important for residents as is safety, perceived, through passive surveillance and actual security.

### **Building Design Controls: Security and Privacy**

- Design buildings to overlook public places to provide casual surveillance at all times.
- Clearly define ownership and the public/private interface with building elements or landscape.
- Building entries should be clearly visible from public places, be well lit and identifiable by visitors and provide a sense of security for users.
- Light all pathways between public and shared communal areas and building entries.
- Use robust materials in public areas and avoid materials that are vulnerable to graffiti and vandalism.
- Landscape and building design should allow clear sight lines to all public areas and avoid reveals and hidden corners.
- Limit overlooking of neighbouring living areas through the placement of windows and balconies rather than through use of devices such as screens and high sills.
- Site layout should separate service areas and entertainment areas from residential areas both visually and acoustically.

- Minimise transmission of solid and airborne sound through the development, adjacent properties and public spaces.

### **OPEN SPACE AND LANDSCAPE**

Open space and landscape contribute to the character of development. The foreshore is an open coastal landscape with broad views and large spaces. The open space is a combination of revegetated coastal dunes and grassed terraces, lawns and verges. The Norfolk Island pine trees are the dominant tree species particularly in the vicinity of the Cottesloe Beach near Forrest Street. Some contrast to the openness of the foreshore could be provided in both residential and commercial development with courtyards protected from the wind and sun and offering some privacy for users. The Cottesloe foreshore offers an excellent amenity and good recreational facilities limiting the need for communal open space to be included in development. However, the nature of the foreshore as a tourist destination as well a residential living environment requires that there is opportunity for respite for residents from the activity of the foreshore.

### **Building Design Controls: Open Space and Landscape**

- Communal open spaces should be designed to provide privacy and respite from the coastal environment and foreshore activity.
- Private open space should be clearly defined for exclusive use of the residence and located adjacent to living areas. Outlook, privacy, security, overshadowing and microclimate should be considered.
- The landscape palette should respond to the foreshore landscape and also offer some contrast.
- Norfolk Island Pines should be preserved as a priority and retention of other vegetation and trees is encouraged.
- Water wise planting should be used, predominantly of native species with drip irrigation.
- Cottesloe Beach Hotel signage should be appropriate to the heritage character of the hotel.
- Public art should be integrated into the design of the hotel sites.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Through the Chair, the Manager Development Services overviewed the situation regarding progress of the EbD and LPS3, as well as the requirement to continue to liaise with the DPI towards completion of the consultant reports and undertaking advertising of the intended BDC. Members discussed various details of the aspects addressed at the EbD workshops and emphasised the importance of reflecting them in the reporting and advertising, as well as the need to be agreed with the DPI on the preferred BDC in order to streamline the process to complete LPS3. Given the variables involved, Committee,

rather than revisiting the recommendation at this stage, agreed that following further liaison with the DPI additional advice and a possible alternative recommendation could be presented to the Council meeting, which the MDS undertook to attend to. In this respect the Chair invited Councillors to provide the MDS with any comments or concerns about the consultant's draft report or the draft BDC, for input to the discussion with the DPI.

#### **OFFICER & COMMITTEE RECOMMENDATION**

That Council:

1. Agrees to advertise the draft Building Design Controls for Special Control Area 2 of Local Planning Scheme No. 3, as set out in the appendix of this report, for three weeks during March 2009 as indicated in this report.
2. Agrees to pursue the Preliminary Structure Plan for Development Zone 'E' of proposed Local Planning Scheme No. 3, including a preferred solution for future Curtin Avenue, overall improved connectivity and indicative future development of the railway lands, through further liaison with relevant agencies towards an agreed structure plan to be formalised under the Scheme after it becomes operative.
3. Agrees to pursue realisation of the Foreshore Concept Plan on an ongoing basis, through further examination of the indicative proposals for the preparation and approval of detailed plans and implementation programs.

#### **COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Carmichael

#### **That Council**

**Note the status report on the draft outcomes and progress of the Enquiry by Design so far and agrees to recommit this item to a special Meeting of Council, tentatively scheduled for Monday the 9 March 2009, to enable completion of the consultant reports and formulation of agreed proposed Building Design Controls, for consideration of approval to advertise the proposed Building Design Controls and to pursue the other components of the Enquiry by Design.**

Carried 8/0

**10.1.3 WESROC STUDY OF DENSITIES – FEEDBACK FROM COUNCILS**

**File No:** SUB/103  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Delia Negie, Project Planner &  
Andrew Jackson, Manager Development Services  
**Proposed Meeting Date:** 16-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

WESROC resolved to undertake a study to assess the contribution that member councils and town planning schemes and strategies make towards meeting regional planning objectives. A study report was prepared by Chris Antill Planning & Urban Design and WESROC has requested the councils to provide comment *on the scope for coordination of the recommendations on a regional basis.*

The aim of the Study was to *gauge the effectiveness of planning for the sub-region in terms of regional and local objectives for creating concentrated urban activity, employment location, accommodating population growth, and providing housing choice.*

It is recommended that WESROC be advised that Cottesloe Council is supportive of the study findings as it provides each council and WESROC with a valuable information base to assist with regional issues, policies and studies, particularly relating to Network City. The study is also a valuable resource to council to use in reviewing local planning schemes, developing strategies and preparing policies.

**BACKGROUND**

At its March 2007 meeting, WESROC resolved *that a stocktake of current and anticipated land uses/densities and the implications of population change across the region be given priority.* Town of Cottesloe prepared the study brief and project-managed the study.

WESROC subsequently commissioned Chris Antill Planning & Urban Design to undertake a study of land use and residential densities for the member councils, with the later addition of the City of Fremantle and Town of Cambridge.

At its meeting on 22 September 2008, WESROC considered the final report, entitled *A study of Land Use Patterns and Residential Densities in the Western Suburbs*, and resolved:

*The Study... be received by the Board and be referred to all participating councils.*

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*All participating councils be requested to provide comment on the scope for coordination of the recommendations on a regional basis.*

*The comments received from participating councils be referred back to... WESROC.*

## **CONSULTATION**

The Towns of Claremont, Mosman Park and Cambridge, Cities of Nedlands, Subiaco and Fremantle and the Shire of Peppermint Grove were consulted in addition to the Town of Cottesloe.

The Town of Cottesloe has undertaken to coordinate the responses from the other Councils and report back to WESROC. To date a response has been received from all except the City of Fremantle (who have briefed their Council but remain to formalise any response, which they have advised they will consider).

## **STAFF COMMENT**

### **Study Conclusions**

*The aim of the Study was to gauge the effectiveness of planning for the sub-region in terms of regional and local objectives for creating concentrated urban activity, employment location, accommodating population growth, and providing housing choice.*

The study reviewed regional policies and relevant literature; analysed demographic, housing and employment trends; examined the local schemes, strategies and policies of the councils; and assessed their development patterns. This background enabled the identification of opportunities and constraints which led to the study's conclusions and recommendations.

It was concluded that the population and housing stock of the western suburbs has been steadily increasing since 1981 and the *population has an older profile than the Perth region*. The older population profile indicates a potential demand for greater housing choice. *Overall, however, housing choice in the western suburbs is not broadening sufficiently to accommodate changing demographics and housing needs... All the western suburbs local authorities have adopted policies or objectives supporting the principles of housing diversity and choice, and are using most of the regular planning tools to achieve greater housing quantity and diversity. However, more imagination may be needed to achieve significant results...*

With regard to Cottesloe, the study identifies that:

- The population has been steadily increasing over the years matched by an increase in housing stock as per other western suburbs.
- The occupancy rate has, however, decreased, as per the metropolitan area and western suburbs region.

- The population is older than the metropolitan median but also has a substantial child population, with the 0-4 age group proportion not much below the metropolitan average, more-so than other western suburbs.
- Housing choice has decreased over the years with the proportion of single houses increasing at the expense of townhouses or apartments. The proportion of separate dwellings is, however, still less than the Perth average.

The study notes that those *local authorities that have achieved the greatest population and housing stock increases have done this through the development of large areas of vacant or underutilised land, and/or increases in housing density. Some local authorities have been in a better position than others in having access to large areas of developable land for housing.*

In this regard, the Town of Cottesloe railway lands provide an opportunity to provide a choice of additional housing. The Town Centre and the Development Zones provide additional opportunities.

### **Study Recommendations**

The study recommends:

- (a) That priority for achieving increased housing choice could be to encourage *the provision of greater numbers of smaller accommodation types. This could be a combination of one and two bedroom dwellings and more flexible housing forms such as “zone homes” (homes with two separate self-contained living areas).*
  - (b) *Planning “tools” such as improvement plans and precinct plans are well suited to achieving change in areas such as town centres and their immediate environs, when the need to accommodate orderly growth, intensification and diversity becomes apparent. The identification of “development zones” is an appropriate action for signalling in advance to the community the development potential of sites which are, or may become in the future, available for comprehensive redevelopment.*
  - (c) *Some of the incentive-based tools which should be investigated (possibly in co-operation with State Government) to encourage redevelopment of existing developed areas for higher residential density and/or the provision of more diverse and affordable housing could be:*
    - *dual or split codings;*
    - *density bonuses;*
    - *height bonuses;*
    - *relaxation of development standards such as car parking standards;*
    - *relaxation of other statutory requirements;*
    - *tax relief;*
    - *quicker approval processes;*
    - *Government fee waivers.*
  - (d) *This study and the evidence provided by DPI mapping has provided information for local authorities which identifies those existing residential areas where planned*
-

*densities are not being achieved, and therefore reviews should be undertaken to establish whether it may be appropriate to increase R-Codings in those areas.*

- (e) *Focus areas for the provision of new medium-density housing and mixed use development are locations where transport, employment, services and recreation are close by and readily available. However, this must be done in a sustainable manner which does not unduly compromise existing local character and amenity, and is mindful of the capacity of existing infrastructure to cope with increased traffic and parking.*
- (f) *Ensuring activity centres and transport hubs are destination centres for employment and visitors as well as providing accommodation for new residents will be crucial to the future viability and success of these urban centres, which generally replicate the roles of traditional town and neighbourhood centres of the past.*
- (g) *All the Western Suburbs local authorities must place an increasing emphasis on expanding the roles of their various activity centres. It is acknowledged, however, that some have greater physical capacity for expansion and densification than others. Further achievements are therefore likely to be gradual and incremental. Nevertheless, the development of the remaining brownfield sites (such as railway lands in Cottesloe and Claremont) are the key to achieving new urban development.*

### **Comments of Other Councils**

Other councils have commented on the report support the findings of the study and advise that it will provide sound input to their schemes, strategies or reviews:

- The Shire of Peppermint Grove has noted the report and advised that it has no particular comments to offer.
  - The City of Nedlands has advised that *Council will use the findings and recommendations within the report as information when considering the future planning within the City.*
  - The Town of Claremont resolved to receive the report as an input to its Local Planning Strategy.
  - The Town of Mosman Park advised that *it is already embracing the recommendations of the Study with respect to the objectives of Network City. The Town is prepared to work with its contiguous local government neighbours to ensure a coordinated approach to achieving the recommendations of the Study. Further, in respect of the Stirling Highway Activity Corridor Study being undertaken by the Department for Planning and Infrastructure, the Town is prepared to actively engage with other WESROC Councils to ensure the interests of the individual Councils are maintained.*
  - The Town of Cambridge advises that it considers that:
    - (a) *the study will provide an invaluable reference source for the Town in preparing its local planning strategies as part of its Town Planning Scheme Review;*
    - (b) *the study provides a sound basis for responding to State Government policy for increasing housing numbers and housing choice in established areas;*
    - (c) *the study provides a context for demonstrating how local planning strategies of individual councils are contributing towards a collective regional effort.*
-

- The City of Subiaco provided a detailed resolution supporting and providing comment on specific findings and recommendations of the report. as follows:
  1. *That WESROC be advised the City of Subiaco supports the findings and recommendation of A Study of Land Use Patterns and Residential Densities in the Western Suburbs specifically to:*
    - (a) *Encourage the provision of greater numbers of smaller accommodation types;*
    - (b) *Continue to use and further investigate planning tools such as improvements, precinct plans and incentive based tools to achieve change to accommodate orderly growth;*
    - (c) *Identify existing residential areas where planning densities are not being achieved and undertake reviews to establish whether increased densities are justified;*
    - (d) *Focus density and mixed use development in locations where transport, employment, services and recreation are close by and readily available;*
    - (e) *Ensure activity centres and transport hubs are destination centres for employment and visitors as well as providing accommodating for new residents; and*
    - (f) *Placing a greater emphasis on expanding the role of activity centres.*
  2. *Acknowledge that in relation to the above recommendations:*
    - (a) *Any proposals to introduce blanket increased in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage character values and community wishes, disruptive of important social fabric and not expected to be supported or to succeed;*
    - (b) *Wholesale and indiscriminate change to the established patterns and forms of development in the western suburbs cannot be justified no matter how well intentioned the objectives are; and*
    - (c) *Although overall housing choice in the western suburbs is not broadening sufficiently to accommodate changing demographics and housing needs in the western suburbs, the City of Subiaco offers a very broad level of housing choice and density and in this regard is leading the way.*
  3. *The study be used as a reference source in preparing its planning strategies regarding housing densities and responding to State Government policy for increasing housing densities.*

### **Town of Cottesloe Comment**

Council's draft LPS3 works towards the recommendations of the study, particularly in regard to:

- Recommendation (b) whereby the Scheme uses different planning tools including development zones and structure planning to flag and facilitate future development sites.
- The railway lands development zone and Town Centre objectives (together with Curtin Avenue realignment objectives) will contribute towards recommendations (e), (f) and (g), as they provide for medium density housing at activity centres and transport hubs.

- Future policies under LPS3 may allow more innovative planning tools to be employed, such as in recommendation (c), to encourage a greater number of *smaller accommodation types* as suggested in recommendation (a).

WESROC has requested Council to provide comment *on the scope for coordination of the (study) recommendations on a regional basis*. This reflects that small councils, when viewed individually, may not appear to be in a position to meet regional planning objectives as substantially as when approached as part of a sub-regional grouping.

In this respect the DPI is working towards setting housing targets for local authorities as one means of implementing Network City. The targets are based on the potential for additional housing over the next 40 years. Liaison at officer level with councils metropolitan-wide has been occurring for some while and it is expected that formal consultation will be undertaken in the coming months. The Stirling Highway Activity Corridor Study is also being conducted by DPI to further Network City objectives, and includes a consultation phase.

The WESROC study puts councils and the western suburbs sub-region in a good position to provide feedback to the DPI housing targets study and other Network City-based studies or policies. When seen as a geographical and functional sub-region rather than individual districts, the contribution being made by each council to regional planning objectives becomes more clearly apparent. Also, the study has been able to demonstrate the reasons for differences in housing provision between the councils, such as land availability to increase housing provision and diversity. The opportunities and constraints identified indicate the meaningful contributions that may be made to housing supply by the western suburbs councils.

An important assessment made by the study is *that any proposals to introduce blanket increases in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage and character values and community wishes, disruptive of important social fabric, and not expected to be supported or to succeed*.

*The Western Suburbs – individually and as a whole – are valued greatly by their residents. The great majority of residents feel a close attachment to their immediate locality and their local commercial and recreational facilities. The established patterns and forms of development that have created this environment have evolved gradually over a long period, resulting in a strong “sense of place” overall, made up of a number of readily identifiable local communities. Wholesale and indiscriminate change to this situation cannot be justified, no matter how well intentioned the objectives are.*

#### **POLICY IMPLICATIONS**

The WESROC Study will assist Council in developing any relevant policies under LPS3 or in responding to any regional policy initiatives on such matters.

#### **STRATEGIC IMPLICATIONS**

The Study is consistent with Council's strategic direction and will assist Council in pursuing the Future Plan and implementing its Action Plan.

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Objective 4 of the Future Plan is to manage development pressures. The direction for this objective states that *Council is committed to using a policy-driven approach to manage development pressures that will ensure that the planning framework is in place to protect the characteristics that the community wants preserved and protected and that form part of the 'vision statement' for this Future Plan.*

Also Objective 2 *To achieve connectivity between east and west Cottesloe* acknowledges that *the land abutting the railway has development potential and the town centre could benefit from new housing, local open space and general improvements to the overall railway precinct.*

**STATUTORY REQUIREMENTS**

The Study is not linked to any direct statutory requirement for it.

**SUSTAINABILITY IMPLICATIONS**

Population distribution and housing density have an interrelationship with sustainability.

**FINANCIAL IMPLICATIONS**

The Study does not have any immediate financial implications for Council. Application of the study may lead to further work via consultants with associated costs.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Notes the Study and its usefulness as a source of information and direction for a range of planning activities and related initiatives by the Town over time.
2. Supports the Study findings and recommendations as a basis for Council responding to regional planning studies, policies and proposals affecting the Town.
3. Advises WESROC that Council also supports the coordination of the recommendations on a regional basis in order that the councils can collectively address regional planning strategies, policies and programs as appropriate to the geographical, functional and social characteristics of the sub-region.

**COMMITTEE COMMENT**

Committee discussed the thrust of the study generally and supported the aspects contained in the officer recommendation for the purpose of responding to WESROC. After some discussion Committee also agreed to add a new point 3 to the recommendation echoing part of the City of Subiaco resolution in relation to the implications of proposed density changes.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Woodhill

**That Council:**

1. **Notes the Study and its usefulness as a source of information and direction for a range of planning activities and related initiatives by the Town over time.**
2. **Notes the Study findings and recommendations as a basis for Council responding to regional planning studies, policies and proposals affecting the Town.**
3. **Acknowledge that: (a) any proposals to introduce blanket increases in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage character values and community wishes, disruptive of important social fabric and not expected to be supported or to succeed; and (b) wholesale and indiscriminate change to the established patterns and forms of development in the western suburbs cannot be justified no matter how well-intentioned the objectives are.**
4. **Advises WESROC that Council supports the coordination of the recommendations on a regional basis in order that the councils can collectively address regional planning strategies, policies and programs as appropriate to the geographical, functional and social characteristics of the sub-region.**

Carried 8/0

**10.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 FEBRUARY 2009****10.2.1 GENERAL ELECTORS MEETING - CONSIDERATION OF DECISIONS**

**File No:** Sub/19  
**Attachment:** Annual General Elector's Meeting Minutes  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to note for the record that there were no decisions made at the General Electors Meeting held on 26 November 2008.

**BACKGROUND**

Aside from the Mayor, Councillors and Senior Staff, three electors attended the General Electors Meeting held on 26 November 2008 in the Mayor's Parlour.

**CONSULTATION**

Nil.

**STAFF COMMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Section 5.32 of the *Local Government Act 1995* requires the CEO to "...cause minutes of the proceedings at an electors' meeting to be kept and preserved; and ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered."



A copy of the minutes of the General Electors Meeting held on the 26 November 2008 is enclosed with this agenda.

Section 5.33 of the *Local Government Act 1995* requires that all decision made at an electors meeting are to be considered at the next ordinary Council meeting where practicable.

If Council makes a decision in response to a decision made at an electors meeting, then the reasons for the decision are to be recorded in the minutes of the Council meeting.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

- 1. Receive the minutes of the Annual General Meeting of Electors held on 26 November 2008 as presented as per attachment 10.1.1.**
- 2. Note for the record that no decisions were made at the General Electors Meeting held on 26 November 2008.**

Carried 8/0

**10.2.2 STATUTORY COMPLIANCE AUDIT - 2008 RETURN**

**File No:** SUB/390  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to:

- (1) Adopt the Compliance Audit Return for 2008; and
- (2) Authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

**BACKGROUND**

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

**CONSULTATION**

Nil

**STAFF COMMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

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

*Regulations may make provision-*

- (1) Requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –
-

- (i) *Of a financial nature or not; or*
- (ii) *Under*

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

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

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

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

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the Compliance Audit Return for 2008 as per attachment 10.1.2 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.**

Carried 8/0

**10.2.3 ORDINARY ELECTION - APPOINTMENT OF STATE ELECTORAL COMMISSIONER AS RETURNING OFFICER FOR POSTAL VOTE ELECTIONS**

**File No:** SUB/  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to declare, in accordance with section 4.20(4) of the *Local Government Act, 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required and to decide, in accordance with section 4.61(2) of the *Local Government Act, 1995*, that the method of conducting the election will be as a postal election.

**BACKGROUND**

To assist in budget preparations the WA Electoral Commission has provided Council with an estimate for the next scheduled ordinary elections, planned for 17 October 2009.

The current procedure required by the *Local Government Act, 1995* is that the Electoral Commissioner's written agreement is to be obtained before the vote is taken. To facilitate the process, the letter received by Council from the Electoral commissioner can be taken as agreement to be responsible for the conduct of the ordinary elections in 2009 for the Town of Cottesloe, together with any other elections or polls that may also be required.

**CONSULTATION**

Nil.

**STAFF COMMENT**

Given that Council's previous election was held via postal elections and voter turnout was increased, this method of voting is recommended for the 2009 Ordinary Elections.

**POLICY IMPLICATIONS**

The relevant sections of the *Local Government Act, 1995* read as follows:

**4.20 CEO to be returning officer unless other arrangements are made**

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
  - (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner,
-

*appoint\* a person other than the CEO to be the returning officer of the local government for an election.*

**\* Absolute majority required**

- (3) An appointment under subsection (2) has no effect if it is made after the 80<sup>th</sup> day before election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.

**\* Special majority required**

- (5) A declaration under subsection (4) has no effect if it is made after the 80<sup>th</sup> day before election day.
- (6) A declaration made under subsection (4) on or before the 80<sup>th</sup> day before election day cannot be rescinded after that 80<sup>th</sup> day.

**4.61 Choice of methods of conducting the election**

- (1) The election can be conducted as a -
    - “postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
    - “voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted, or delivered, in accordance with regulations.
  - (2) The local government may decide\* to conduct the election as a postal election
- \* Special majority required**
- (3) A decision under subsection (2) has no effect if it is made after the 80<sup>th</sup> day before election day.
  - (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
  - (5) *A decision made under subsection (2) on or before the 80<sup>th</sup> day before election day cannot be rescinded after that 80<sup>th</sup> day.*
  - (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*
  - (7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

**STRATEGIC IMPLICATIONS**

The following section of the Town of Cottesloe Future Plan applies:

Section 4: Underpinning sustainability principles

- (3) *Good Governance: Leadership, transparency, accountability, probity, proper management, effective services, equitable access to services, commitment to partnership working and organisational capacity building.*

Council acknowledges the views and interest of all components of the community and strives to achieve a balanced and proactive position on issues which affect public, commercial and private sectors.

To the extent that postal elections encourage broader participation in local government elections, postal elections can be seen as strengthening the acknowledgement that Council gives to "... the views and interest of all components of the community."

#### **STATUTORY REQUIREMENTS**

*Local Government Act, 1995* – Sections 4.20(4) and 4.61(2)

#### **SUSTAINABILITY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The estimated cost for the 2009 election is \$22,500 plus GST, which has been based on the following assumptions:

- 5,300 electors;
- response rate of approximately 50%;
- 6 vacancies; and
- count to be conducted at the premises of the Town of Cottesloe.

Costs not incorporated in the estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

#### **VOTING**

Special Majority

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

Moved Cr Miller, seconded Cr Cunningham

#### **That Council:**

1. **Declare, in accordance with section 4.20(4) of the *Local Government Act, 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and**

2. Decide, in accordance with section 4.61(2) of the *Local Government Act, 1995*, that the method of conducting the election will be as a postal election.

Carried 8/0

**10.2.4 SUSTAINABILITY HEALTH CHECK - FINAL REPORT**

**File No:** SUB/  
**Attachments:** Attachment 3  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Jade Hankin  
Sustainability Officer

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

As part of the Sustainability Officer's portfolio, a recommendation was made in September 2008 to assess and review the Town of Cottesloe's organisational sustainability, utilising the framework of the NSW Local Government Sustainability Health Check (SHC).

This report provides an overview of findings based on the SHC framework and recommends.

**BACKGROUND****The Concept of Sustainability**

Organisations are increasingly attempting to incorporate sustainability practices and management systems into their operations. Local governments in Western Australia are particularly recognising the need for improved sustainability management. The *Local Government Act 1995* was amended in 2004 to require that the function of Local Government be related to sustainability.

Section 1(3) (3) of the Local Government Act now states: *In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.* However there is no guidance or standard available to assist Local Councils to manage this process or ensure that objectives and targets are met. This Health Check can assist in providing such standardisation.

**Sustainability Health Check**

The Sustainability Health Check produced by Sustainable Futures Australia, the Local Government Managers Association (NSW), and Department of Environment and Conservation (NSW) is a tool to assist councils in their transition to sustainability. It allows councils to assess and monitor to what extent sustainability principles are understood and used in their social, economic and environmental decision-making.

The *NSW Local Government Sustainability Health Check* (SHC) is a management tool that can improve a council's performance by integrating the different elements and

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principles of sustainability throughout the organisation. It focuses on corporate systems, strategic planning and operations. It also examines the relationships councils have with their communities, including leadership, promoting change and being responsive to community needs, The SHC helps councils identify weaknesses and strengths, and opportunities and ways to improve their overall sustainability.

This SHC is considered to be one of the most relevant SHC to use in analysing sustainability within a local government setting. There are no other specific tools developed within Western Australia with which to achieve the same results.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Sustainability Health Check (SHC), Part B was completed between October 2008 and Dec 2008 through a series of meetings, brainstorming sessions and desktop reviews with the following staff:

Laurie Vicary, Acting Chief Executive Officer  
Graham Patrick, Manager, Corporate Services  
Geoff Trigg, Manager Engineering Services  
Andrew Jackson, Manager Planning Services  
Jade Hankin, Sustainability Officer

The Sustainability Officer coordinated the completion of the Check and this subsequent report on the findings (**as per attachment**).

There were 6 sections to Part B with each consisting of between 6 and 8 questions.

These were as follows:

1. Corporate Systems;
2. Strategic Planning;
3. Operations and Activities;
4. Leading by Example;
5. Promoting Change; and
6. Listening and Responding.

Each of these contained the following areas for consideration:

- Answers and Notes
- Issues and Challenges; and
- Ideas and Future Actions

After providing answers and comments, each question within the worksheets were ranked (there were between 4 and 6 questions for each). This was based on the following system:

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- |          |                                       |   |
|----------|---------------------------------------|---|
| <b>0</b> | <b>Not at all/Never</b>               | Council is not applying this sustainability initiative to any meaningful degree within the organisational system or relationship; |
| <b>1</b> | <b>Slightly/<br/>Occasionally</b>     | Council is slightly or occasionally applying this sustainability initiative;  |
| <b>2</b> | <b>Moderately/<br/>Sometimes</b>      | Council is moderately or sometimes applying this sustainability initiative.   |
| <b>3</b> | <b>Well/<br/>Most of the time</b>     | Council is applying this sustainability initiative well and most of the time.   |
| <b>4</b> | <b>Very well/<br/>All of the time</b> | Council is applying this sustainability initiative very well and almost all of the time.  |

These rankings contributed to an overall score for the particular area of assessment (or worksheet). This shows where council is performing well and where there are opportunities for improvement.

### Key Outcomes and Priority Actions

The following is the score received based on the assessment of each criterion (out of 4):

1. Corporate Systems	1.71
2. Strategic Planning	1.25
3. Operations and Activities	2.29
4. Leading by Example	3.00
5. Promoting Change	2.50
6. Listening and Responding	2.25

The areas of Strategic Planning, Corporate Systems and Listening and Responding are areas where future improvements should be focused .

The following are key actions for consideration &/or implementation:

- Review the Town of Cottesloe Sustainable Development Plan. 2
- Develop an integrated 'sustainability' or 'ecological footprint' policy for the Town of Cottesloe.
- Develop an action plan of all recommendations (in attachment 1) derived from the SHC including priorities, officer responsible for implementation, budget etc.
- Complete Part C of the SHC by September 2009.

### POLICY IMPLICATIONS

An overarching 'Sustainability Policy' for council operations should be investigated and developed. Other policies to be considered in the future may include:

- Climate Change
- Risk Assessment and Emergency Management

### STRATEGIC IMPLICATIONS

Many of the results have direct strategic implications within the Town of Cottesloe. This is especially true for Section 4: Underpinning sustainability principles, of the Town of Cottesloe's Future Plan: This section states:

*Under legislation, the council is required to meet the needs of current and future generations in a sustainable way. In carrying out its functions, the council is committed to the 4 inter-connected principles of sustainability:*

- 1. Sustainable development:** *To embrace and integrate sustainable development principles including social, economic, environmental and cultural aspects when planning for the district.*
- 2. Community participation:** *Effective community participation in decisions about the district and its future.*
- 3. Good governance:** *Leadership, transparency, accountability, probity, proper management, effective services, equitable access to services, commitment to partnership working and organisational capacity building.*
- 4. Co-operation:** *The exchange of good practice, support and mutual learning and partnerships with government and other stakeholders to progress the Town.*

*To ensure that sustainable principles will be incorporated into major strategies council will use its policy making role to set out criteria that will assist the council to make decisions in the interests of the community and its future. Major strategies will go through a sustainability and capacity assessment process before the council makes a final commitment to move forward.*

When the future plan is next formally reviewed by Council, it is recommended that this section be reviewed to ensure that sustainability is adequately and appropriately integrated.

### STATUTORY REQUIREMENTS

There are various pieces of legislation that identify the importance of sustainability at both a global and local level.

#### Global

In 1987, under the authority of the United Nations Brundtland Commission, *the Brundtland Report* was released. This report deals with sustainable development and the change of politics needed for achieving that. The commission was originally created to address growing concern about the accelerating deterioration of the human environment and natural resources and the consequences of that deterioration for economic and social development. In establishing the commission, the UN General Assembly recognised that environmental problems were global in nature and

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determined that it was in the common interest of all nations to establish policies for sustainable development. In the *Brundtland Report* 'Sustainable Development' is outlined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

**Local**

*ICLEI – Local Governments for Sustainability (ICLEI) is an international, not for-profit association of local governments and local government organizations that have made a commitment to sustainable development. ICLEI's mission is to build a movement of councils to achieve tangible improvements in environmental conditions through the cumulative impact of local action.*

The Town of Cottesloe is involved in the ICLEI program, with both the Cities for Climate Protection (CCP) program and the Water Campaign. The program works through the establishment of goals and the meeting of these goals over a period of time, through a range of actions.

**SUSTAINABILITY IMPLICATIONS**

The content of this report relates directly to the issue of sustainability and is addressed throughout the report.

**FINANCIAL IMPLICATIONS**

Financial implications may result from a change in operational procedures as highlighted by the SHC and any accompanying *Action Plan* that is developed. These will be considered on a case by case basis with funding provided through the Town of Cottesloe budget and assistance through external funding where possible.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Boland requested that the Sustainability Working Group reconvene to work with the Sustainability Officer in relation to the implementation of the Priority Actions for the next 12 months. The CEO agreed that this matter could be progressed administratively.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

1. **Note the findings of the Sustainability Health Check outlined as per attachment 10.1.4;**
2. **Approve the following *Priority Actions*, to be undertaken over a 12 month period from March 2009;**
  - **Conduct a review of the Town's sustainability vision, goals and outcomes;**

- **Develop an integrated sustainability or ecological footprint policy for the Town.**
  - **Develop an action plan for all recommendations derived from the Sustainability Health Check (SHC);**
  - **Complete part C of the SHC by September 2009.**
- 3. Note that annual reviews of the SHC and Action Plan will be undertaken by the Sustainability Officer, with the first review to be reported to Council in February 2010.**

Carried 8/0

**10.2.5 PARKING AND PARKING FACILITIES LOCAL LAW**

**File No:** SUB/176  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to endorse the proposed amended Parking and Parking Facilities Local Law.

**BACKGROUND**

The purpose for these changes are:

- to rationalise the Town of Cottesloe's parking laws;
- to formalise the residential parking permit process;
- to include clauses to facilitate the management of the new technology that is being trialled; and,
- to include a required clause from the state government to prohibit the Town of Cottesloe making local law to include fees and charges at the beachfront (Sector B).

There are currently inconsistencies in the penalties between sectors. For example, the penalty for overstaying a time restriction at the beachfront attracts a \$100 infringement notice whereas the same offence in the town centre incurs a \$35 penalty. In addition, there is also a discrepancy between the level of severity of offences and the resulting penalties. For example, the penalty for overstaying a time restriction attracts a \$100 infringement notice whereas stopping in a 'no stopping' area incurs a \$60 penalty ('no stopping' areas are considered high risk areas for accidents if vehicles stop).

The Local law has been reviewed by our lawyers and minor amendments made. The proposed changes have been sent to the Department for Local Government and Regional Development. These were advertised statewide on April 5 2008.

There have been no submissions received following advertising for public comment.

**CONSULTATION**

Public Statewide advertising.

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**STAFF COMMENT**

The proposed changes will provide a fairer and more consistent approach to traffic management within the Town of Cottesloe. The residential parking permit process has been an ongoing bone of contention as a result of grey areas of understanding. The suggested changes clarify exact entitlements and conditions for residents and tenants.

The attached local law has all the changes highlighted in red.

**POLICY IMPLICATIONS**

Parking and Parking Facilities Local Law (attachment).

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY REQUIREMENTS**

Section 3.5 & 3.12 of the Local Government Act applies.

**3.5. Legislative power of local governments**

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
4. *Regulations may set out –*
  - (a) matters about which, or purposes for which, local laws are not to be made;*
  - or*
  - (b) kinds of local laws that are not to be made,*

*and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind*
5. *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

**3.12. Procedure for making local laws**

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1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
  2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
  3. *The local government is to –*
    - (a) *give Statewide public notice stating that –*
      - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
      - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
      - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
    - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
    - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
  - 3a. *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
  4. *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

**\* Absolute majority required.**
  5. *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
  6. *After the local law has been published in the Gazette the local government is to give local public notice –*
    - (a) *stating the title of the local law;*
    - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
    - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
  7. *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
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8. *In this section –*

*making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Regulation 3 of the Local Government Functions and General Regulations provides the following.

**3. Notice of purpose and effect of proposed local law - s. 3.12(2)**

*For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law*

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

The budget for 2008/2009 includes a provision for \$585,0800 for parking revenue. There are a number of increases for penalties for the town as well as some new infringements relating to damage of council property. It is estimated that these changes will result in approximately \$16,000pa increased income.

**VOTING**

Absolute Majority

**COMMITTEE COMMENT**

At the request of Committee the attachment of the Local Law was required to have some administrative errors corrected prior to being tabled at Council. The amended attachment is to be available to Elected Members with the agenda, prior to the Council Meeting.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Cunningham

That Council adopt the proposed amended Parking and Parking Facilities Local Law as per attachment 10.1.5.

**MOTION TO REFER BACK TO ADMINISTRATION**

Moved Mayor Morgan, seconded Cr Dawkins

That the item be deferred for Officer's to report back to Council on amendments and public advertising to address matters of popular parking on median strips.

Carried 8/0

**10.2.6 LIBRARY FOR COTTESLOE, MOSMAN PARK & PEPPERMINT GROVE.  
MANAGEMENT/ORGANISATIONAL STRUCTURE IN DEVELOPMENT PHASE**

**File No:** Sub/547  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

To adopt an organisational framework to manage the construction phase of the Joint Library Facility.

**BACKGROUND**

In December 2008 the President of the Shire of Peppermint Grove met with the Mayors of the Towns of Cottesloe and Mosman Park to discuss the management of the construction phase of the joint library project. The CEO's of the three Local Governments were also in attendance.

The library currently operates through the use of a legal agreement that provides the basis for how the service is managed and the method of levying financial contributions. Given the significance and size of the proposed library and community centre development it was proposed that a Steering Committee be formalised, included in the legal agreement and given the responsibility to manage the project. Subsequently a Tender Evaluation Committee was established to assess and determine the tender process for the project.

At the most recent meeting of the Library Tender Evaluation Committee an agreement was put forward to establish a system of control with regard to the management of the construction phase of the library project.

**CONSULTATION**

The CEO's have also met with and discussed the matter of an organisational framework with a representative from Corrs, Chambers and Westgarth solicitors.

**STAFF COMMENT**

The Tender Evaluation Committee was appointed by the Project Steering Committee however it was not determined how the project was to be managed once a tender had been accepted. The view was expressed that the Project Steering Committee does not have the flexibility to arrange meetings at short notice (due to the number of representatives on the Committee) to deal with matters of urgency during the building stage.

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While the Shire of Peppermint Grove had accepted responsibility for project management it was thought this will be beyond the resources of the Shire unless a specialist Project Manager is also appointed.

After some discussion it was agreed the Tender Evaluation Committee should be retained until a tender is accepted and adopted by the participating Councils.

It has been proposed that when a tender is adopted and matters such as finance and land tenure have been resolved, the construction phase will be managed by a Project Control Group working with the aid of a project manager appointed by the Shire of Peppermint Grove and with the assistance of the Project Steering Committee. The project manager will be expected to provide written reports in a format that provides both background information and recommendations. It is intended the Shire of Peppermint Grove appoint a project manager in consultation with the other local governments. The cost of that person will be shared by all three Local Governments on the basis previously agreed.

When the project is completed, the ongoing management and maintenance of the joint facility will rest with the Library Management Committee as in the past.

The solicitor who advised on the organisational framework also proposed a range of general governance provisions and the recommendation to this report proposes the use of Standing Orders based upon those of the Town of Cottesloe, amended as required by the decisions concerning the committee structures. The Standing Orders adopted for use by the Committees should not include the requirement for members to stand when addressing the chair and allow members to speak more than once.

**POLICY IMPLICATIONS**

None known

**STRATEGIC IMPLICATIONS**

The successful conclusion of the Joint Library Project is an important part of the strategy of the Council for the provision of high standard facilities for the use of residents.

**STATUTORY REQUIREMENTS**

None known

**SUSTAINABILITY IMPLICATIONS**

The building design that has been accepted includes a variety of features that are intended to increase the sustainability of the building and many of those features are unique in public buildings in the State. An application for financial support under the Green Precincts Fund has been submitted for those elements of the project.

**FINANCIAL IMPLICATIONS**

There are a number of implications that must be taken into account. The first is that the price submitted by the preferred tenderer is well above the original estimate of cost. An application for funding (\$2.8m) under the Regional and Community Infrastructure Program - if successful - will bring the tendered price within reach. An application has also been submitted for funding (\$1.365m) under the Department of the Environment, Water, Heritage and the Arts – Green Precincts Fund. Expressions of interest closed on 22 November and a response has been received requesting a more detailed submission be prepared and submitted by 17 March 2009.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

That Council endorse the following organisational framework for the construction phase of the joint library project which includes the Shire of Peppermint Grove, the Town of Mosman Park and the Town of Cottesloe (the participants): -

**1. Project Steering Committee**

1.1 Purpose: Control, direct and manage the library project including construction of the buildings pursuant to the construction contract (the construction contract having been entered into following approval by all Participants).

1.2 Membership: 2 representatives appointed by each Participant.

1.3 Voting: 1 vote each.

1.4 Decisions: By simple majority, but majority must include at least 1 representative from each Participant.

1.5 Quorum: 4 out of 6, including at least 1 representative appointed by each Participant.

1.6 Delegation: Each Participant must delegate limited powers and responsibilities to the CEO to enable decisions relating to the project to be resolved without waiting for a Council meeting.

**2. Tender Evaluation Committee**

2.1 Purpose: Call for (including, if necessary, re-calling) and evaluate tenders, negotiate with one or more preferred tenderers and make recommendations to the Participants in relation to the appointment of a contractor and in relation to the pricing, form and content of the proposed construction contract.

2.1 Membership: 2 representatives appointed by each Participant.

2.3 Voting: 1 vote each.

2.4 Decisions: By simple majority, but majority must include at least 1 representative from each Participant.

2.5 Quorum: 4 out of 6, including at least 1 representative appointed by each Participant.

3. Project Control Group

3.1 Purpose: To manage the construction phase of the library and provide advice to the Steering Committee on matters pertaining to the construction of the Library

3.2 Membership: 2 representatives appointed by each Participant plus an officer of the Council who would not be entitled to vote other than in the absence of one of the Council representatives.

3.3 Voting: One vote each

3.4 Decisions: By simple majority, but majority must include at least 1 representative from each Participant.

3.5 Quorum: Seven representatives including at least 1 representative from each Participant.

4. Library Management Committee

4.1 Purpose: To determine issues of policy and all other matters associated with the day to day management of the library.

4.2 Membership: 1 representative appointed by each Participant.

4.3 Voting: 1 vote each.

4.4 Decisions: By simple majority.

4.5 Quorum: 2 out of 3.

5. General governance provisions

5.1 There will be some general governance provisions which apply to the governance and operation of each of the above committees, including:

5.2 the appointment of a presiding member who does not have a casting vote;

5.3 the manner in which meetings are convened and conducted and minutes kept; (based upon the Standing Orders of the Town of Cottesloe amended as necessary).

5.4 each representative must be an elected member or employee of the relevant Participant; and

5.5 each Participant may at any time and from time to time, remove and replace any of its representatives, or appoint alternates.

**6. Contracts**

6.1 Construction contract: May only be entered into following the unanimous approval of all Participants.

6.2 Construction phase: All other contracts and agreements relating to project construction must be approved by the Project Steering Committee.

6.3 Library management phase: All contracts relating to the management of the library must be approved by the Library Management Committee.

**7. Budgets**

7.1 Pre construction contract: Budgets and expenditure to be as approved by the Tender Evaluation Committee.

**8. Day to Day Management**

8.1 Day to day management during all phases is vested by the Participants in the Manager (initially Shire of Peppermint Grove). The Manager will employ a project manager who will report to the Project Control Group.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Carmichael

That under the Project Steering Committee Section 1.1 Purpose – the word “including” is replaced with “and provide advice to the Project Control Group as and when requested during the...”

That under the Project Control Group Section 3.5 Quorum – the word “7” be replaced with “4 out of 6”.

That an additional clause 9 be included:

That Council note the delegates for the Town of Cottesloe are:

**Project Steering Committee**

Cr Strzina and Cr Miller

**Deputies:**

Mayor Morgan and Cr Cunningham

**Tender Evaluation Committee**

Mayor Morgan and the CEO

**Deputies:**

Cr Miller and Cr Cunningham

**Project Control Group**

Mayor Morgan and the CEO

**Deputies:**

Cr Miller and Cr Cunningham

**Library Management Committee**

Cr Carmichael

**Deputy:**

Cr Utting

Carried 8/0

**COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Dawkins

**That Council endorse the following organisational framework for the construction phase of the joint library project which includes the Shire of Peppermint Grove, the Town of Mosman Park and the Town of Cottesloe (the participants): -**

**1. Project Steering Committee**

**1.1 Purpose: Control, direct and manage the library project and provide advice to the Project Control Group as and when requested during the construction of the buildings pursuant to the construction contract (the construction contract having been entered into following approval by all Participants).**

**1.2 Membership: 2 representatives appointed by each Participant.**

**1.3 Voting: 1 vote each.**

**1.4 Decisions: By simple majority, but majority must include at least 1 representative from each Participant.**



- 1.5 **Quorum:** 4 out of 6, including at least 1 representative appointed by each Participant.
  - 1.6 **Delegation:** Each Participant must delegate limited powers and responsibilities to the CEO to enable decisions relating to the project to be resolved without waiting for a Council meeting.
- 2. **Tender Evaluation Committee**
  - 2.1 **Purpose:** Call for (including, if necessary, re-calling) and evaluate tenders, negotiate with one or more preferred tenderers and make recommendations to the Participants in relation to the appointment of a contractor and in relation to the pricing, form and content of the proposed construction contract.
  - 2.2 **Membership:** 2 representatives appointed by each Participant.
  - 2.3 **Voting:** 1 vote each.
  - 2.4 **Decisions:** By simple majority, but majority must include at least 1 representative from each Participant.
  - 2.5 **Quorum:** 4 out of 6, including at least 1 representative appointed by each Participant.
- 3. **Project Control Group**
  - 3.1 **Purpose:** To manage the construction phase of the library and provide advice to the Steering Committee on matters pertaining to the construction of the Library
  - 3.2 **Membership:** 2 representatives appointed by each Participant plus an officer of the Council who would not be entitled to vote other than in the absence of one of the Council representatives.
  - 3.3 **Voting:** One vote each
  - 3.4 **Decisions:** By simple majority, but majority must include at least 1 representative from each Participant.
  - 3.5 **Quorum:** 4 out of 6 representatives including at least 1 representative from each Participant.
- 4. **Library Management Committee**
  - 4.1 **Purpose:** To determine issues of policy and all other matters associated with the day to day management of the library.
  - 4.2 **Membership:** 1 representative appointed by each Participant.

4.3 Voting: 1 vote each.

4.4 Decisions: By simple majority.

4.5 Quorum: 2 out of 3.

5. **General governance provisions**

5.1 There will be some general governance provisions which apply to the governance and operation of each of the above committees, including:

5.2 the appointment of a presiding member who does not have a casting vote;

5.3 the manner in which meetings are convened and conducted and minutes kept; (based upon the Standing Orders of the Town of Cottesloe amended as necessary).

5.4 each representative must be an elected member or employee of the relevant Participant; and

5.5 each Participant may at any time and from time to time, remove and replace any of its representatives, or appoint alternates.

6. **Contracts**

6.1 Construction contract: May only be entered into following the unanimous approval of all Participants.

6.2 Construction phase: All other contracts and agreements relating to project construction must be approved by the Project Steering Committee.

6.3 Library management phase: All contracts relating to the management of the library must be approved by the Library Management Committee.

7. **Budgets**

7.1 Pre construction contract: Budgets and expenditure to be as approved by the Tender Evaluation Committee.

8. **Day to Day Management**

8.1 Day to day management during all phases is vested by the Participants in the Manager (initially Shire of Peppermint Grove).

**The Manager will employ a project manager who will report to the Project Control Group.**

**9. Allocation of Delegates**

**Project steering Committee**

**Cr Strzina and Cr Miller**

**Deputies:**

**Mayor Morgan and Cr Cunningham**

**Tender Evaluation Committee**

**Mayor Morgan and the CEO**

**Deputies:**

**Cr Miller and Cr Cunningham**

**Project Control Group**

**Mayor Morgan and the CEO**

**Deputies:**

**Cr Miller and Cr Cunningham**

**Library Management Committee**

**Cr Carmichael**

**Deputy:**

**Cr Utting**

**THE SUBSTANTIVE MOTION WAS PUT**

Carried 8/0

**10.2.7 PLANNING INSTITUTE OF AUSTRALIA 2009 NATIONAL CONGRESS – NORTHERN EXPOSURE: EXPLORING NEW HORIZONS - REQUEST TO ATTEND**

**File No:** sub/83  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 17-Mar-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Every year a major national congress is arranged by the Planning Institute of Australia. For this year's congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners.

The conference will be held in Darwin from 29 March-1 April 2009.

This report recommends Council approval for the Senior Planning Officer to attend.

**BACKGROUND**

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference is the major annual event for planners from the public and private sectors and attracts a variety of overseas representatives and speakers.

The program, over four days at the Darwin Convention Centre, includes such topics as:

- Climate Change
- Intelligent and Green Buildings
- Cyber Cities
- Transit-Orientated Developments
- Governance and Regulatory Reform
- Economics of Development
- Social Inclusion
- Planning for Heritage Conservation through Incentives

There are a number of additional papers being delivered and several sessions with alternative speakers running concurrently. Virtually all the topics listed cover a worthwhile combination of practical and strategic aspects. It can be appreciated that many of these are of direct relevance and usefulness to the current planning topics being dealt with in Cottesloe.

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**CONSULTATION**

Nil

**STAFF COMMENT**

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry, both here and overseas.

In addition, new ideas are acquired from these presentations, as trends occurring throughout Australia become obvious and new ways of thinking or techniques are presented.

The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture both internationally and nationally.

Another advantage for Cottesloe is that the potential redevelopment of the Town Centre and Foreshore will be assisted by broader exposure to industry knowledge. This includes environmental considerations such as design-for-climate, sustainability and coastal factors.

Professional fraternity is equally valuable to swap notes, make contacts and develop a network of colleagues and resources.

The Senior Planning Officer is committed to the role and is motivated to maintain and enhance his professional knowledge and experience.

Both the Senior Planning Officer and the Town would gain from attendance at the conference.

For the above reasons the request for approval is supported.

**POLICY IMPLICATIONS****CONFERENCES****OBJECTIVE**

Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training.

**PRINCIPLES**

Council supports the attendance of Members and Officers at conferences/seminars/training when the benefits to the organisation from attendance can be clearly identified.

**ISSUES**

The extent to which Council supports and funds attendance at conferences is a contentious issue. The benefits of attendance are not always readily identifiable and consequently there can be problems convincing a sceptical community that the expenditure is justified. For this reason, it is important that the benefits of attendance can be readily identified, especially when attendance involves interstate or overseas travel.

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

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

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

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/seminars/training will be met by Council:

1. Registration fees;
2. Return fares and other necessary transport expenses;
3. Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement.

### **STRATEGIC IMPLICATIONS**

Attendance at major planning profession events assists staff in contributing to the strategic directions and approaches taken by Council in discharging its planning functions.

### **STATUTORY REQUIREMENTS**

Professional training and development links to Council's statutory obligations towards service delivery and personnel management as guided by relevant legislation.

It also relates directly to best-practice town planning in enabling staff to keep up- to-date with this multi-faceted and evolving field.

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The estimate of conference attendance, accommodation, meals and travel for the conference is in the order of \$3,000 and can be found from within the current Training & Conferences budget allocation for Planning which has been little used to date this financial year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council approve the attendance of the Senior Planning Officer at the Planning Institute of Australia 2009 national congress – *Northern Exposure – Exploring New horizons* in Darwin from 30 March to 1 April 2009.**

Carried 8/0

**10.2.8 DRAFT POLICY - ASSETS WITH REALISABLE VALUE**

**File No:** SUB/108  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its meeting in November 2008, Council resolved to advertise for public comment the draft policy "Assets with Realisable Value", with the results of the process to be considered by Council in the February 2009 meeting.

The advertising period for public comment on this policy has ended.

The report provides the result of public consultation on this draft policy and recommends:

*That the policy "Assets with Realisable Value" be adopted and included into Council's Policy Manual.*

**BACKGROUND**

Council has sold, by public auction, three drainage sump properties the drain function of which had been removed. The funds generated allowed Council to undertake a range of public works without significant impact on rates income.

There are other properties, particularly the existing Council depot site, which this or a future Council may wish to dispose of, to relocate the realisable value into other assets of public works to the benefit of residents and rate payers within the Town of Cottesloe.

Staff were requested by Council to provide a draft policy covering Assets with Realisable Value, as part of the Future Plan development.

This draft policy was provided to Council in November 2008. Council resolved to seek public comment on this proposal.

The advertising period on this matter has now ended.

**CONSULTATION**

This report provides the results of public consultation on this draft policy.

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**STAFF COMMENT**

No comments were received on this draft policy during the public consultation period. No changes are proposed to the original draft document.

**POLICY IMPLICATIONS**

This report proposes a new policy for the disposal of assets with a realisable value.

**STRATEGIC IMPLICATIONS**

This policy for the disposal of assets with a realisable value, supports the requirements of Strategy 5.1 of Council's Future Plan 2006-2010.

**STATUTORY REQUIREMENTS**

Council is under no statutory obligation to either retain or dispose of any of its existing assets. If a substantial land sale is to be considered, as in the cases of the three drainage sumps sold in recent years, Sections 3.58 and 3.59 of the Local Government Act, 1995 apply.

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None for the 2008/09 Financial Year. There is potential for an impact on a future budget year, particularly regarding the possible sale of the Cottesloe Council Depot site.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the policy "Assets with Realisable Value" as per attachment 10.2.1 and include it in Council's Policy Manual.**

Carried 8/0

**10.2.9 DRAFT REVISED POLICY RESIDENTIAL VERGES**

**File No:** SUB/763  
**Attachments:**

**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its December 2008 meeting Council resolved:

*That the draft Residential Verge policy as amended in the 15 December 2008 Council Meeting be re-advertised for public consultation and the matter brought back to Council for a decision and those residents who made previous comments be informed of Council's decision.*

The recommendation is for the adoption of this policy.

**BACKGROUND**

Council considered a draft/modified Residential Verges policy in December 2008, particularly to deal with verge herb/vegetable gardens. This received substantial modifications, to the extent where the changes required re-advertising to obtain public comments on the new changes. The advertising period has ended and the received comments can be considered by Council.

**CONSULTATION**

This report provides the result of the public consultation process for the draft new policy, as a second attempt to complete the final policy.

**STAFF COMMENT**

No comments have been received on this re-advertised, revised Residential Verges policy. Therefore, it is recommended that this revised version become Council's new Residential Verges policy.

**POLICY IMPLICATIONS**

Council's existing Residential Verges policy applies until any revised version is adopted by Council.

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**STRATEGIC IMPLICATIONS**

Nil.

**STATUTORY REQUIREMENTS**

Under the *Local Government Act 1995*, Council has vested power over road reserves within the Town of Cottesloe other than MRWA controlled highways. This included the control of road reserves, where responsibility for the care, control and management rests with the Town of Cottesloe. This applies to all local governments in the state.

Council's local law on "Activities on Thoroughfares and Trading in Thoroughfares and Public Places" also applies in regards to establishing and enforcing Council's control of road reserves.

**SUSTAINABILITY IMPLICATIONS**

The highest level of environmental sustainability would pursue the planting of local, native vegetation species on road verges. If lawn is planted then the reduction of water and fertiliser use would be a major objective. Vegetable gardens, to be successful, use substantial quantities of water and require animal manure and/or various fertilisers to promote growth. Such fertilisers entering the water aquifer is seen as a negative environmental impact.

**FINANCIAL IMPLICATIONS**

The major potential costs to Council are:

1. Extra staff time to control and police vegetable/herb gardens on road verges.
2. With no bond, any clean up work on verges to remove abandoned vegetable gardens would be charged to verge maintenance.
3. The liability exposure to Council because of any damage to service facilities on verges and injury caused by gardens from such damage to power and gas lines is unknown at this stage.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Dawkins

**That Council adopt the revised "Residential Verges" policy as per attachment 10.2.2 and include it in Council's Policy Manual.**

Carried 6/2

**10.2.10 FIVE YEAR CYCLING FACILITIES PLAN**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its August 2008 meeting, Council adopted the following resolution:

- (1) Adopt the Town of Cottesloe Bike Plan 2008-2013, unchanged, with the document to be the basis of a 5 year plan for cycling facilities to be provided to Council in February 2009.*
- (2) Have the first 5 year plan for cycling facilities address the works listed under "potential Improvements to Existing Facilities" in the Bike Plan plus give consideration under "Proposed Major Improvements/Studies" to the widening of the existing Marine Parade dual use path and the provision of a 3m wide shared use path in Forrest Street from Curtin Avenue to Marine Parade.*
- (3) Make a submission to the Minister for Planning that the Perth to Fremantle Principal Shared Path (PSP) extension from Grant Street Railway Station south through Cottesloe along the railway line is long overdue and should be constructed as soon as possible and that a copy of that submission be copied to the Member for Cottesloe.*

This report provides a draft 5 Year Cycling Facilities Plan, with the recommendation:

- (1) Adopt the draft 5 Year Program for Cycling Facilities; and
- (2) Include Year 1 of the program in to the draft 2009/10 budget document for funding considerations.

**BACKGROUND**

Over a number of years, Council has had various cycling paths and facilities installed, based on the old regional bike plan priorities.

With the new Bike Plan adopted and recognised by the Department for Planning and Infrastructure, the priorities recommended in the plan become worthy of consideration for bicycle network annual grant funding. The Bike Plan must also be the basis of Council's budgeted works program to justify consideration for grant funding.

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Therefore the recommended priorities included in the Bike Plan form the basis of the 5 year program.

**CONSULTATION**

Occurred as part of the process to establish the new Bike Plan in 2008.

**STAFF COMMENT**

The draft Five Year Cycling Facilities Plan has been completed and includes the majority of the recommended 'Spot' and Minor Route Improvements in the first 5 years. It also includes in two stages, the conversion of the footpath on Forrest Street from Curtin Avenue to Marine Parade into a dual use path by a widening to 3.0 metres.

A number of the recommended 'Spot' treatments would be the responsibility of Main Roads WA, Claremont Town Council, Shire of Peppermint Grove or the Public Transport Authority, where the works are proposed on land controlled by those organisations.

An application has been made in January (2009) for a DPI Cycling grant to cover 50% of the total Forrest Street path to dual-use path conversion. This project was also a priority on the road safety improvement program. If successful, this early project would complete works in both categories, with a 50% grant contribution.

Funding in Year 1 is proposed to develop a standard treatment of existing roundabouts and an installation plan for a bypass or safety improvement for cyclists riding through a roundabout. A specialist consultant would develop this treatment.

To be considered by DPI for a cycle facility grant, Council must have the project(s) listed on a forward construction plan, hence its inclusion into the first two years of the five year program.

The two other major projects for consideration in future programs is the widening and in some locations, the relocation of the dual use cycle path on the west side of Marine Parade and potential cycle lane down one side of Marine Parade in place of one line of parking bays on the east or west side of this street. These are both substantial projects which could be controversial. Therefore, staff will investigate both proposals and report to Council during 2009 on the issues involved before any inclusion is made to the 5 Year Plan for cycle facilities.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

The Town Cottesloe Future Plan 2006-2010 provides for bicycle use.

*Objective 1 – Protect and enhance the lifestyle of residents and visitors.*

Strategy 1.1 states “Develop an integrated transport strategy that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicle traffic”; and in

*Objective 3 – Enhance beach access and the foreshore.*

Strategy 3.5 states “Improve bicycle and disabled access to beach facilities”.

**STATUTORY REQUIREMENTS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Improvement of cycling facilities will increase the use of bicycles and reduce the use of vehicles on Councils’ road system.

**FINANCIAL IMPLICATIONS**

This is a new 5 Year program which has not been included in previous budgets as a standard inclusion. At various times, different improvements have been funded on an ‘as needed’ basis.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council:**

- 1. Adopt the draft 5 Year Program for Cycling Facilities as per attachment 10.2.3; and**
- 2. Include Year 1 of the program into the draft 2009/10 budget document for funding consideration.**

Carried 8/0

**10.2.11 FIVE YEAR FOOTPATH REPLACEMENT PROGRAM**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

An updated five year list of proposed footpath replacement and new construction projects, commencing in the 2009/10 financial year, is recommended.

A copy of the proposed program is attached.

**BACKGROUND**

The Town of Cottesloe's first *Five Year Footpath Replacement Program* was adopted by Council in May, 2004. This report extends that program by one extra year, with year two becoming year one – 2009/10. The majority of Council's planned 2008/09 footpath works have now been completed.

**CONSULTATION**

All works are based on condition surveys. Any works budgeted in 2009/10 will take place after all affected residents have been informed by a letter drop undertaken by Council's footpath contractor.

**STAFF COMMENT**

The Town now has approximately 18.3km of pre-cast concrete slab footpaths remaining to be upgraded. These footpaths can be found throughout the Town primarily in residential streets and some commercial precincts. In 2008/2009, 1487metres will have been replaced with in-situ concrete.

This is in addition to approximately 38.6km of existing in-situ concrete, limestone, asphalt and brick paved paths.

The objective is to progressively replace all pre-cast concrete slab paths based on an indicative five year Capital Works Program.

1.5metre wide paths are recommended based on minimum standards unless pedestrian numbers or other needs are identified. The current minimum width is considered to be acceptable for prams and manual/electric wheelchairs etc. The latter has become a significant consideration in recent years, as has the adoption of the Australian Road

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Rules (December 2000) in relation to children under 12 years of age riding 'as of right' on footpaths.

An original assessment of footpaths was completed in 2004/05 based on a condition survey and footpath location in relation to schools, commercial precincts, parks etc. This survey has been repeated and the proposed program sees the worst condition paths receiving the earliest attention.

The estimated cost is based on current dollars and the contracted rates per square metre for slab replacement with in-situ concrete.

### **POLICY IMPLICATIONS**

The most relevant policy on this matter is *Footpath Replacement – Residential Streets*, adopted in May, 2004 which states:

#### **OBJECTIVE**

*The Town of Cottesloe aims to replace pre-cast concrete slab footpaths with in-situ concrete in residential areas to improve access, public safety and amenity and provide universal access for all users including people with prams, children, the elderly and people with disabilities.*

#### **POLICY APPLICATION**

*Various factors influence the priority of replacement of concrete slab footpaths. These include:*

- *condition rating*
- *history of repairs, e.g. tree roots, vehicles, building works*
- *usage levels*
- *proximity to pedestrian generators/attractors*
- *user needs and age groupings, e.g. aged persons homes, hospitals*
- *existing utility services, e.g. underground power, water mains, telecommunications*
- *single or parallel footpaths, e.g. a majority of streets have footpaths on both verges*

*The minimum width of a new in-situ concrete footpath in a residential street will be 1.5metres, increasing to 2.0metres where increased use and traffic generators e.g. shopping centres, schools, hospitals, aged persons complexes etc justify this increased width. Major access routes, e.g. from the railway stations, to the Cottesloe Beach area will also require an increased width.*

*In assessing the factors, the intent is to avoid replacement of existing serviceable slab footpaths with a low maintenance history ahead of higher priority paths. On*



*this basis, condition rating and history of repairs will have the highest weighting for priority.*

*Usage levels, pedestrian generators and attractors, user needs and age groupings are prioritised as follows:*

- *aged persons hospitals/homes complex*
- *medial centres*
- *schools*
- *local shops*
- *parks/reserves*

*Where there are footpaths on both sides of the road within a street block where one of the above facilities is located, preference is to be given to the footpath replacement on the side which abuts the facility.*

*Following adoption of the annual program, the residents abutting the footpaths to be replaced will be advised in writing of the Council resolution.*

*Prior to commencement of works, a minimum of one (1) week notice will be provided to abutting residents detailing the extent and duration of works.*

**STRATEGIC IMPLICATIONS**

Under Council's *Future Plan 2008-2013*, Objective 5 is to maintain infrastructure and Council buildings in a sustainable way. This five year program complies with that objective.

**STATUTORY REQUIREMENTS**

There are no statutes in Government legislation on this subject apart from common law practice regarding public liability issues if injury occurs that was caused by poor maintenance or construction of public paths.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The use of the forward plans greatly aids in the pursuit of sustainable infrastructure stewardship and removal of annual peaks and troughs in financial demands.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

That Council adopt the *Five Year Footpath Replacement Program* as per attachment 10.2.4 and use year one as the basis for inclusion in the draft 2009/10 financial year budget.

Carried 8/0

**10.2.12 FIVE YEAR LOCAL ROAD REHABILITATION PROGRAM**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

An updated program of local road rehabilitation and improvement projects, over a five year period, commencing in the 2009/10 financial year, is recommended.

A copy of the proposed program is attached.

**BACKGROUND**

Cottesloe has streets totalling 48.5km in length. These include residential streets and the higher traffic volume use distributor and arterial roads. Local roads, in this context, total some 29.8km in length.

Traffic volumes and age are the major impacts on street surface condition and pavement strength in the town rather than other variables such as high water table and poor soil conditions, which are factors in other areas.

To maintain the asset condition sustainable for any road system, routine resurfacing of the total road pavement is required on a 15 to 20 year cycle. In general terms, roads require major reconstruction every 40 years. This time can change depending on weight and volume of traffic use, differing soil conditions, quality of materials used and maintenance efficiency.

In Cottesloe the typical resurfacing technique is to remove the old surface and portion of the pavement and replace it with a combination of asphaltic concrete mixes. The base layer initially added is 'Thicklift' which is an open grade mix used as a strengthening and connective layer, laid up to 100mm thick, with depth increase dependant on proposed use. The finish or upper layer is the wearing course, which is denser, of better quality and relatively more expensive. It provides the majority of strength and a smooth trafficable surface. This technique is efficient, causes minimal disruption to residents and motorists and is cost effective. Alternative treatments, using various asphalt mixes, are also being trialled.

The proposed program is based on a combination of the data provided from the Town's ROMAN road management software package and from visual inspection of all Town

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streets. The selected projects are 'local roads' only, with no 'major roads' (higher use distributor/arterial roads) included. A separate program covers the 'major road' projects.

The objective of the proposed program is sustainable asset management to bring the road network to a long term quality condition using all available sources of funding.

**CONSULTATION**

Nil.

**STAFF COMMENT**

All Town roads and streets have been visually inspected, with every road section being allocated a 1-5 score (1 being excellent through to 5 being very poor).

The actual age of the sprayed seal or asphalt surfaces plus the level of obvious cracking in many streets are the two main generators for the need to resurface.

Apart from the actual estimated cost for surface replacement, the total estimated project cost includes kerb replacement, if needed, modifications to existing crossover connections to the new seal or kerb edge, plus relocation of behind kerb reticulation systems if needed.

If 2007/08, the 3 year supply contract for road surfacing asphalt was recalled. The new contract prices had risen substantially, between 33% and 45%, depending on the type of asphalt used, when compared with the previous 3 year contract. Incremental price increases have taken place since the original contract was accepted.

These extra costs have been factored into the individual asphalt overlay jobs, with a resultant increase in annual costs to complete the normal 2.0 to 2.5km of road length resurfacing.

In addition, in Year 1 – 2009/10, only one MRRG resealing project will be undertaken compared to the normal three. Normally, one third of each of these jobs is funded by Council and two-thirds by MRWA. For 2009/10 the 'saved' level of contribution has been redirected into residential street resurfacing to achieve the 5% of total road surface reseal level required for good asset rehabilitation.

Any replacement of drainage grates with soak pits and/or entry pits are included in the four year National Water Initiative project.

A separate report was provided to Council on the needs of the road system in terms of the cost of ongoing sustainability of this asset, rather than the funding levels available from the original Principal Activity Plan. That report was received by Council in October, 2004 with the following four part resolution being adopted:

*That Council:*

- (1) *Recognise the need to budget, annually, for a sustainable road pavement replacement effort, with a minimum of 2.4km of the town's road surface length being replaced annually;*
- (2) *Include the aim of the existing Five Year Local Road Rehabilitation program to achieve at least 2.0km of road surface replacement, within five years, for local roads and streets as part of Council's commitment to a sustainable road network;*
- (3) *Agree that funds received from the Federal Government Roads to Recovery Mark 2 Program for four years, starting 2005/06 be additional to the projects to be funded through the Five Year Local Road Rehabilitation program; and*
- (4) *Ensure that submissions made for MRRG works concentrate on shorter lengths of the lowest condition arterial roads in the network, and that these submissions not include allowance for non-road surface works, with such non-surface works e.g. drainage, kerbs, verge and crossovers, being funded separately by Council.*

The proposed program is based on streets categorised as level 4-5 poor to very poor condition. This list is revisited every year in February/March.

The *Five Year Local Road Rehabilitation Program* is therefore based on an approximately 2km minimum street resurfacing effort independent of other government grants.

All road works proposed on the major roads e.g. Marine Parade, Curtin Avenue, Broome Street etc are included in the separate *Five Year Major Road Rehabilitation and Improvement Program*.

#### **POLICY IMPLICATIONS**

The most relevant policy relating to this matter is *Long Term Engineering Programs*, adopted by Council in May 2004 which states:

##### **Objective**

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

##### **Principle**

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

#### **STRATEGIC IMPLICATIONS**

Under Council's *Future Plan 2006-2010*, Objective 5 is to maintain infrastructure and Council buildings in a sustainable way. This five-year program complies with that objective.

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The same annual lengths of streets resurfaced have been retained, with the cost of this work rising in line with the new asphalt prices (accepted in 2008) with the new three year asphalt supply and lay tender.

**STATUTORY REQUIREMENTS**

There is no specific legislation relevant to this report.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

This program will allow Council to consider the projects proposed for local road enhancement and rehabilitation, as compared to available finance and the sustainable level required for asset preservation.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Dawkins

**That Council adopt the updated Five Year Local Road Rehabilitation Program as per attachment 10.2.5 and use year one as the basis for inclusion in the draft 2009/10 financial year budget.**

Carried 8/0

**10.2.13 FIVE YEAR PLANT REPLACEMENT PROGRAM**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe has a long term replacement program for its vehicles and machinery based on need and the levelling of annual expected expenditure levels in future years.

This report provides an updated five year program covering all anticipated capital expenditure on vehicles and machinery.

A copy of the proposed program is attached.

**BACKGROUND**

Local government fleets of vehicles, machinery and general plant fall into several categories:

4. Enforcement and inspectorial vehicles, including 'internal' staff and Ranger vehicles.
5. Transport, supervisory and other light vehicles based at the depot including utilities and vans.
6. Machinery for construction and maintenance duties e.g.; trucks, tractors, trailers, large ride-on mowers, street cleaning machines, skid steer loaders.
7. Small equipment normally carried in larger machines e.g.; air blowers, whipper snippers, walk-behind mowers, edgers, plate compactors, saws, trimmers, grinders etc.

For budget and management purposes, all equipment with a value in excess of \$1,000 value is included in the Capital Works Program of the budget regardless of whether it is replacing an existing asset or being purchased as an additional item.

Small items of plant and equipment below \$1000 in value are not capitalised and are treated as consumables for accounting purposes.

Because the Town of Cottesloe does not have a dedicated construction crew, most major works are undertaken by the Town of Mosman Park or other contractors. This removes the need to own large construction items such as backhoe/endloaders, loaders, rollers, graders and large tip trucks.

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**CONSULTATION**

No public consultation has taken place or is proposed on this item.

**STAFF COMMENT**

In the period from 2000/2001 to 2006/2007, Council's budgeted expenditure on the replacement or changeover of its plant and vehicles fleet varied between \$107,700 and \$172,000 (i.e. nett of any allocation for the purchase of additional items). The 2007/08 cost of vehicle and plant changeover or replacement was below \$110,000 due to the vehicle policy adopted in 2007 requiring vehicles to be retained for three years. This has meant that only approximately one-third of the vehicle fleet will be replaced per year.

Variations in the amount of expenditure are mainly due to timing differences in the replacement of light vehicles.

The changeover figure is a relatively low figure when compared to other local governments that have construction crews requiring expensive heavy machinery. As an example, the purchase of a new grader for road construction is likely to cost a rural shire in excess of \$300,000 without a trade-in.

The replacement intervals for Town of Cottesloe vehicles and machinery are based on the following local government industry standards which are geared to maximise the return on investment for each acquisition given prevailing taxation and depreciation regimes.

Sedans, station wagons, work vans, utilities:	3 years / 75,000 kms
Light trucks, tractor loaders, skid steer loaders:	5 years
4WD motorbike utilities, ride-on mowers, Vacuum machines	2 to 4 years
Lawn mowers, chain saws, compactors:	1 to 3 years
Water tanks, Trailers:	5 years plus

From time to time, machine types will be changed due to factors such as new technology and the removal or addition of multi-tasking capabilities. Efficiency savings obtained from contractors using specialist equipment rather than generalist equipment may also influence capital expenditure decisions.

The five year plant program will be modified as machines prove unsuitable, wear out faster or last longer. The program gives a strong indication of expected needs over five years for vehicle and plant replacement.

Costs are based on current values and exchange rates. CPI movements and the value of the Australian dollar will affect the program in future years. This will be adjusted each year with each updated program.

The major non-vehicle plant replacement is listed.



**POLICY IMPLICATIONS**

The following Council policies have application:

- Purchasing
- Vehicle Fleet Administration
- Disposal of Surplus Good and Equipment

**STRATEGIC IMPLICATIONS**

Under Council's Future Plan 2008-2013, Objective 5 is to maintain infrastructure and Council buildings in a sustainable way. This five year program complies with that objective.

**STATUTORY REQUIREMENTS**

The *Local Government Act 1995* currently requires that any purchase by the Town of Cottesloe in excess of \$100,000 is to be tendered out in all but limited circumstances.

Tenders are advertised and registered in accordance with the regulations. The decision to accept a tender rests with Council alone.

Other purchases and sales below the threshold values of \$100,000 are governed by Council's purchasing policy.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The vehicle and plant replacement program has a substantial impact on each budget adopted by Council.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That council adopt the new Five Year Plant Replacement Program as per attachment 10.2.6 and use year one as the basis for inclusion in the draft 2009/2010 Financial Year Budget.**

Carried 8/0

**10.2.14 FIVE YEAR PLAYGROUND CAPITAL IMPROVEMENT PROGRAM**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe has a long term plan for the upgrading and development of children's playgrounds. The purpose of this report is to provide and obtain approval for an updated five year program, with your one being 2009/2010.

A copy of the proposed program is attached.

**BACKGROUND**

The Town of Cottesloe has a total of nine public playground sites, spread fairly well across the total town area. The two exercise sites on the beach/verge of Marine Parade are not included in this total.

The individual comments received in recent years have related to particular pieces of equipment needing replacement, the need for protective fences at sites near busy streets, the possible need for sun protection and the need for extra equipment at all sites.

A playground safety specialist consultant has inspected all playground equipment twice in the past two years. All equipment is in good condition, but a variety of small replacements and repairs are taking place following the inspections.

Rubber soft-fall material is now used as a replacement for sand pits under playground equipment. This obviates safety problems associated with broken glass or syringes being hidden in the sand. It also overcomes problems with sand being pushed away from the required areas due to heavy use. Raking is not required on rubber soft-all surfacing as compared to sand areas.

There are no recorded complaints or demands outstanding for additional playgrounds on file. Accordingly, the five year plan does not envisage new sites being established.

**CONSULTATION**

The 2002 and 2005 *Town of Cottesloe Community Services Surveys* provided feedback on community attitudes to playgrounds. Affected parents taking children to particular

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sites will often make comments regarding the need for repairs or improvements, which are followed up by staff.

No other consultation with residents has been undertaken, apart from ongoing comments received by playground users.

**STAFF COMMENT**

The Town is responsible for the care, control and management of playground equipment and other park furniture. While play equipment provides significant amenity value in parks, it nonetheless has attendant liability risks if not maintained or replaced regularly.

Playgrounds, playground equipment and park furniture are susceptible to various external factors that cause them to deteriorate over time.

Proactive management of the Town's assets requires recognition of useful life expectancy and the planned replacement of assets to manage the community's resources in the best long-term interest of all.

Staff undertake a comprehensive visual and operational inspection of all park furniture at least once a month and inspections are recorded on file for liability purposes. Basic playground maintenance is carried out in-house. Major repair issues are resolved by the manufacturer or the manufacturer's designated agent.

Replacement of play equipment and parks furniture should be programmed on the basis of useful life expectancy so as to reduce the Town's liability risk and ensure that annual expenditure does not exceed available funding.

For the last four years, the Town of Cottesloe has engaged an independent, expert consultant to audit all its existing play structures for safety and compliance with AS/NZS4486.1.1997. The audit includes a list of compliance issues, a brief description of the work required and a photographic record. A structured system of identifying actions required to meet compliance include:

- Compliance modifications required.
- General repairs required, soon as possible.
- Equipment deteriorated – budget replacement.

For the past four years the Town's focus has been on progressively upgrading play equipment to meet Australian Standards. The improvement strategy includes:

- Allocating sufficient funds per year to provide for maintenance, repairs and minor unit/component replacements.
- Conducting playground compliance and safety inspections, to ensure that changes to playground standards are considered.
- Developing a soft fall material and containment improvement program including fall zone requirements.

Standards Australian 4486.1.1997 points out that:

The best way to minimise risk to children using a playground is not to include the hazards in the first place and to back this up with a plan for dealing with problems as they arise.

The proposed new five year program seeks to provide for all of these factors as well as creating an attractive, protected and imaginative setting for children's play activities.

#### **POLICY IMPLICATIONS**

There are no existing Council policies applicable to this subject.

#### **STRATEGIC IMPLICATIONS**

Under Council's *Future Plan 2006-2010*, Objective 5 is to maintain infrastructure and Council buildings in a sustainable manner. This 5 year program complies with that objective.

#### **STATUTORY REQUIREMENTS**

Cottesloe's playgrounds are situated either on the road verge or on reserves vested in Council for 'Recreation' or similar purposes. As such, the construction, maintenance and public liability responsibility for playgrounds rests with the Town of Cottesloe. The Town is required to comply with AS/NZ Standard 486.1:1997 for playground installations.

#### **SUSTAINABILITY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

This report covers the orderly planning for a five year period of expenditure on playground development for use in the draft budget document.

#### **VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the *Five Year Playground Capital Improvement Program* as per attachment 10.2.7 and use year one as the basis for inclusion in the draft 2009/10 financial year budget.**

Carried 8/0

**10.2.15 FIVE YEAR RETICULATED AREAS AND GROUNDWATER BORES PLAN**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

An updated five year program of proposed improvements to reticulation systems, including bores, delivery pipelines, storage tanks and areas watered by these systems has been prepared.

A recommendation is made to adopt the *Five Year Plan for Reticulated Areas and Groundwater Bores* and use year one as the basis for inclusion in the draft 2009/2010 financial year budget.

A copy of the proposed program is attached.

**BACKGROUND**

The Town's use of irrigation water comes under close scrutiny from local residents and visitors alike. All watering carried out by the Town is in accordance with the statutory requirements set out by the Department of Water.

The groundwater licence issued to the Town of Cottesloe in October 2007 approves the use of 106,125 kilolitres of groundwater per year. This represents a 34% reduction on the Town's historic allocation, however, the Cottesloe Tennis Club is now responsible for its own bore water licence and therefore their court area has been removed from Council's reticulation area.

The Town of Cottesloe has a number of reticulation systems, most of which are fed by groundwater bores. A number of other smaller areas are connected to the Water Corporation schemes supply.

Areas that are reticulated range from active recreation grounds through to small neighbourhood parks, landscaping around Council buildings and carparks, plus several large areas of road verge.

Water is also used to assist with the establishment of juvenile street trees – either planted as replacements or additions to the existing stock of mature, non-reticulated verge trees.

The Town's reticulation and bore systems have been installed over time by external contractors to varying specifications. This has led to a considerable variation in the quality and effectiveness of watering circuits. The variety of sprinkler pipelines, sprinkler design and layout has led to the practice of repair or replacement on an 'as required' basis.

When coupled with the varying nature of groundwater in the Cottesloe area and the absence of planned replacements, reticulation failures have compromised the capacity of the irrigation system to maintain landscape quality, utilisation of open space by user groups and budget control. This is most evident when the Town's reticulation systems are heavily used over the drier months from October to April.

Where groundwater quality is good and is non-corrosive, the average useful life expectancy of a bore is 20 years. However this can vary. A groundwater bore may typically require air or chemical redevelopment after years of use. It is not unusual for a bore to require redevelopment annually as it approaches the end of its useful life. The need to redevelop annually is a good indicator that collapse may be imminent and where possible this situation should be avoided.

Due to the below ground location of this infrastructure, problems can go undetected and failure is often sudden. The resulting down time can be considerable when bore infrastructure requires removal to allow investigation to identify the cause of the problem.

To identify potential problems, and to program replacement or repairs on a priority basis, bores and pumps need to be assessed on an annual basis. Typical problems encountered include:

- faulty or damaged pumps,
- faulty or damaged bore columns,
- bores requiring redevelopment due to collapse or contamination.

If the problem is pump related, the pump has to be dismantled and a detailed investigation of the problem undertaken.

Where a bore fails completely and requires replacing, the Town is required to apply to the Department of Water for a licence to install a new bore. Such applications can take two months or more to process. Two months without irrigation can have a large impact on the Town's recreation grounds and parks during the summer months. Proactive management of the Town's assets requires recognition of useful life expectancy and the planned replacement of such assets to manage the community's resources in the long-term interests of all.

The proposed five year program takes into consideration the age and condition of the Town's bores, pumps, wells and reticulation systems, their useful life expectancy, known problems, the need to rationalise on the areas under reticulation and the volume of water used.

The Town of Cottesloe also has consultant reports regarding protection of the groundwater resource and systems rationalisation going back over 20 years. Salt levels for most of the bores and wells have been recorded for approximately 28 years.

Several consultant reports are available over this time period, with the following list of subjects being the main concerns.

- (a) Limited groundwater resource.
- (b) Reduced recharge from rainfall/reduced rainfall.
- (c) Unsustainable draw in certain areas.
- (d) Rising salinity in certain areas.
- (e) Increased demand.

The following list of initiatives was recommended to Council in 2003. Following the receipt of Hydro-Plan in March, 2003 many of these initiatives have now been taken up:

- (i) Soil moisture driven irrigation.
- (ii) Rationalisation of Council bore locations.
- (iii) Reduced extraction rates over long periods.
- (iv) Implementation of a storage and distribution network.
- (v) Reduction of irrigation areas.
- (vi) Responsible use by large users such as golf courses.
- (vii) Monitoring of salinity and flows.
- (viii) Reduction of uncontrolled residential use.
- (ix) Education of stakeholders and regular policy review.
- (x) Increased efforts to recharge stormwater.
- (xi) Drought tolerant plantings with low volume irrigation.

The following update is provided for Council's information:

1. **Soil moisture driven irrigation**

Staff have undertaken investigations regarding the use of soil moisture sensors controlling large reticulation systems on reticulated reserves. Other local governments have had problems with their use and have moved to other systems such as small weather stations linked to controllers. These are expensive and need much higher technical support.

2. **Rationalisation of Council bore locations**

The locations of Council's groundwater bores are not proposed to change in 2009/2010. The future relocation of bores will be considered as replacements are needed, with the main aim being the removal of groundwater bores from the edge of the 'groundwater lens' and the replacements being located at or near the thickest part of the 'lens' near the railway reserve.

**Napier Street Bore**

The installation of a new bore close the intersection of Napier Street and Curtin Avenue was completed at the end of the 2005/2006 financial year. This is close

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of the centre of the freshwater 'lens' and delivers water to the Civic Centre and Marine Parade foreshore. It has allowed the closure of the old and failing (with a high saline level) Civic Centre bore and its removal.

#### **Pearse Street Bore**

The recent installation of a 135k/litre concrete storage tank on the west side of the Rugby Oval near Pearse Street and a 90k/litre storage tank at the corner of Marine Parade and Pearse Street has allowed both tanks to be filled from the Pearse Street bore (near Curtin Avenue). This is a high-volume, low salt quality supply which is also close to the centre of the available fresh water aquifer.

The storage tanks have allowed the closure of the two existing bores reticulating Cottesloe Oval and Harvey Field. Both of these bores had a high level salt content and both were approaching the stage where major upgrading or replacement would have had to be undertaken.

#### **North Cottesloe Primary School Bore**

Council currently obtains reticulation water from the North Cottesloe Primary School bore, for which it has no extraction licence. This water is used to reticulate lawns on the Eric Street road reserve from Stirling Highway to Railway Street. The Primary School does not use this bore and Council is the only user. This bore is in average to poor condition and will need a major service the next few years. A provision has been made for Council expenditure on this Education Department asset in 2012/2013, however this bore could fail at any time due to its age and condition.

The reticulated lawn on Eric Street provides an entry statement to Cottesloe when turning off Stirling Highway. An improved and more responsible statement could be achieved with native vegetation species being planted on both verges of Eric Street as a display, between the highway and Mann Street. This could initially be reticulated by trickle pipe to establish these plants with the rest of the reticulation sprinkler system being eventually turned off and the bore shut down.

#### **Eric Street Bore (Flour Mill)**

This bore failed in 2006/07 and it's use has now been discontinued.

A portion of this reserve was planted with a variety of native trees and shrubs during 2006/07 and 2007/08.

### **3. Reduced extraction rates over longer periods**

During 2005/06, the new bore at the corner of Curtin Avenue and Napier Street was installed, along with the pressure deliver pipeline. This system delivers water to the rehabilitated underground water tank under the Civic Centre main lawn. The bore slowly delivers water, at a low pressure extraction rate, to the tank.

Two new concrete tanks were installed in 2007/08 on the north side of Pearse Street.



Another storage tank is budgeted for installation this financial year (2008/09) at Grant Marine Park, to be filled at that site but also to be eventually connected by a pipeline that connects to the OBH well source and the Napier Street pipeline.

4. **Implementation of a storage and distribution network**

The comments regarding storage tanks at the Civic Centre and Cottesloe Oval/Harvey Field complex also apply to this heading.

A fully functioning distribution network will be of great advantage in the event of a bore breakdown, sudden salt intrusion at one of the bores or damage to a delivery pipeline. Under the proposed network the existing bore at the Pearse Street/Curtin Avenue site, the new bore in Napier Street near Curtin Avenue and the Golf Club bore in Forrest Street near Curtin Avenue will be linked together. All three bores will have delivery pipelines up to Broome Street. These three lines will then be connected along Broome Street, with the two storage tanks near Pearse Street and the new Golf Club bore also being interconnected. The Broome Street connection pipeline between Pearse Street and Napier Street was installed during 2007/08.

The Pearse Street bore pipeline already runs through to Marine Parade, as does the Napier Street pipeline. The reticulation system on the west side of Marine Parade runs south of Pearse Street, but also north to a point north of John Street.

In addition, for year 3 (2011-2012), it is proposed to connect the Marine Parade pipeline north along Marine Parade from Napier Street, to the Grant Marine Park pipeline, via the existing OBH well source. This would connect to the 90k/litre storage tank (underground) at Grant Marine Park which will receive bore water at that site when the tank is installed during 2008/09.

These changes could create a substantial storage and distribution network between the main bore sources. Coupled with the new bore in Napier Street the four main areas salinity concerns (Civic Centre, Cottesloe Oval, Harvey Field and Grant Marine Park) will have been addressed.

5. **Reduction of irrigation areas**

The Town of Cottesloe has irrigation systems in a range of different areas. The following priority categories are listed in terms of community impact if the system failed or could not be renewed:

(a) Active recreation reserves:

- Cottesloe Oval
- Harvey Field
- Tennis Courts – now responsible for own reticulation and bore water licence.

(b) Passive recreation reserves and major presentation sites:

- Jasper Green

- Grant Marine Park
- Eric Street foreshore
- General foreshore area, Grant Street to Beach Street
- Andrews Park
- Lawn terraces on both sides of Indiana Tea House.

(c) Road verges and minor reticulated areas:

- Cottesloe Flour Mill Reserve (reticulation now ceased)
- Eric Street road verges – Stirling Highway to Railway Street
- Tennis Courts – Broome Street and Napier Street verge frontages
- Napier Street, south side verge fronting Civic Centre
- Railway reserve land, north west corner of Railway Street/Claremont Railway Bridge
- Vlamingh Memorial Park (reticulation now ceased)
- Forrest Street median island, Railway Street to Stirling Highway
- Napier Street carpark, corner Marine Parade and Napier Street.

No changes are proposed to cut back the reticulated areas of categories (a) and (b).

The following changes are proposed or have been undertaken to category (c):

- (1) *Cottesloe Flour Mill Reserve*: Over two years convert to native vegetation with minimal mowing. Use of bore water has ceased – completed.
- (2) *Eric Street Road Verges*: Establish quality native vegetation entry statement off Stirling Highway. End the use of bore water after two years. Close down bore. Aid property owners to take over sections of old Council reticulation system or convert to native vegetation.
- (3) *Tennis Courts and Road Verge Frontages on Broome Street and Napier Street*: The Tennis Club is now fully responsible for their own reticulation, with all costs of the well/pump system being funded by the Club. A bore licence has been arranged by the Club for the well, with Council's licence no longer covering the tennis courts. The Broome Street lawned verge has had piping changed so that the verge is now reticulated from the Napier Street Council pipeline, leaving the tennis courts as the only reticulated area covered by the tennis courts well.
- (4) *Napier Street – South Side Frontage to Civic Centre*: This is reticulated from the Civic Centre bore. The proposal is to replace the embankment lawn with trickle pipe watered native vegetation.
- (5) *Railway Reserve Land/Park Adjacent to the Rail Reserve, near Swanbourne Railway Bridge*: This area is on rail reserve land and is watered from the water main. Water use could be greatly reduced with native vegetation rather than lawn.

- (6) *Vlamingh Memorial Park*: This park is now not reticulated with low water use native species replacing the original Buffalo grass lawn.
- (7) *Forrest Street Median Island, East of Railway Street*: This lawn area is watered from main, with manual relocation of surface sprinklers. The old sump area is now native vegetation.
- (8) *Napier Street Carpark, Lawn on South West Corner of Carpark*: This is reticulated from the Civic Centre bore. A conversion to native vegetation, initially watered by trickle pipe, would be a more effective use of water and labour.
- (9) *Grant Marine Park*: The area of Grant Marine Park separated by Hamersley Street and Hawkstone Street from the main park area is reticulated and mowed lawn, used by no-one for any purpose. It could be converted to native/local species initially watered by trickle pipe. This would reduce bore water use.
6. **Responsible use by large users such as golf courses**  
Golf courses and other large users are now required to be fully involved with Department of Water, with monitoring salinity, volume used etc, and by the use of Management Plans.
- As a group, by far the largest users are private property owners. Estimates suggest that up to 100 new bores are installed in the peninsula annually, with no requirements of monitoring or State Government control. This matter requires formal discussion and action by the affected State and Local Governments.
- Recent State Government restrictions on the use of private bores to 3 days per week have been a 'step in the right direction' in regards to reducing the removal of ground water.
7. **Monitoring of salinity and flows**  
Monitoring of salinity has been occurring at least since 1980 for salinity and more recently for volume/flow.
8. **Reduction of un-controlled residential use**  
See point #6. Also, the verge policy proposes that increased efforts be undertaken to persuade local residents and bore owners to consider replacing reticulated lawns with native vegetation.
9. **Education of stakeholders and regular policy review**  
The is occurring regarding new policy issues (*Residential Verges*, proposed policies on related issues), annual reconsideration of existing policies and the requirements of the *Consultation* policy.

The WESROC ongoing Water Quality Management Strategy Implementation Committee's work includes a large education strategy for water saving and related matters.

The 4 year National Water Initiative Project will deliver a total of 3 separate information packages on the value of water sources over 3 years, particularly the underground water aquifer.

10. **Increased efforts to recharge stormwater**

This is the central effort of Council's four year drainage project, with approximately 100 soakage pits being installed on town streets per year, over four years. Ocean outfall drains are also being progressively converted to recharge/soak pits, during this period.

11. **Drought tolerant plantings with low volume irrigation**

This matter is covered under point #5, with the creation of three demonstration sites in 2005 for the use of low water-use plants. Drought tolerant plantings with low volume irrigation feature in the *Residential Verge* policy. All Blackspot works such as new roundabouts feature low water use species being used for landscaping.

#### **CONSULTATION**

Council's first *Five Year Plan for Reticulated Areas and Groundwater Bores* was last advertised for comment in November 2004. Only one response was received and it came from the Sea View Golf Club.

It is not intended that this latest revision be put out for formal community consultation. It is largely the continuation of an existing plan which has already received formal community input.

#### **STAFF COMMENT**

Planned replacement programs for reticulation infrastructure on the basis of a 10 year life cycle is now industry standard. Reactive repair and/or replacement of infrastructure is not considered appropriate when that infrastructure group of assets needs to be relied on to provide a critical service.

Groundwater irrigation is considered to be the most sustainable method of irrigating the Town's parks and reserves. The current focus on scheme water restrictions and reduced water availability provides a strong incentive to review the Town's use of scheme water for irrigation of landscapes on a continuous basis.

An equally pressing need in the Cottesloe peninsula area is to address the growth in the number of bores being installed to access what is a limited groundwater supply.

The Town of Cottesloe's practical response to managing a limited resource is to lead by example through the minimisation of the number of bores and the reduction of areas that are reticulated.

The current four year program for extensive road drainage soak pit installation is also aimed at preserving the groundwater resource. This program will end in 2009/2010.

An updated *Five Year Plan for Reticulated Areas and Groundwater Bores* is now proposed, to include all works/actions proposed within this report. If implemented, the five year program will provide an integrated pipeline network for the distribution of bore water, storage tanks and reticulation systems operating from those tanks.

Completion of the program will minimise any potential salinity problem, reduce the volume of groundwater used and ensure that reticulation systems on all reserves are brought up to scratch.

#### **POLICY IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

Under Council's *Future Plan 2006-2010*, Objective 5 is to maintain infrastructure and Council buildings in a sustainable way. This five year program complies with that objective.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **SUSTAINABILITY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The reduction of the number of bores, pumps and areas reticulated will reduce the costs of running these systems and overall water consumption.

The five year program contemplates a commitment to the overhaul of existing systems to higher efficiency levels through annual capital works.

#### **VOTING**

Simple Majority

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

Moved Cr Miller, seconded Cr Dawkins

**That Council adopt the *Five Year Plan for Reticulated Areas and Groundwater Bores* as per attachment 10.2.8 and use year one as the basis for inclusion in the draft 2009/2010 financial year budget.**

Carried 8/0

**10.2.16 FIVE YEAR PLAN - NATURAL AREAS MANAGEMENT**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009

**Author Disclosure of Interest**

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**SUMMARY**

At its September 2008 meeting, Council resolved, regarding the Natural Areas Management Plan :

*That Council:*

*(1) Approve the content changes incorporated into the Natural Areas Management Plan and adopt the plan.*

*(2) Note that a five year works plan regarding Natural Areas Management will be developed incorporating recommendations from the NAMP. This will include priorities for action and a works schedule which will be presented to council for approval in early 2009.*

This report provides a draft 5 year Natural Areas 5 year Management Plan.

**BACKGROUND**

Substantial effort went into the production and adoption of the final Natural Areas Management Plan, with the aim of determining where all the natural vegetation areas exist in Cottesloe, their strengths and problems and the requirements to protect, save and enhance those areas.

Cottesloe Coastcare was actively involved in the creation of the plan and discussions have been held with that organisation prior the draft 5 Year program being compiled.

**CONSULTATION**

The NAMP was advertised for public consultation and the results considered for inclusion in the plan. The 5 Year program is based on the NAMP.

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**STAFF COMMENT**

The over-arching aim of the NAMP was to identify those areas in the Town of Cottesloe that are to be managed as natural areas and to provide guidelines and priorities for their management with a view to protecting, preserving and enhancing local biodiversity.

Until now, there has been no co-ordinated attempt to plan for a program of works, installation or controls to ensure that existing natural environment is preserved and, where possible, 'lost' areas brought back to a state of quality sustainable natural species sites.

The program will change over the years, depending on circumstances, successes and failures and also the potential for extra grant funds being generated from the annual program allocation being used as matching finance.

With regards to the items included into each of the 5 years of the proposed program, the general allocations for weedicide application to stop lawn growth into sand dunes, the installation of weed barriers and the seedling allocation for replanting are items which will be split up over a number of sites as required, to 'win back' areas which are seriously degraded. The seedlings requirement will also mean the use of collected seed from locally based species being used to create stock for re-use in this area.

Allowance is made for the ongoing purchase and installation of various forms of erosion control materials, particularly for the beach foreshore dunes.

One item not covered by this program is the employment, part or full time, of a Bushcare Officer. This position could be pursued within WESROC where such an officer could be shared between several Councils.

Allowance is made in Year 1 of the program for expenditure on Grant Marine Park. This work is based on comments from the NAMP (p44):

There are opportunities to both reduce reticulation and lawn maintenance and increase the area of the natural vegetation. The southern verge area of the site is unused and can be revegetated with coastal flora. Also, a parcel of unused land occurs immediately southwest of the site along Hammersley Street/Hawkstone Street, which is maintained by the Town. This could be converted to a Transition Shrubland, promoting species that will not obstruct the view of the adjacent properties yet have aesthetic value to visually enhance the area.

The 5 Year program also includes proposed expenditure on the eastern end of Eric St between Railway St and Stirling Highway for the road verges, the western end of Grant St on the median islands, the west side verge of Marine Parade just north of Curtin Avenue, the area immediately south of the Cottesloe S.L.S.C. building, road verges adjacent to the railway corridor and John Black Dune Park.

The sections of the NAMP addressing these sites are shown below:

**Median Strips/Grant St (p49):**

The median strips typically consist of mature non-native Norfolk Island Pines through the centre. The majority of the understorey is couch grass, although a number of small median strips only comprise of couch grass and has a degraded appearance. A few local shrubs are present in small patches. The grassed areas may be replaced with low lying aesthetic local species to visually enhance the median strip, which are also suitable for fauna feeding and habitat. This enhancement will reduce Town water consumption as the eastern section will no longer be reticulated. An illustration on how the median strips may appear with native understorey is presented in **Figure 11b**.

The Norfolk Island Trees are currently approaching their life expectancy. The current Town practice is to replace these trees with new Norfolk Island Pine saplings. It may be possible to alter this practice and replace the dying trees with local trees instead, such as Tuarts, Rottnest Island pine (*Callitris preissii*) and Rottnest Tea Tree (*Melaleuca lanceolata*). An illustration of what the median strips may appear revegetated with native understorey and Tuart trees is presented in **Figure 11c**.

Variations in topography along Grant Street have resulted in a number of rises with clear ocean views at the intersection of Broome St and Mann St. These two *View Points* sites have a particularly high aesthetic landscape potential which is not being fulfilled from the lawn grasses. Replacing the median grass with highly visual local plant species that will not obscure the view will greatly enhance the view's visual amenity and reduce the requirement for irrigation.

**Entry Statements, Curtin Ave/Marine Pde (p49):**

The intersection of Curtin Avenue and Marine Parade serves as the southern gateway to the Town of Cottesloe. Also, the intersection of Curtin Avenue and Grant Street may also serve as a northern gateway. These *Entry Statements* have high aesthetic importance as they both serve as symbolic boundaries of the Town. The intersections may be restored with aesthetic coastal flora to promote the Town's natural beauty and heritage to incoming visitors. Illustrations of how the southern Entry Statement may appear are given in **Figure**

12.

**Wide Verges/Eric St (East) (p52):****Verges**

A majority of verges within the Town contain only lawn grasses, some of which are reticulated. Revegetating these verges with small aesthetic, water wise local flora can contribute to increasing the amount of natural areas while enhancing the visual appearance of the street and reduce Town water consumption. Sections of wide verges, such as those along Gibney Street, Warton Street, Eric Street and Marine Parade are most suitable for restoration. A demonstration planting may be established along a section of wide verge east of North Cottesloe Primary School, and serve to educate the local public



and school children on the importance of local native flora and being water wise. Examples of the current status of the extensive lawn verges along Marmion Avenue may be revegetated are shown in **Figures 13 & 14**.

**Road Verges/Rail Corridor (p52):**

(New tree and shrub plantings relating to the rail corridor would be restricted to adjacent road verges eg. Railway St, until a final agreement is signed with the Public Transport Authority).

“The remaining majority of the land within the railway line, are the Corridors. This expansive area offers an opportunity to re-establish many local tree species into the Town and resemble the original woodlands and forests described by Heddle et al (1980). An illustration how the railway corridor may be enhanced using local native flora is presented in **Figure 15**.”

**John Black Dune Park (p56):**

John Black Dune Park is a modified stable dune occurring between the car park and tennis club on the north side of Napier Street. The area was extensively cleared in the 1960s and retains only small sections of remnant vegetation at its north east and south east corners. The remainder of the open area is dominated by Victorian Tea Tree and understorey weeds. The Town has indicated the possibility of expanding the adjacent car park into the western section of this reserve. Currently John Black Dune Park does not experience any community ownership and is a source of antisocial behaviour and safety concerns.

The highly degraded state and lack of native vegetation makes this park to be more suitably classified as PNA rather than an RNA, as it's management will require establishing native vegetation, rather than enhancing bushland condition. The unique position and large compact shape of this public open space provides such opportunity for public education, interpretation and demonstration, such as planting local species that are aesthetic and are bird and butterfly attracting.

**West of Marine Parade/South of Cottesloe SLSC: (p41/42):**

*Mudurup* is bounded between the limestone promontory in front of the Cottesloe Surf Club and the southern end of Cove Beach just south of Forrest Street. A total of seven MNs (named M1 to M7) are attributed to this ENA, including lawn verges. The northern section is an Aboriginal heritage site. The adjacent Cove Beach is a popular site for surfers. CCA has conducted restoration works on the limestone promontory (M1) between 2005 and 2006, greatly improving the state of the vegetation. Fencing around the limestone promontory has proven successful in keeping the public and pets out and retaining this condition. A sundial and limestone wind shelter was built from a bicentennial grant in the early 1990s however this site has fallen into disrepair (M2). Various non-local native species were also planted in M2, though these are native bird attracting and are not a weed threat. The entire site is of high visual amenity importance so revegetation works should consider suitable aesthetic species.

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Other areas of concern in the NAMP has not been included in the first 5 Year Plan. These would be included in future years.

One site which requires attention beyond this program is the Vlamingh Memorial site. Substantial repair, upgrading and re-development of this site needs consideration for funding in a future budget.

#### **POLICY IMPLICATIONS**

None known.

#### **STRATEGIC IMPLICATIONS**

One of the dynamic priorities contained within Council's Future Plan is to develop a District Management Plan. (Future Plan – Section 6). Also under Objective 3 – 'Enhance Beach Access and the Foreshore', Major Strategy 3.2 outlines the need to 'Improve Beach Access and Dune Conservation outside the Central Foreshore Zone'.

#### **STATUTORY REQUIREMENTS**

None known

#### **SUSTAINABILITY IMPLICATIONS**

This program will set an expected level of funding and scale of effort to be applied to Cottesloe's natural vegetation areas for the future and have a significant impact on the local natural environment.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **VOTING**

Simple Majority.

*Cr Walsh, Cr Woodhill and Cr Cunningham declared an interest in Item 10.2.16 due to Proximity and left the meeting at 9.05pm.*

#### **OFFICER & COMMITTEE RECOMMENDATION**

**That Council adopt the Natural Areas Management 5 Year Plan as per attachment 10.2.9 and Year 1 be used as the basis for inclusion in the draft 2009/2010 financial year budget for funding consideration.**

The motion lapsed for want of a quorum

#### **Item deferred until March 2009 Council Meeting**

*Cr Walsh, Cr Woodhill and Cr Cunningham returned to the meeting at 9.07pm*

**10.2.17 FIVE YEAR PROGRAM - ROAD SAFETY IMPROVEMENT AND SPEED RESTRICTION**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At the August 2008 meeting, Council resolved to:

- (1) Consider a new 5 Year Program for Road Safety Improvement and Speed Restriction in February 2009 with Year 1 to be 2009/2010.*
- (2) Inform the authors of both comments on the 2008 Traffic Study of Council's decision in this matter.*

This report provides the requested 5 Year Program for Road Safety Improvement and Speed Restriction, with the recommendation that Council:

- (1) Adopt the draft 5 Year Program for Road Safety Improvement and Speed Restriction; and
- (2) Include Year 1 of the program into the draft 2009/2010 budget document for funding considerations.

**BACKGROUND**

After the extensive public consultation program, site inspections and a search of road files for comments and complaints relating to road safety problems in the Town of Cottesloe, Council's Traffic Consultants delivered the final version of the Town of Cottesloe Traffic Study.

This study contains a list of intersection and mid block changes to the existing road network to reduce speeding and improve safety for pedestrians, cyclists and vehicles in the Town of Cottesloe.

The 5 Year Program is based on the list contained in the study plus the practical knowledge regarding safety issues gathered by staff over many years.

**CONSULTATION**

The basis of this 5 Year Program comes from the 2008 Town of Cottesloe Traffic Study, which included a substantial public consultation program.

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**STAFF COMMENT**

This proposed 5 Year Program is based on the Porter Consulting Town of Cottesloe Traffic Study adopted by Council in August 2008.

At an expenditure rate of approximately \$100,000 per year, many of the points raised and recommended for solution will not be treated in the 5 year period of this program. Each additional year, further issues will be included for treatment.

Several issues raised are multi functional and could be included in other programs. As examples, the widening of Forrest Street footpath to a dual use path from Marine Parade to Curtin Avenue could (and will) be applied for under the DPI Cycling grant system, to reduce its cost to Council.

The Torrens Street new footpath could be included under the disability program to provide paths in streets that do not have them.

A number of other treatments will be applied for through the Main Roads WA Black Spot grant program, which should reduce the cost to Council and speed the program up.

A balance of needs has been created in this first 5 Year Program, balancing the safety needs of drivers, cyclists and pedestrians, as well as the aim of reducing driving speeds on busy roads.

**POLICY IMPLICATIONS**

Council's *Traffic Management Policy* applies.

**STRATEGIC IMPLICATIONS**

The Future Plan 2006-2010 contains no major objectives or strategies relating to traffic management.

**STATUTORY REQUIREMENTS**

The care, control and maintenance of public road reserves is vested in the Town of Cottesloe. These powers however, do not include the setting of speed zones. These are determined and signposted by Main Roads WA (MRWA). The Police are then expected to enforce speed zone limits. The construction of traffic control devices on public roads normally requires some form of control or advice signage. These signs must be approved and installed by MRWA which ensures that MRWA can monitor the use of such devices.

Where high speeds are recorded and practical methods exist to reduce such speeds back to legal limits, there is a general expectation that the relevant authorities will 'design' and retro-fit the appropriate speed inhibitors into the road layout.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The annual costs for the various projects are listed in the 5 Year Program, for consideration for funding Year 1 in the 2009/10 financial years budget.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the draft 5 Year Program for Road Safety Improvement and Speed Restriction as per attachment 10.2.10 and include Year 1 of the program into the draft 2009/10 budget document for funding consideration.**

Carried 8/0

**10.2.18 FIVE YEAR MAJOR ROAD REHABILITATION AND IMPROVEMENT PROGRAM**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

An updated program of major road rehabilitation and improvement projects for the next five years has been provided.

The recommendation is made to:

Adopt the *Five Year Major Road Rehabilitation and Improvement Program* and use year one as the basis for inclusion in the draft 2009/10 financial year budget.

A copy of the program is attached.

**BACKGROUND**

The projects listed in this report are eligible for funding through the Metropolitan Regional Road Grants (MRRG) pool of funds. These projects attract two-thirds funding from the State Government.

Generally those roads having a traffic threshold of 2000 vehicles per day and classified as Local Distributor, District Distributor A or District Distributor B are eligible.

MRRG funding is for pavement rehabilitation (reconstruction) where the focus is on the road pavement component rather than major streetscape, footpath, street lighting and/or drainage improvements. The submission guidelines incorporate a weighted point scoring system that allows comparison with other projects across the metropolitan area.

A major factor in the point score achieved is the efficiency calculation wherein the project's estimated overall per square metre rate is compared to benchmark figures. This calculation effectively penalises those grant submissions that are based on expensive reconstruction techniques or excessive embedded costs designed to offset the expense of ancillary works such as footpaths etc.

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

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All roads involved are Council's full responsibility. If MRRG contributory funding is not forthcoming then the Town Council is entirely responsible for all costs associated with road reconstruction.

The level of road grant funds changes from year to year, which moves the 'cut off' line for approvals. This means that higher scoring jobs will receive approval before lower scoring ones are included.

The Minister normally approves the annual program prior to May each year. The remaining four years in the proposed program have been configured so as to achieve the highest scores per year, thereby maximising the chance of obtaining high levels of road grant income in future years.

### **CONSULTATION**

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

### **STAFF COMMENT**

The benefits of a strategic approach to road reconstruction include:

- Forward planning of MRRG project submissions;
- More detailed planning within the framework of a long term Capital Works Program;
- Synergies gained through integration of road rehabilitation and other road-type programs, e.g. local street works, laneway improvements and footpath projects.

The proposed five-year program is aimed at maximising the income from the Metropolitan Regional Road Grants based on maximising the points scored in each road submission. It should be borne in mind that while the visually worst roads might recommend themselves in the first instance, they are often not the technically worst roads after road testing has been completed.

### **POLICY IMPLICATIONS**

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

#### ***Objective***

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

#### ***Principle***

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

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**STRATEGIC IMPLICATIONS**

Under Council's *Future Plan 2006-2010*, Objective 5 is to maintain infrastructure and Council buildings in a sustainable way. This five year program complies with that objective.

**STATUTORY REQUIREMENTS**

No specific statutory requirements are associated with this report. The current five year program facilitates the forward planning of major road projects that are intended to satisfy State Government guidelines for the metropolitan Regional Road Grants funding.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Identifying potential projects over a five year timeframe allows the town to seek significant grants from government sources and significantly reduces the potential financial burden on the Town.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the Five Year Major Road Rehabilitation and Improvement Program as per attachment 10.2.11 and use year one as the basis for consideration for inclusion in the draft 2009/10 financial year budget with the remaining year's being included within Council's long-term financial plan.**

Carried 8/0



**10.2.19      SEALED LANEWAY RESURFACING**

**File No:** SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachments:** Policy on Rights of Way / Laneways  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council has a number of sealed laneways many of which are old, in poor condition and in need of resurfacing.

This item describes the problem areas and recommends:

That the surface condition of all Council controlled public access laneways be considered at the same time as all public street surface conditions, with resurfacing of the lowest condition sealed laneways to be included in the Five Year Local Road Rehabilitation Program, commencing in 2010/2011.

**BACKGROUND**

Over many years, Council has had a number of public use laneways asphalt sealed. Little to no resurfacing has taken place in recent years to keep these accesses in good condition, apart from patching of particularly poor condition areas.

Requests have been received by staff for such laneways to be included in future budgets for resurfacing. For most other types of infrastructure, forward plans have been created to ensure a sustainable program of refurbishment is maintained, and it is appropriate that Council consider and prioritise the maintenance and refurbishment of it's sealed laneways.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Town of Cottesloe contains approximately 13.3km of laneways, of which approximately 3.0km are Crown Land and 7.8km owned in 'fee simple' by the Town of Cottesloe. The rest are privately owned.

Of these laneways either vested in or owned by Council, several kilometres are asphalt sealed. After approximately 20 years, most sealed surfacing needs resurfacing or maintenance (pothole patching) becomes continuous and expensive.

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The only budget allocations in recent years for any laneway upgrading works has been \$20,000 in the past two years to be spread out over all drainage, kerbing, reshaping and similar needs. This has allowed no consideration of resurfacing requirements and private ratepayers and groups such as ProCott have been advised accordingly.

The most recent requests for laneway resurfacing has been for DeNardi Lane, Clapham Lane, the sealed laneway to the south of TAPPS between Railway Street and Stirling Highway, McNamara Way and Pennefather Lane.

In some cases the Council owned sealed laneway is a similar width and condition to Council owned public streets, which have been included in ongoing 5 year plans for road resurfacing.

Laneways such as DeNardi Lane, Clapham Lane and McNamara Way would carry more traffic and heavier truck traffic compared with a number of quiet residential streets.

There is therefore, a case for such sealed laneways to be included with public streets when asphalt resurfacing is being prioritised in 5 year programs.

**POLICY IMPLICATIONS**

Right of Way / Laneways Policy (see attached)

**STRATEGIC IMPLICATIONS**

In Council's Future Plan 2006-2010, Objective 5 states "Maintain infrastructure and council buildings in a sustainable way. Major strategy 5.3 under the heading states "Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre. Laneways are part of that infrastructure.

**STATUTORY REQUIREMENTS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Councils' lack of funding to keep its sealed laneways in a good condition is not sustainable with such surfaces continually degrading.

**FINANCIAL IMPLICATIONS**

As the sealed laneways age and deteriorate, asphalt patching costs continue to rise. Eventually, resurfacing will not be capable of restoring the surface and full reconstruction will be required, at a much higher financial cost to Council.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Dawkins

**That Council consider the surface condition of all Council controlled public access laneways at the same time as all public street surface conditions with resurfacing of the lowest condition sealed laneways to be included in the five year local road rehabilitation program, commencing in 2010/2011.**

Carried 8/0

**10.2.20 MARINE PARADE / JARRAD STREET INTERSECTION MODIFICATIONS**

**File No:** SUB/479  
**Attachments:** Aerial Photo of Intersection  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

It is probable that Marine Parade from Salvado Street to Jarrad Street will be resurfaced in 2009/2010, using a  $\frac{2}{3}$  Main Roads Cost Subsidy.

The original shape of the previous intersection with Jarrad Street, as a 'hump' on the east side, remains in place and needs to be levelled prior to the resurfacing.

This item describes the engineering issue and recommends:

That a section of Marine Parade adjacent to the old Jarrad Street intersection be reshaped in 2009/2010, prior to the resurfacing of Marine Parade from Salvado Street to Jarrad Street at an estimated cost of \$16,600 in the 2009/2010 budget.

**BACKGROUND**

It is expected that the Minister will approve a surface rehabilitation grant (for resurfacing) for Marine Parade from Salvado Street to Jarrad Street for expenditure in 2009/2010.

This work will complete the resurfacing of the entire length of Marine Parade, with the Metropolitan Regional Road grant program funding  $\frac{2}{3}$  of the total cost. Jarrad Street originally had an intersection onto Marine Parade with the shape of the eastern side of Marine Parade being 'humped' to allow easy connection between these two streets at the tee-junction.

Jarrad Street has been closed for 21 years and the surface ripped up and replanted as part of the golf course.

Resurfacing over this 'hump' on the east side of Marine Parade does not make sense and reshaping prior to the resurfacing appears logical.

**CONSULTATION**

Nil.

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**STAFF COMMENT**

The existing mis-shapen section of Marine Parade for approximately 20 metres was only built, many years ago because of the need to provide for vehicles using the tee-junction with Jarrad Street. This affects approximately 20m of the eastern lane of Marine Parade.

Given the permanently closed status of Jarrad Street east of Marine Parade, it is timely that the shape of Marine Parade be modified to remove the 'hump' prior to a new layer of asphalt being applied. This includes the adjacent footpath. The estimated cost of this work is \$16,600.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The cost of any reconstruction of this old intersection would be included in Council's 2009/2010 Budget.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council approve a section of Marine Parade adjacent to the old Jarrad Street intersection as per attachment 10.2.13 to be reshaped prior to the resurfacing of Marine Parade from Salvado Street to Jarrad Street at an estimated cost of \$16,600, with costs included in the 2009/2010 budget.**

Lost 5/3

**10.2.21 NORFOLK ISLAND PINE TREES - JOHN STREET COTTESLOE**

**File No:** SUB/466  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil.

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**SUMMARY**

At its November 2008 meeting, Council resolved:

*That:*

- (1) A full version of the consultants report on Norfolk Island Pine trees in John Street be prepared and delivered to all properties in that street, with a commitment that all such trees removed would be replaced with the same species.*
- (2) Submissions are invited on the recommendation of the consultants report.*
- (3) Subject to Council considering the responses to invitation to submissions to arrange for four trees to be removed from the frontage of 49, 19, 21 and 68 John Street.*
- (4) Maintenance to be undertaken as covered in item 6.5 and 6.6 in the consultants report.*
- (5) A budget allocation is made in the 2009-2010 budget for inspection of all Norfolk Island Pine trees in Cottesloe according to a programme devised by Council state.*

Items 1, 2 and 4 have now occurred.

This report deals with the results of the consultants report being delivered to every property in John Street and the comments received with the recommendation:

*That the Norfolk Island Pine Trees in front of 49, 19, 21 and 68 John Street be removed and replaced with the same species in July 2009 and a budget allocation be made for that purpose.*

**BACKGROUND**

Council received the consultant report in November 2008. In addition, a report was also recently received on the results of the use of Ground Penetrating Radar to locate

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potential voids in two trees in John Street. Copies of the John Banks report on the Norfolk Island Pine trees were delivered to all properties in that street, with a request for comments.

The time for public comments has now ended.

**CONSULTATION**

This report supplies the results of the request for public comment from all properties in John Street.

**STAFF COMMENT**

Three responses have been received which apply to the condition of the John St Norfolk Island Pine trees. One letter commends Council on its approach to this matter, agrees with the November 2008 resolution, requests early action to remove the tree in front of No. 19 and further requests that an extra pine tree be planted in front of No. 17a when the replacement tree is planted in front of No. 19,

The second response (from 50 John St) provided the following points:

- The tree collapse in July 2008 was due to a weakness in the root system.
- Such weaknesses may be identifiable by detecting small changes in the angle of lean of the trees, by using surveying instruments normally used on areas such as mine pit walls.

Comment:

This type of testing was discussed with the consultant. Unfortunately, with large trees being living things with varying soil condition, moisture content, timber weakness and strengths, number and locations of different cavities and flaws etc., they cannot be compared with built structures and mine walls.

Different trees flex and lean differently with the same wind loadings. Many trees develop a lean angle due to prevailing wind direction on one season, but change this angle or fully recover, due to wind direction changes.

The third response provided the following points:

- The separate report on the trees outside 64 and 37 John St – why was it separate and can it be made available?
- Branches falling from trees in John St are not rare.
- Trees will need to be removed and replaced in a way that retains shade, in a professional and sensitive way.
- Tree replacements should be the same as the existing species, for the whole street.
- There should be a harvesting program for cones from Norfolk Island Pine trees when they seed every 2 years.

Comment:

The separate report for trees outside 64 and 37 John St, is now available. It reports on the use of Ground Penetrating Radar to inspect root systems and investigate potential voids associated with these two trees. No definite recommendations on tree health or danger of collapse could be provided from this report.

Norfolk Island Pine trees drop less branches than most same age or sized trees of other species e.g., gum trees. It is certainly known that branches do fall from pine trees for various reasons.

All pine tree removals in John Street will require the same species or sub species of Norfolk Island Pine tree to be used as that removed, to match the total street planting. A few pine trees in John St and Cottesloe in general appear to be slightly different in habit. These were planted before the current staff experience.

With regards to the harvesting of pine cones from mature and semi mature Norfolk Island Pine trees, every 2 years, the cost would be significant, with the following applying:

Trees to be 'harvested' would be in excess of 500 throughout Cottesloe.

From experience approximately six trees could be treated per day with a large truck-mounted cherry picker. Council pays \$100-\$150 per hour for such large units. (Assume \$120 per hour).

Therefore, \$120 ph = \$1000 per day  
500 trees being treated at six trees per day = 83 days  
\$1000 per day x 83 days = \$83,000  
83 working days = over 4 months

The cones are not mature in the trees for 4 months, therefore, at least 2 large machines would be needed, if they were available, for over 2 months each.

The volume of gathered nuts would be substantial and would need to be stored/disposed of at a suitable site, with additional costs for transportation and storage/disposal fees.

Council will have to consider whether this level of funding every 2-3 years is justified, compared to other projects aimed at removing liability.

From the submissions made, there appears to be no negative attitude towards the removal of the listed mature (over 100 years old) Norfolk Island Pine trees from John St, so long as it is done professionally, with all care and the trees removed are replaced with the same species.



Council can consider the case for immediate removal of four trees versus the removal in July, with a separate budget allocation for this work (\$10,000 - \$12,000) and, the immediate replacement of these trees in cooler, moist conditions.

It is proposed that no funding be included in annual budgets for the harvesting of Norfolk Island Pine tree nuts.

**POLICY IMPLICATIONS**

Councils Street Trees policy applies.

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY REQUIREMENTS**

Council has vested control and responsibility of road reserves in the Town of Cottesloe. This includes the ownership and stewardship of all street trees, including Norfolk Island Pine Trees.

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

Due to the heavy demands from street tree maintenance and tree removals, Council's Street Tree Maintenance allocation for 2008/09, from which any tree removals in John Street would be funded, appears headed to over expenditure by the end of June.

The cost of each tree removal in John Street will be approximately \$2,000 to \$3,000.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**That Council endorse the removal and replacement of the Norfolk Island Pine Trees in front of 49, 19, 21 and 68 John Street with the same species in July 2009 and a budget allocation be made for that purpose and that a copy of the report be provided to the resident's at 64 and 37 John Street.**

**AMENDMANT**

Moved Cr Boland, seconded Cr Walsh

To remove the tree from number 49 John Street, from the recommendation.

Lost 5/3

**MOTION TO REFER BACK**

Moved Cr Cunningham, seconded Cr Walsh

That Council defer the item pending a report from the Consultant on the impact of the tree removal on the neighbouring trees, allocates funds for the immediate removal of the tree at number 68 John Street and for the expert to review his recommendation on the remaining trees in light of the condition of the removed tree.

Carried 6/2

Against the Motion Cr Woodhill and Mayor Morgan

**THE SUBSTANTIVE MOTION WAS PUT**

Carried 6/2

**10.2.22 RESTORATION OF THE GROUNDWATER AQUIFER - NATIONAL WATER INITIATIVE**

**File No:** SUB/415  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe commenced this four year project in June, 2006. The project budget includes a one-third grant from the Federal Government under the National Water Initiative. One of the grant conditions is the preparation of a formal report on progress and expenditure every six months. This will be the fifth six-month report for this project.

It is recommended that Council adopt the report and forward it to the National Water Commission.

Copy of the report is attached.

**BACKGROUND**

Council has previously resolved to undertake this project over a four year period, with the practical tasks to be completed being:

1. The construction of 280 individual soak pits.
2. The removal of 10 separate ocean outfall pipelines with the water being redirected into the water table.
3. The replacement of 7 existing open sumps with replacement structures to remove debris and pollutants prior to their entry into the aquifer.
4. The provision for the interception and removal of debris and pollutants from all structures.
5. A community education programme to change public attitudes to reducing groundwater use and changing garden types.

Each year of the project has its own milestones for the completion of set portions of the above mentioned tasks.

**CONSULTATION**

Nil.

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**STAFF COMMENT**

The project is progressing well, with no current concerns regarding the rate of progress or the level of expenditure.

All required milestones have been met for the first half of the third year of this project.

The works undertaken have received strong support from within the community and others who are concerned with the future of the Cottesloe aquifer and metropolitan water supplies in general.

In 2007/08, the first of three education packages was created and distributed to all properties in Cottesloe, to achieve attitudinal change in regards to the preservation of the Cottesloe freshwater aquifer. Two more packages will be created in the next two financial years as per the grant agreements, with the second package planned for March/April 2009.

The Department of Water has agreed in writing to a \$100,000 grant over 3 years to assist this project, particularly for public education. A formal agreement is also in place for this grant with \$33,333 being funded per year for 3 years.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Council's *Future Plan 2006-2010* has as objective No. 5 the aim to maintain infrastructure and Council buildings in a sustainable manner. This project is centred on sustainability of the underground water aquifer and long term sustainable drainage structures.

**STATUTORY REQUIREMENTS**

All work for this four year project takes place on land controlled by the Town of Cottesloe and involves drainage works of various types.

Council is responsible for the long term construction and maintenance of stormwater drainage systems.

The Federal Government grant for this project required the signing of a legal agreement which places reporting requirements on the Town of Cottesloe.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The total project cost is \$2.346m (plus GST) over four years with the Federal Government agreeing to a \$782,000 (plus GST) grant through the National Water Initiative. The State Department of Water has been requested for assistance with this

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project and an agreement has been finalised by the Department of Water for a \$100,000 grant over 3 years. 2008/09 will be the second year of this agreement for the State Department of Water grant provision.

Council's 2007/08 budget includes \$611,000 expenditure for this project, plus a grant income from the National Water Initiative of \$220,000 (plus GST) and \$33,000 from the State Department of Water.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the report as per attachment 10.2.15 and forward it to the National Water Commission.**

Carried 8/0

**10.2.23 BUDGET REVIEW**

**File No:** SUB/59  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

In the September 2008 Council meeting the Manager Corporate Services reported that at the time of the budget adoption process around the end of June 2008 the carry forward surplus estimated was \$561,365. The actual surplus was \$52,821 which represents an unfavourable variance of \$508,544.

There are two main causes for the variance: overspending on the Water Smart initiative of \$194,700 and overspending on roadworks for Curtin Avenue and blackspot projects of \$164,827.

*The Manager of Engineering Services outlined the problem as follows:*

- *Dealings with the Town of Mosman Park regarding the installation of drainage pits, large sump conversions and Black Spot works resulted in over expenditures which only became apparent towards the end of the financial year, when it was not possible to cut back on other works to balance these expenditures. Mosman Park issued a number of large invoices late June and even as late as early August for works completed in April/May of 2008. These invoices covered all types of works done by Mosman Park and resulted in most of these jobs being over expended.*
  - *For 2008/09, firm quotations for drainage pit installations were received from three contractors plus Mosman Park. As a result, Claremont Asphalt will be undertaking all such installations for this financial year. Mosman Park's quotation suffered from their Council deciding to increase the profit margin to 25%, up from last year's 17% which in turn was 2% more than the original 15%.*
  - *The cost of asphalt per tonne dramatically increased in 2007/08, in a year when we had the heaviest asphalt resurfacing program for many years. This resulted in*
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*over expenditures for the later jobs, particularly Curtin Avenue and Marine Parade. Curtin Avenue required extra asphalt because of wheel ruts and depressions which were not obvious at the time the original MRWA submission took place. If these large jobs had been undertaken early in the financial year and the over costs had been known, cut backs would have occurred in other work proposed for later in the year.*

*The unfavourable result means that the Town of Cottesloe will have to manage its finances far more carefully.*

*The Manager of Engineering Services has contacted the funding providers for the Water Smart project and informed them that we spent some of the current financial year's (2008/2009) funding last year (2007/2008). They have said that as long as invoices corroborating the expenditure last financial year are available, they are satisfied with a reduction in the current year's expenditure by the relevant overspend from last year and will reimburse the Town for the full amount.*

*The overspend on roadworks is being addressed in two ways.*

*Firstly the Manager of Engineering Services has identified a list of capital items whose purchase should be deferred to early next year (dependent on a budget review in February 2009) or even into the next financial year.*

- |   |                  |
|---|------------------|
| ▪ <i>No replacement of Kubota SP mower</i>        | <i>\$ 26,000</i> |
| ▪ <i>No replacement of Isuzu Truck</i>            | <i>\$ 50,000</i> |
| ▪ <i>No replacement of Tennant Vacuum machine</i> | <i>\$ 75,000</i> |

*Secondly, cost savings should be sought on the following projects by reducing payments for materials and contractors:*

- |  |                  |
|--|------------------|
| ▪ <i>Reduce Drainage Maintenance</i>                                 | <i>\$ 30,000</i> |
| ▪ <i>Reduce Road Maintenance</i>                                     | <i>\$ 40,000</i> |
| ▪ <i>Reduce Car Park Maintenance</i>                                 | <i>\$ 10,000</i> |
| ▪ <i>Reduce Footpath Maintenance</i>                                 | <i>\$ 25,000</i> |
| ▪ <i>Reduce Parks &amp; Reserves Maintenance</i>                     | <i>\$ 40,000</i> |
| ▪ <i>Reduce Street Tree Maintenance</i>                              | <i>\$ 40,000</i> |
| ▪ <i>Reduce Laneway Maintenance</i>                                  | <i>\$ 5,000</i>  |
| ▪ <i>Reduce Irrigation Maintenance</i>                               | <i>\$ 5,000</i>  |
| ▪ <i>Reduce Street Furniture Construction</i>                        | <i>\$ 10,000</i> |
| ▪ <i>Reduce Plant, Machinery and Equipment purchases</i>             | <i>\$ 2,000</i>  |
| ▪ <i>Tighten up on new asphalt overlays for residential streets</i>  | <i>\$ 21,100</i> |
| ▪ <i>Water Smart Year 3 – credit for extra works done in 2007/08</i> | <i>\$ 66,000</i> |

*These restrictions on expenditure in the short term should provide a total saving of \$445,100, the validity of which can be re-assessed at the February 2009 meeting of Council.*

*The proposed plant replacements can also be reconsidered at the same time or put off into 2009/10.*

*All necessary basic maintenance will be undertaken, as required, but any extra works normally booked to those numbers should be put off at least until the second quarter of 2009, particularly for materials and contractors.*

*While the deferral of the above expenditures deals with the immediate problem of the poor year end result, Council should also be aware that a number of unbudgeted items are have already occurred or are in the immediate offing. They relate to:*

- *Unforeseen cost variations relating to the Civic Centre project.*
- *CEO recruitment costs.*
- *Increased town planning consultant costs associated with LPS No.3 and the EbD process.*
- *Town planning consultant costs associated with the proposed redevelopment of land in Station Street.*
- *Potential cost escalations with the library project.*
- *Implementation of the strategy to reduce hotel patron numbers.*
- *Repair of the Cottesloe Beach pylon.*

*In summary, it is likely that the year end result for 2008/09 will be a significant deficit unless preventative measures are undertaken. Accordingly recommendations are made to endorse the proposed strategy of deferring expenditure and undertaking a comprehensive budget review in February 2009.*

#### **CONSULTATION**

Nil

#### **STAFF COMMENT**

The budget review shows Council's operating position forecast for a deficit of approximately \$176,480. The primary cause for the deficit is the carried forward deficit from last financial year. There has been significant effort from staff to reduce or defer expenditure and this has been escalated since the current review.

To ensure an adequate cash balance for the Council to meet it's operating requirements permission is sought to temporarily increase the Council overdraft facility from \$100,000 to \$250,000 until September 2009.

It is important to note that the interest expected to be paid on the library loan has been removed from the forecast. The Budget Review attachment contains a detailed assessment of the strategies the management team have initiated to minimise the impact of the carried forward deficit (more detailed reports are available upon request).

There is another review scheduled to occur on the March 2009 results. The final cost of the EbD should be available at this time as well as some savings anticipated in both the capital & operating budget.



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.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY REQUIREMENTS**

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.*

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

There is a small deficit compared to budget based on the forecast. Senior management have been made aware of the current financial position and have been encouraged to limit any non-essential expenditure during the last quarter of the financial year.

**VOTING**

Absolute Majority.

**COMMITTEE COMMENT**

Cr Dawkins wanted it noted that the Sculpture by the Sea that the Town usually purchased has been taken out of the Budget for 2009/10 and that this will be very obvious to the Residents.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the Budget Review as per attachment 10.3.1 and approve the temporary increased overdraft facility until September 2009.**

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Dawkins

That Council approve the recommendation, subject to the reinstatement of the purchase of the Sculpture by the Sea allocation up to \$40,000.

Carried 6/2

**COUNCIL RESOLUTION**

**That Council adopt the Budget Review as per attachment 10.3.1, subject to the reinstatement of the purchase of the Sculpture by the Sea allocation up to \$40,000, and approve the temporary increased overdraft facility until September 2009.**

**THE SUBSTANTIVE MOTION WAS PUT**

Carried 6/2

Against the Motion: Cr Woodhill and Cr Walsh.

**10.2.24 STATUTORY FINANCIAL STATEMENTS FOR PERIOD ENDING 31 DECEMBER 2008**

**File No:** SUB/137  
**Attachments:** Financial Statements  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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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 December 2008 to Council.

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

None known.

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows an unfavourable variance between the actual and budgeted YTD operating surplus of \$64,901 as at 31 December 2008. Operating Revenue is ahead of budget by \$89,866 (1%). Operating Expenditure is \$184,599 (4%) more than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 December 2008 is shown on pages 7-8.

The Capital Works Program is listed on pages 23 & 24 and shows total expenditure of \$2,928,627 compared to YTD budget of \$4,372,155. The reason for the significant difference is the delay with the library.

A more detailed analysis is contained within the budget review item before Council.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

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**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 December, 2008, as per attachment 10.3.2 and as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0

**10.2.25 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JANUARY 2009**

**File No:** SUB/137  
**Attachments:** Financial Statements  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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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 January 2009, to Council.

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

None known.

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows an favourable variance between the actual and budgeted YTD operating surplus of \$286,858 as at 31 January 2009. Operating Revenue is unfavourable to budget by \$46,160 (1%). Operating Expenditure is \$146,047 (3%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 January is shown on pages 7-8.

The Capital Works Program is listed on pages 22 to 24 and shows total expenditure of \$3,051,923 compared to YTD budget of \$5,644,035. The reason for the significant difference is the delay with the library.

A more detailed analysis is contained within the budget review item before Council.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

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**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 January 2009, as per attachment 10.3.3 and as submitted to the 17 February 2009, meeting of the Works and Corporate Services Committee.**

Carried 8/0

**10.2.26 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD  
ENDING 31 DECEMBER 2008**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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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 December 2008 to Council.

**BACKGROUND**

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

**CONSULTATION**

None known.

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$2,756,121.19 was invested as at 31 December, 2008

Reserve Funds make up \$2,447,820.91 of the total invested and are restricted funds. Approximately 57% of the funds are invested with the National Australia Bank, 23% with Bank of Queensland, 11% with Commonwealth Bank and 9% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$566,014.04 as at 31 December, 2008. There is \$513,263.86 included in this balance that relates to self supporting loans.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY REQUIREMENTS**

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

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**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 December 2008, as per attachment 10.3.2 and as submitted to the 17 February 2009, meeting of the Works and Corporate Services Committee.**

Carried 8/0



**10.2.27 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD  
ENDING 31 JANUARY 2009**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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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 January 2009 to Council.

**BACKGROUND**

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

**CONSULTATION**

None known.

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$2,172,799.03 was invested as at 31 January, 2009.

Reserve Funds make up \$2,164,498.75 of the total invested and are restricted funds. Approximately 72% of the funds are invested with the National Australia Bank, 16% with Bank of Queensland, and 12% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$566,014.04 as at 31 January, 2009. There is \$513,263.86 included in this balance that relates to self supporting loans.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS****STATUTORY REQUIREMENTS**

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

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**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 January 2009, as per attachment 10.3.3 and as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0

**10.2.28 ACCOUNTS FOR THE PERIOD ENDING 31 DECEMBER 2008**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 December 2008, to Council.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

None known.

**STAFF COMMENT**

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

- \$10,038.00 to Byrnes & Associates for EbD consultancy
  - \$21,235.68 to Cobblestone Concrete for footpath installation
  - \$11,983.63 to Synergy for power and lights
  - \$13,654.95 to WA Local Govt Super Fund for staff deductions
  - \$16,816.92 to WA Local Govt Super Fund for staff deductions
  - \$10,819.00 to Byrnes & Associates for EbD consultancy
  - \$14,518.77 to WA Local Govt Super Fund for staff deductions
  - \$13,805.00 to UHY Haines Norton for Audit of FY 2007/2008
  - \$13,774.66 to WA Treasury for loan repayment
  - \$122,964.97 to Roads 2000 for various construction projects on roads in Cottesloe
  - \$14,441.62 to WMRC for disposal and tipping fees
  - \$16,721.65 to Claremont Asphalt for asphalt works at Curtin, Forrest & Grant
  - \$32,526.34 to B&N Waste for November waste collection
  - \$11,000.00 to Informed Decisions for WESROC consultancy
  - \$478,054.23 to KMC for building progress claim 5
  - \$27,075.10 to WMRC for disposal and tipping fees
  - \$28,490.00 to Brian Curtis for EbD consultancy
  - \$34,537.42 to Melville Subaru for new vehicle per fleet renewal programme
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- \$258,652.50 to FESA for 2<sup>nd</sup> qtr ESL levies
- \$15,652.16 to Surf Life Saving WA for lifeguard contract for November 2008
- \$14,062.38 to WALGA for Market Force advertising
- \$13,521.33 to WMRC for disposal and tipping fees
- \$72,346.95 and \$68,561.55 for staff payroll

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the List of Accounts for the period ending 31 December 2008, as per attachment 10.3.2 as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0

**10.2.29 ACCOUNTS FOR THE PERIOD ENDING 31 JANUARY 2009**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 December 2008, to Council.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

None known

**STAFF COMMENT**

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

- \$14,197.32 to WA Local Govt Super Fund for staff deductions
  - \$14,953.26 to WA Local Govt Super Fund for staff deductions
  - \$17,339.00 to JCT Architects for refund of Development Application fees
  - \$15,488.00 to Phillip Griffith Architects for services relating to Civic Centre refurbishment
  - \$10,158.50 to Key2Design for Keep Cott Beautiful design
  - \$15,652.16 to Surf Life Saving WA for contract for December 2008
  - \$15,701.95 to WMRC for disposal and tipping fees
  - \$55,182.58 to EcoAID for drainage components for sump conversion
  - \$253,148.56 to KMC for building progress claim 6
  - \$44,462.00 to PRW Contracting for installation of soak pits
  - \$112,143.46 to Shire of Peppermint Grove for quarterly library contribution
  - \$80,449.51 to Roads 2000 for construction project on Margaret Street
  - \$38,046.40 to Transpacific Cleanaway for domestic & commercial waste disposal in November 2008
  - \$12,108.25 to Brian Curtis for EbD consultancy
  - \$12,782.00 to Passive Lighting for solar powered street lighting system at Eric & Broome street intersection
  - \$63,166.04 and \$71,139.12 for staff payroll
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**POLICY IMPLICATIONS**

None known

**STRATEGIC IMPLICATIONS**

None known

**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

None known

**FINANCIAL IMPLICATIONS**

None known

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive the List of Accounts for the period ending 31 December 2008, as per attachment 10.3.3 and as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0

**10.2.30 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 DECEMBER 2008**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this is to present the Property and Sundry Debtors Reports for the period ending 31 December 2008 to Council.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

None known.

**STAFF COMMENT**

The Sundry Debtors Report on pages 20 to 21 of the Financial Statements shows a balance of \$213,697.42 of which \$103,544.70 relates to the current month. The balance of aged debt greater than 30 days stood at \$108,689.31 of which \$82,023.83 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 22 of the Financial Statements and show a balance of \$1,471,217.38. Of this amount \$222,519.55 and \$302,313.82 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$1,248,743 in 2008 compared to \$1,118,051 last year.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

**STATUTORY ENVIRONMENT**

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

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**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive and endorse the property debtors report and the sundry debtors report for the period ending 31 December 2008; as per attachment 10.3.2 and as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0



**10.2.31 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 JANUARY 2009**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 17-Feb-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 January 2009 to Council.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

None known.

**STAFF COMMENT**

The Sundry Debtors Report on page 20 of the Financial Statements shows a negative balance of \$88,204.08. This follows an overpayment from the Officer of State Revenue during the month. We have informed them of the over payment and an adjustment is being made in February 2009.

Property Debtors are shown in the Rates and Charges analysis on page 21 of the Financial Statements and show a balance of \$998,023.29. Of this amount \$222,519.55 and \$294,000.84 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$774,407 in 2009 compared to \$697,649 last year.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

None known.

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**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

None known.

**FINANCIAL IMPLICATIONS**

None known.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council receive and endorse the property debtors report and the sundry debtors report for the period ending 31 January 2009; as per attachment 10.3.3 and as submitted to the 17 February 2009 meeting of the Works and Corporate Services Committee.**

Carried 8/0

**11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

A special meeting of the WALGA Central Metropolitan Zone has been scheduled for the Thursday 26 February 2009. The purpose of the meeting is to discuss the Minister for Local Government's amalgamation proposal.

The Zone Agenda and report has been forwarded to all Councillors. As Council's delegates to the Central Metropolitan Zone, Cr's Walsh and Boland requested to have the matter considered by Council prior to attending the meeting as a matter of Urgent Business.

Moved Cr Walsh, seconded Mayor Morgan

Carried 8/0

Moved Cr Walsh, seconded Mayor Morgan

Discussion

After some discussion of the Report and associated issues, it was agreed that Council should support option 1 of the report in relation to the Minister's proposal with the addition that any strategy must be fast-tracked.

**COUNCIL RESOLUTION**

**That Council advise its WALGA delegates that it supports option 1 to fast-track, consolidate and pursue the SSS Local Government Reform Process.**

Carried 8/0

**13 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9.35pm.

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