

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 JULY 2007**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.02 pm.

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

Elected Members In Attendance

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

Officers in Attendance

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

Apologies

Nil

Leave of Absence (previously approved)

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Carmichael, seconded Cr Strzina

That Cr Carmichael's request for leave of absence from the August meeting be granted.

Carried 11/0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Woodhill

The Minutes of the Ordinary Meeting of Council held on Monday, 25 June, 2007 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor made reference to agenda item 10.1.7 about the use of vacant railway land for residential purposes and how it can be put to better use, rather than demolishing houses for the sake of increased residential densities.

8 PUBLIC STATEMENT TIME

Neil Madden / John Whitehand, c/- Oswald Homes, Suite 9, 59 Walters Drive, Osborne Park – Item 10.1.2 No. 3 Andrews Place – Two Storey Single Dwelling.

Neil Madden addressed the Council on behalf of his client John Whitehand regarding the wall being 272mm over the height limit as brought to their attention at the planning meeting. A request was made for a minor variation to the RD Codes on the basis that the performance criteria have been satisfied.

With all due respect to the rear neighbour, the objection to the wall being 272mm over height is questioned as the wall is 10 metres away from the rear boundary. The wall doesn't overlook or over-shadow the neighbour's property. A letter has been sent to the neighbour advising that the owners are willing to install landscape screening, but wish to point out that the wall is set back 10 metres, where a wall of a similar height could be built only 1.2 metres from the boundary. The set back was put to 10 metres in the first instance in an attempt to keep the neighbours happy. Since the first floor side set backs are 1.75 metres there are no issues of overshadowing and hence a request is made for some leniency on this issue.

Peter Eastwood, 10 Grant Street – Item 10.1.3 No. 8 (Lot 57) Grant Street – Second-Storey Addition, Decks, Balconies and Alterations to Existing Dwelling.

The Development Services Committee considered the applicant's request and the recommendations made are part of tonight's agenda. Mr Eastwood considers that the setbacks, in particular reference to item (j) (iii) are absolutely necessary to comply with the Council's guidelines, expressed

thanks to the Development Services Committee on this matter, and requested that Council accept the recommendation.

Mr Eastwood also expressed his view regarding de-facto three storey houses in general and their unsuitability on 500 square metre blocks of land. Buildings of this size don't add to the ambience of the Town.

Chris Carstens, 8 Grant Street – Item 10.1.3 No. 8 (Lot 57) Grant Street – Second-Storey Addition, Decks, Balconies and Alterations to Existing Dwelling.

Has been assisting with the development and has been involved from the start and wishes to clarify the following points.

On the eastern side of the proposal there are no major openings or windows and the set back of 1.6 metres is very generous. By electing not to screen the front balcony, the neighbours will maintain their views. They have reduced the length and height of the wall, which is possible to be approved, allowing the setbacks to remain without really affecting the neighbours position.

In relation to Cottesloe generally and other areas, they have developed a number of two storey dwellings and don't wish to build boundary-to-boundary as in other areas. The basement level will be for a garage and storage only. In relation to the memo attached to the agenda tonight, we accept the right of way requirement.

Max Clarke, 19 Rosendo Street – Item 11.2.1 Jarrad Street – Temporary Road Closure.

Having lived in Cottesloe all my life and as the Vice President for the Sea View Golf Course, a request is made to Council to vote in favour of items one, two and three. Would firstly like to comment that the Sea View Golf Course is as much an icon of Cottesloe as the pine trees. Also, the golf course is one of only two links courses in Western Australia. Secondly, we support the closure purely from the safety factor as traffic has significantly increased since the 1950s and 1960s. We do not support the compromise of a pathway to remain as directing people along the street is also a safety concern. The road was only bituminised during World War II to service Battery D and does not appear to have been part of the original town plan. On behalf of the members of Sea View Golf Course we support the recommendations.

Michael Beech, 5A Avonmore Terrace – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

Expressed concerns about the postal poll. Requested that Council not allow uncertain wording. Reference to three storeys along the beach front with concessions for certain developments may give rise to ambiguities. Request made to Council that the wording gives everyone a clear understanding of the position they are going to vote for.

Dan Marshall, 3, 17-19 Arundel Street, Fremantle – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

As a representative for the Cottesloe Board Riders, who have a 150 member base and have been around since the mid 1960s, wish to raise concerns

about the 12 metre poll. While not a resident, I have grown up in the area which has allowed me to surf around Cottesloe and the local areas.

If the wording on the poll is too long worded and too many options are provided, the majority of residents will not answer it. A simple yes or no response is therefore preferred.

Having surfed at Cottesloe for many years and comparing it to my experience in the Gold Coast where the buildings are dominant, not being overshadowed by large buildings is a beautiful thing. I give my support to a simple option being presented.

Adrian Wilson, 14A Forrest Street – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

The height limit was adopted in the mid 1980s to protect the area from high-rise buildings. Over the years, the height limit has been questioned many times, but the support for the limit has always been maintained. Keep Cott Low is not opposed to development of the foreshore, provided it is within the guidelines of the TPS. To give an example of what could happen if the 12 metre height limited is removed, look at what is happening to the Steve's Hotel development. The current consensus is low rise which has kept Cottesloe as Perth's most popular beach destination.

Keep Cott Low supports the first option, as the question will keep it to the same height limit. Any other type of option on the questions will only create confusion amongst residents. If the 12 metre height limit is removed all we are doing is allowing the developers to line their pockets. I also refer to the Minister's comments allowing exceptions, which will also create confusion and give support to the developers. The correct question to ask is Option A.

Jay Birnbrauer, 64 Napier Street – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

Representing only myself, I want to disagree with the previous comments. I'm pleased the issue is going to poll and think that everyone agrees the ballot needs to be as clear and simple as possible. From viewing the options, I believe the option that went to the Development Services Committee, Option B, is the clearest and simplest way to handle it. I put to Council that Option B is the best choice.

Sally Pyvis, 14A Forrest Street – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

Representing myself, friends and residents, the foreshore building heights debate has been covered in many formats over the years such as workshops, forums, meetings and now a poll. Each time, the same conclusion has been drawn, ie the residents favour a limited height restriction.

The coast is regarded as being one of our greatest assets and it has been demonstrated that the majority want development that does not throw shadows. Results from a recent deliberative survey also presented the concern about high rise developments on the coast.

In conclusion, the poll paper must present one option only. My motive is to support the development of the Cottesloe Foreshore, but not in excess of 12 metres.

Chris Wiggins, 50 John Street – Item 10.1.8 Draft TPS3 Height Limit for Central Beachfront – Postal Poll.

As acting President for SOS Inc, wish to comment on the dangers of so-called compromise in the letter to the Council. Allowing such exceptions based on the commercial or public use would surrender to the Minister's propositions, giving substantial benefits to the developers.

I don't see the developers as ever being satisfied and they will always attempt to seek a maximum of five storeys. If Council backs down on one storey, the pressure will be kept up, therefore, the Council will be surrendering one storey of negotiating power if they allow one storey to be added under exceptions. The developers are ruthless and operate for profits only. The more they can build, the more profit share and commission falls their way.

Cottesloe needs to retain its bargaining power and the benefits presented by developers are weak. The claim that existing buildings are tired is lacking, as in most cases just a coat of paint would fix them up. Cottesloe is valued for what it is. It holds a national and international reputation and the universal comment from people is "don't change what we have". By sticking to the current TPS3 guidelines, Council will maintain the bargaining power it currently has. It needs to be made clear that we are going to stick with what we've got and then the developers will start fixing up the properties they already have. There is no case for amending what is already in the TPS3.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

The agenda items were dealt with in the following order: 10.1.2, 10.1.3, 10.1.8, 10.1.1, 10.1.6 and then the balance in numerical order enbloc.

10 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 16 JULY 2007

10.1 PLANNING

10.1.1 NO. 2 (LOT 13) WILLIAM STREET – ELEVATED GAZEBO, REVISED BALUSTRADE TO TERRACE, RETROSPECTIVE APPROVAL FOR TWO BRICK SCREEN WALLS AND AMENDMENT TO FOUNTAIN SCREEN WALL

File No:	1103
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Submission from neighbour Submission from owner Plans Photos
Report Date:	4 July 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Dr Dorothy Erickson
Applicant:	Dr Dorothy Erickson
Date of Application:	7 February 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	769m²
M.R.S. Reservation:	N/A

SUMMARY

The proposal is to build a gazebo, revised balustrade to the terrace and for retrospective approval for two partially built brick screen walls, plus an amendment to the fountain screen wall.

There is a history of approvals for improvements to the rear of the property but unfortunately only slow progress and some non-compliance has occurred so far. The affected neighbours have become understandably concerned at this situation and the impacts of the proposal on their property. To overcome these difficulties officers have liaised with the applicant and neighbours to ensure that accurate detailed plans are submitted and appreciated in terms of understanding the interrelationship between the neighbouring properties. That aside, the application is essentially for ancillary additions to the dwelling in order to provide recreational space as well as improve two-way privacy. On this basis the proposal is assessed as if anew and against the usual development parameters.

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

PROPOSAL

An elevated gazebo is proposed to be built on a part of the existing terrace near the eastern side boundary toward the rear of the property. Revised balustrade is proposed on the northern and western edges of the deck. Two brick walls, one parallel with the eastern boundary and one on the northern edge of the terrace/gazebo, are built without approval. These walls are proposed to form part of the gazebo.

For the gazebo to be completed, a window above the eastern wall of the gazebo, a brushwood screen on the northern edge and a roof are to be constructed.

Retrospective approval is also sought for a minor change to the fountain wall.

A new brushwood fence proposed on the northern boundary is of standard height and is not part of this planning application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 – Boundary Setbacks	1.5m setback gazebo/fountain wall	0.8m gazebo setback, Nil to 2.7m setback fountain wall	Clause 3.3.1 – P1
No. 8 - Privacy	7.5m setback from the terrace/gazebo	2.5m cone of vision setback	Clause 3.8.1 - P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letter to Adjoining Property Owner

Submissions

There was one letter sent out and an objection was received, a summary of which is set out below (the full submission is an attachment):

Carolyn & John Murdoch of 4 William Street

- *A double brick wall was built on the eastern side of the development adjacent to our boundary. This has not been approved.*
- *The new brick wall which was erected without approval is located at 0.85m from the property line and I understand the minimum setback should be 1.5m.*
- *As no overshadowing diagram was drawn, they are concerned with shadow over part of their swimming pool, causing reduction in water temperature and loss of amenity.*
- *As no cone of vision diagram was drawn, they are concerned with overlooking into our living room and alfresco entertaining area.*

These concerns raised are addressed in the relevant assessment sections of this report.

The applicant's response to the points made in the submission is also an attachment, as additional information to be taken into account.

BACKGROUND

A well-established residence exists on the property. In January 2005, the owner applied for a ground floor garage and store and a first floor kitchen extension and terrace. This was advertised to the eastern neighbours.

This was given approval under delegated authority in April 2005. The approval also included a screen wall where the fountain is located as well as a new screen wall on a portion of the eastern boundary. This was not built.

In September 2005 a basement floor bedroom, bathroom, cellar and store and ground floor terrace deck, kitchen extension, screen wall and gazebo was applied for. This was advertised to the eastern neighbours and was given approval under delegated authority in October 2005.

In July 2006 a building licence was issued for this planning approval and the works are near completion.

Following this, a brick wall on the northern and eastern edge of the proposed gazebo has been partially built. This has not been approved in any form by the Town Of Cottesloe. A 1.8m high brushwood fence was approved on the eastern and northern edges of the gazebo. No roof over the gazebo has been built and the area is half constructed as a terrace without a balustrade.

STAFF COMMENT

Natural Ground Levels

The natural ground levels slope approximately 3.5 metres from the top at the south eastern corner (RL33.7m) downwards towards the north-western corner (RL30.2m), which is a significant fall. From William Street, the house appears as single-storey, however, when viewed from the right-of-way a basement level is found below the ground (William Street) level and presents as a two-level building.

It is apparent that 4 William Street adjacent has a notably higher centre of the site level whereby that property sits above this proposed addition.

Building Heights

The natural ground level at the centre of the site is determined to be RL32.5m. This was determined from the levels provided by the applicant and a site inspection indicated that these levels are satisfactory. This RL of 32.5m is 1.56m below the terrace floor level and 0.96m above the basement floor level.

The gazebo wall height is RL36.54m, which is 4.04m above the centre of the site level (5m above natural ground level at the boundary) and the roof height is RL37.64m, which is 5.24m above the centre of the site level (6.2m above natural ground level at the boundary).

These wall and roof heights easily comply with Clause 5.1.1 of Town Planning Scheme No. 2, which allows a 6m wall height and 8.5m roof ridge height for two-storey dwellings. The fountain screen wall height also complies with this.

It should be noted these wall heights are lower than the existing dwelling wall and roof heights and would be higher were the actual dwelling being extended out towards the rear boundary. In other words, these ancillary additions for open space / recreational and outdoor amenity purposes are subsidiary to the dwelling and hence

of lesser bearing to the site itself of surrounding properties. This is also a factor when considering the setback and privacy interrelationships, as assessed below.

Boundary Setbacks

The plans show that the proposal places the gazebo structure in line with the walls of the exiting lower-level room and this arrangement makes sense structurally, logically and visually. It is also apparent that the intended setback is consistent with the arrangement of the dwelling to this side boundary, in terms of the front portion of the dwelling to William Street, the terrace area extending to the boundary and the rear laundry building.

The following side boundary setback of the proposed additions doesn't comply with the Acceptable Development standards of the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Gazebo/ fountain screen wall	All	5.5m	9.5m parallel to the boundary	No	1.5m	Nil to 2.7m

The setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) of the RDC, which are:

3.3.1 – Buildings Set back from the Boundary

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

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

It was assessed that the gazebo wall and fountain screen wall could be considered one wall. This is because the wall arrangement does not meet Figure 2D of the Residential Design Codes, which allows these walls to be treated separately. The wall is proposed to be setback 0.8m from the boundary for the gazebo and between nil and 2.7m setback for the fountain screen wall, where a 1.5m setback is usually required.

The wall generally meets the Performance Criteria by providing adequate sun and ventilation to the building and adjoining properties. It is noted that the eastern neighbour has objected to a perceived loss of direct sun to their property. It is observed that the neighbouring property is at a significantly higher level than the subject property and that a high boundary wall which was built as part of that dwelling already blocks some western sun. Any possible loss of sun to the neighbour would occur close to sunset, which is assessed as acceptable. It should also be noted that the RDC assess overshadowing as at the winter solstice at noon where sun shines from the north, whereas the subject property is located to the west of the objecting

neighbour. The proposal does not affect ventilation for the subject property, neighbouring property or open spaces.

Due to the considerable height of the boundary wall it is also assessed that the visual impact of an additional gazebo structure is not undue and will actually assist mutual privacy, although it is acknowledged that the neighbours may feel that they would prefer to not look to the structure either from above or below. At the same time it must be recognised that completion of the development will overcome the current amenity concern of the partially-constructed works and that the finished product will present a properly finished building in keeping with the existing dwelling and surrounds.

From a site inspection it can be seen that the rise of William Street means that each dwelling is stepped up the street and therefore unavoidably tends to overlook the neighbouring property on its lower side. A not dissimilar interrelationship exists between numbers 4 and 6 William Street, for example.

Hence, as the dwellings in this locality all seek to share a view from their upper levels to the coast, the privacy environment is more communal and the comparative seclusion experienced by flat land development cannot be expected to be achieved. However, as the views commanded from elevated outdoor areas are aimed at looking beyond rather than down upon, the more exposed situation becomes generally mutually accepted as the norm between neighbours in this urban development context.

On this basis, while the gazebo will intrude somewhat into the panorama enjoyed from No. 4, it will tend to be looked over rather than at, whereby it is assessed that a greater setback of this lower structure would not appear to make that much difference. Also as mentioned, were the actual dwelling to be substantially extended, then even more of the general view shed would be occupied by built form. It is noted, too, that a boundary wall (ie nil setback) might otherwise be proposed, and of course would have to be assessed, in such a situation of an ancillary building to a main dwelling, but that is not been put-forward.

The alternative approach, were Council to consider the principle of the setback or the amenity or visual aspects to be important, would be to require that the gazebo structure be setback approximately another 0.7m to achieve a 1.5m setback from the legal property boundary. That design variation would reduce the floor-space of the gazebo and terrace for the applicant. Another way of addressing the sense of scale of the gazebo would be to limit its height, as originally proposed. In weighing-up these options, it is advised that a change in dimension of half a metre or more does make a discernable difference, and in this instance would primarily influence the visual impression of the development rather than make a tangible difference in terms of other amenity phenomena.

On balance, it is considered that given the basic compliance and performance satisfaction of the proposal, the setback situation relative to the characteristics of the site and the neighbouring property can be supported.

Privacy

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

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

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

Room	Required	Provided
Gazebo	7.5m setback	2.5m setback

The proposal asks for a variation to the gazebo's cone of vision setbacks. The proposal partially complies with the Performance Criteria of the RDC. The opening in the gazebo wall faces south and overlooking is possible to the south-east on an angle. Whilst there is a high fence on the boundary it does reduce in height in a section near the gazebo (see photo attached) and as a result it is possible to see into the neighbours' outdoor living area. The applicant is growing creepers along this section of wall and in this fence however this will take time to prevent overlooking. A condition is recommended to ensure that a proper privacy outcome is achieved.

The proposed brushwood screen panel between the two partially built brick walls will remove overlooking to the north and north east. It should be noted that a right of way, boundary fencing and a laundry outbuilding separates this property to the northern neighbour and these structures provide privacy from the northern neighbour.

Changes to balustrade

The proposed changes to the balustrade meet the Building Code of Australia for height. Brushwood was previously approved and this is now proposed to be wrought iron on the western edge and northern edge up to the line of the gazebo of the northern terrace. This is at a lower height than previously approved but there are no privacy concerns as a street separates this property from the western neighbour.

There is also a proposed change to the northern edge of the terrace adjacent to the kitchen. This brick screen wall is proposed to be lengthened and is compliant with all planning requirements.

Fountain Wall

The curved portion of the fountain wall was built at a greater curve to what was previously approved by approximately 250mm. The height of the wall meets the Town Planning Scheme No. 2 for wall height and is of no consequence.

CONCLUSION

It has been acknowledged that it was inappropriate to allow construction of two brick walls and the fountain wall not in accordance with the earlier approved plans. At the same time the proposal has evolved and proper plans have now been provided for assessment.

Putting the past issues aside, the proposal is essentially reasonable and is required to be considered in terms of the normal development parameters, in relation to the site and surrounds. Given that the proposal in itself is basically compliant or can be supported on performance, together with adequate conditions, approval is recommended.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried granting retrospective planning approval, however, the Manager Development Services advised that the legislation now provided for such and that in this instance it would resolve the situation.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of elevated gazebo, revised balustrade to terrace, retrospective approval for two brick screen walls and amendment to fountain screen wall at No. 2 (Lot 13) William Street, Cottesloe, in accordance with the revised plans submitted on 14 May 2007, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) At building licence stage, the applicant shall provide written advice from a certified structural engineer, certifying that the unauthorised development already constructed is structurally sound or advising how it must be
-

modified to be made structurally sound, to the satisfaction of the Principal Building Surveyor.

- (f) Revised southern elevation plans shall be submitted at building licence stage showing the gazebo modified to provide privacy to the adjoining property to the south-east, through screening to a height of 1.65m above the finished floor level, to the satisfaction of the Manager Development Services.
 - (g) The owner shall ensure that the development is completed in accordance with the approved plans and the conditions as specified in this approval, together with the requirements of the associated building licence.
- (2) Advise submitters of the decision.

AMENDMENT

Moved Cr Miller, seconded Cr Dawkins

That item 1 (g) is amended to read:

- (g) **The owner shall ensure that the development is completed in accordance with the approved plans and the conditions as specified in this approval, together with the requirements of the associated building licence. This shall include the installation of window glazing to the eastern side of the gazebo, from the top of the screen wall to the underneath of the roof, as indicated on the plans and to the satisfaction of the Manager Development Services.**

Carried 11/0

10.1.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development of elevated gazebo, revised balustrade to terrace, retrospective approval for two brick screen walls and amendment to fountain screen wall at No. 2 (Lot 13) William Street, Cottesloe, in accordance with the revised plans submitted on 14 May 2007, subject to the following conditions:**
 - (a) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.**

- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) At building licence stage, the applicant shall provide written advice from a certified structural engineer, certifying that the unauthorised development already constructed is structurally sound or advising how it must be modified to be made structurally sound, to the satisfaction of the Principal Building Surveyor.
 - (f) Revised southern elevation plans shall be submitted at building licence stage showing the gazebo modified to provide privacy to the adjoining property to the south-east, through screening to a height of 1.65m above the finished floor level, to the satisfaction of the Manager Development Services.
 - (g) The owner shall ensure that the development is completed in accordance with the approved plans and the conditions as specified in this approval, together with the requirements of the associated building licence. This shall include the installation of window glazing to the eastern side of the gazebo, from the top of the screen wall to the underneath of the roof, as indicated on the plans and to the satisfaction of the Manager Development Services.
- (2) Advise submitters of the decision.

Carried 11/0

10.1.2 NO. 3 ANDREWS PLACE – TWO STOREY SINGLE DWELLING

File No:	1166
Author:	Mrs Lisa Engelbrecht
Author Disclosure of Interest:	Nil
Attachments:	Location plan Submissions (3) Plans
Report Date:	4 July 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr John Whitehand
Applicant:	Oswald Homes
Date of Application:	10 May 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	711m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two storey residence on the subject site.

The proposal has been revised to respond to officer and neighbour input, and is an essentially compliant conventional two-storey design for a typical inland street in Cottesloe. This, together with conditions for some more refinement, makes the proposal one which can be supported.

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

PROPOSAL

A two storey residence with garage is proposed on the subject site. The residence contains a mixture of living rooms and bed rooms on both the ground and first floors.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No. 005

HERITAGE LISTING

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

- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No. 2 - Text

Clause	Required	Provided
5.1.1 Building Height	6.0m maximum wall height	6.272m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 6 Site Works	0.5m maximum fill	0.8m fill and retaining on western boundary at rear of site	P1
No. 8 Privacy	4.5m setback to GF master suite windows facing south	2.8m (closer from raised sand pad)	P1
No. 8 Privacy	4.5m setback to FF bedroom 2 window facing east	3.7m	P1
No. 8 Privacy	7.5m setback to GF alfresco facing south	6.0-6.7m (closer from raised sand pad)	P1
No. 8 Privacy	7.5m setback to GF alfresco facing east	4.2m (closer from raised sand pad)	P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

Dr M Terri – No.1 Andrews Place

- *Concern that the building height and roof pitch are too high;*
- *Objection to the ground floor ensuite wall setback;*
- *Objection to the boundary wall which will disrupt fencing/garden and block sunlight to patio/rear garden;*
- *Concern regarding overlooking from first floor bedroom 3 and powder room windows;*
- *Request for balcony timber screen to be solid to protect privacy;*
- *Concern regarding retaining wall height at rear of site.*

Ms F Colbeck – 58 Grant Street

- *Concern regarding building height.*

The above comments were made in relation to plans submitted on 10 May 2007. After liaison with officers and consideration of the points raised in the submissions, the applicant has submitted revised plans on 27 June 2007 which address the following issues in relation to neighbour concerns:

- Roof ridge height reduced to comply from 9.2m to 8.5m;
- Wall height reduced from 6.4m to 6.272m (still non-compliant);
- Setback to ground floor master suite and ensuite wall increased to comply from 1.3-1.7m to 2.4-2.8m;
- Rear retaining wall reduced in height from 1.1m to 0.8m (still non-compliant).

Additional officer comments regarding the neighbour concerns are as follows:

- First floor bedroom 3 and powder room windows – these comply with the visual privacy cone setbacks so they are acceptable.
- Balcony timber screen – the RD Codes allow up to 20% permeability for air circulation as an acceptable standard.

A further submission on the revised plans was received from Ms F Colbeck of 58 Grant Street, querying the existing retaining on site and requesting the site be excavated. Concern is raised regarding the additional height of a two storey structure on top of the retaining, where the previous residence was only single storey, and the impact of this on privacy.

BACKGROUND

On 29 May 2007, Council approved the demolition of the existing residence at No. 3 Andrews Place. The former residence was single-storey in height and incorporated fill and retaining of between 0.6m and 1.1m in height at the rear and on the western side of the site, which this proposal incorporates.

An application for a replacement two-storey single dwelling was submitted on 10 May and assessed as having a number of variations from the required development standards.

Following receipt of neighbour objections, the applicant was advised of concerns relating to the impact on non-compliances. On 27 June 2007, the applicant lodged revised plans incorporating the following changes to the design:

- Roof height lowered to comply (was 9.2m, now 8.5m);
- First floor ceiling height reduced to lower wall height (was 6.4m, now 6.272m);
- The entire home relocated 1.1m to the east (western setbacks now comply, new visual privacy variation on east);
- Retaining wall at rear on western boundary lowered (was 1.1m, now 0.8m);
- Privacy screens on first floor front balcony to comply with R Codes.

STAFF COMMENTWall Height

Town Planning Scheme No. 2 provides as a basic standard that buildings in the Residential zone shall be no more than two storeys and comply with a 6.0m wall height and 8.5m roof ridge height. Building height is calculated from the natural ground level at the centre of the site as determined by Council.

A natural ground level of RL10.51 has been used to calculate building height. Due to the existing retaining on the subject site and the neighbouring sites, plus the central location of the former dwelling, the natural ground level has been calculated by averaging the four corners of the site.

Revisions to the original proposal have seen the roof ridge height lowered by 0.7m to now comply with the Scheme requirement. The modification has improved the bulk and scale of the development. The wall height has been marginally lowered, however, is still non-compliant at 6.272m.

TPS2 includes the following discretion for consideration of building height variations:

- Topography – where natural ground levels indicate a variation is warranted, provided that the amenity of neighbouring areas is not unreasonably diminished.
- Calculation of natural ground level – as may be determined by Council.

In considering a variation due to topography, the existing retained ground level of the site should be taken into account. The finished floor level of the proposed home is actually slightly lower than the former dwelling (RL11.00m new, RL11.06m existing).

Lowering the finished floor level of the proposed home would involve cutting into the ground levels across the majority of the site. Element 6 of the Codes states the following in relation to site works:

- i. *Retaining walls that are provided as part of a subdivisional development, or part of a previous dwelling, to establish base levels for lots, are excluded from these requirements. For the purposes of the Codes, such walls are regarded as natural features.*

While the proposed floor-to-ceiling heights for both levels remain higher than the bare minimum of 2.4m (and the applicant has not mentioned any rationale for this), they are not unreasonably excessive at 2.6m and 2.9m in accordance with today's designs and lifestyle aspirations for internal space.

Overall, the proposal is a typical conventional two-storey dwelling which in meeting the roof height standard and essentially meeting the wall height standard is considered to be in keeping with similar developments approved in Cottesloe having regard to the site and surrounds.

Privacy

The following privacy (cone of vision) setbacks to the west side of the proposed additions seek variation from the Acceptable Development standards of the Codes:

Room	Required	Provided
GF alfresco facing south (rear)	7.5m setback	6.0-6.7m (closer from raised sand pad)
GF alfresco facing east	7.5m setback	4.2m (closer from raised sand pad)
Master suite to south (rear)	4.5m setback	2.8m (closer from raised sand pad)
FF bedroom 2 window to east	4.5m setback	3.7m

As the proposed privacy setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.8.1 of the RDC states the following:

"P1 Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

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

The existing site plan indicates a retaining wall across the rear of the site setback at approximately 7.0m from the rear boundary. The rear portion of the site is at a lower level and the ground level rises in the location of the proposed alfresco.

While the alfresco does not comply with the visual privacy requirements of the Codes, it does not materially increase the existing overlooking situation caused by the retaining on the subject site. Furthermore, the site to the rear (No.58 Grant Street) has a studio building located so that any view from the alfresco into that site will be screened.

The 45 degree angle applied to the visual cone impacts on the adjoining residence to the east (No. 5 Andrews Place). However, an existing garage and patio located on the boundary of No. 5 adequately screen any overlooking. The owner of No.5 Andrews Place has not objected to the proposal.

The master suite is proposed to be located closer to the rear boundary than the existing retaining wall and contains two full height French doors in the rear elevation. It is considered that the doors will overlook the rear garden area of No. 58 Grant Street and neither the studio building at No.58 Grant Street, nor the dividing fence, will provide effective screening. The owners of No.58 Grant Street have not lodged an objection in relation to overlooking.

The master suite contains a full length window facing east and a highlight window facing west that will provide adequate natural light and ventilation to that room.

A further visual privacy variation has been produced by the revisions to the plans (moving the entire home east by 1.1m). The first floor bedroom 2 window is required to be setback 4.5m from the eastern side boundary and is proposed with a setback of 3.7m. The variation affects a driveway and garage structure at No.5 Andrews Place, which are not habitable rooms or spaces.

Bedroom 2 has a second full-size window facing south that complies with the visual privacy provisions of the Codes and can provide natural light and ventilation to that room. The owner of No.5 Andrews Place has not objected to the original proposal.

Fill

As the proposed site works do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required.

Performance Criteria Clause 3.6.1 and 3.6.2 of the RDC state the following:

- "P1 Development that retains the visual impression of the natural level of a site, as seen from the street, other public place or from an adjoining property.*
- P2 Retaining walls designed or set back to minimize the impact on adjoining property."*

Clause 5.1.4 of the Scheme relates to retaining, stating:

"The height of boundary retaining walls or retaining walls which in Council's opinion are near a common boundary with an adjoining lot, shall not exceed 1.8m above natural ground level as determined by Council."

The western boundary of the subject site is currently retained for 29.8m of the 36.13m of the boundary, up to a height of approximately 1.0m. The proposal includes retaining of the site at the rear, along the western boundary, where the existing retaining wall is absent.

The variation relates to the proposed retaining wall at the rear of the site, on the western boundary only – the existing retaining walls and fill / levels are considered as natural features under the Site Works Element of the RD Codes.

The original proposal had the retaining wall at 1.1m above the existing ground level, which has been reduced in the revisions to 0.8m to match the existing wall. The R Codes require consideration under the Performance Criteria for changes to ground levels over 0.5m.

The adjoining owner of No.1 Andrews Place has objected to any disruption of the existing fence and nearby landscaping, which is likely to occur with the construction of a new retaining wall, however, the RD Codes allow retaining to a maximum of 0.5m above ground level as Acceptable Development within 1.0m of a boundary. Also, it is quite common for residential development to occasion the need to adjust or improve boundary levels/retaining and fencing between adjoining properties, which firstly is governed by the fill standards as described and secondly is managed by the neighbour liaison process under the dividing fences regulations in the normal manner.

CONCLUSION

The proposed residence is recommended for approval, subject to conditions. There are some relatively minor variations to the Scheme and Codes proposed and it is considered that in the majority of instances the Performance Criteria are satisfied.

The building height has been lowered substantially in the revisions, which addresses neighbour concerns and benefits the streetscape presentation. A minor wall height variation is proposed, however, given the existing retaining and fill on the site, the 0.272m variation is considered reasonable.

The visual privacy variations from the ground floor alfresco and first floor bedroom 2 window are considered to satisfy Performance Criteria, but modification is recommended to the master suite to prevent overlooking.

A retaining wall limited to a height of 0.5m above ground level is considered reasonable for the rear portion of the western boundary taking into account the existing ground levels situation and the interrelationships with adjoining properties. This is considered adequate to allow site levels to rise by a reasonable amount without having an undue impact on the neighbours.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee considered that the overall wall height should be reduced to 6m to comply with TPS No. 2, as the site already has nearly 1m of fill on it and reduced wall heights will reduce the impact on the adjoining neighbours.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Two-Storey Single Dwelling at No. 3 (Lot 9) Andrews Place, Cottesloe, in accordance with the revised plans submitted on 27 June 2007, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.
 - (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (g) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (h) Revised plans being submitted at building licence stage, for approval by the Manager Development Services, showing:
 - (i) the ground floor rear (south-facing) doors to the master suite being modified to comply with the definition in the Residential Design Codes of a minor opening, by;

- (a) having opening sill heights of not less than 1650mm above the finished floor level, or
 - (b) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the finished floor level; or
 - (c) being deleted.
- (ii) the retaining wall and fill at the rear of the western boundary being reduced to a maximum level of 0.5m above the existing ground level, and full details of this redesign being provided.
- (2) Advise the submitters of this decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Two-Storey Single Dwelling at No. 3 (Lot 9) Andrews Place, Cottesloe, in accordance with the revised plans submitted on 27 June 2007, subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.
 - (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (g) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

-
- (h) Revised plans being submitted at building licence stage, for approval by the Manager Development Services, showing:
- (i) the ground floor rear (south-facing) doors to the master suite being modified to comply with the definition in the Residential Design Codes of a minor opening, by;
 - (a) having opening sill heights of not less than 1650mm above the finished floor level, or
 - (b) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the finished floor level; or
 - (c) being deleted.
 - (ii) the retaining wall and fill at the rear of the western boundary being reduced to a maximum level of 0.5m above the existing ground level, and full details of this redesign being provided.
 - (iii) the overall wall heights being reduced to a maximum of 6m to comply with Town Planning Scheme No. 2.
- (2) Advise the submitters of this decision.

AMENDMENT

Moved Cr Miller, seconded Cr Strzina

That item (h) (iii) in the recommendation be deleted.

Lost 4/7

10.1.2 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development for the Two-Storey Single Dwelling at No. 3 (Lot 9) Andrews Place, Cottesloe, in accordance with the revised plans submitted on 27 June 2007, subject to the following conditions:**
- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service**

plant, fitting, fixture, or otherwise, except with the written consent of Council.

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.
 - (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (g) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (h) Revised plans being submitted at building licence stage, for approval by the Manager Development Services, showing:
 - (i) the ground floor rear (south-facing) doors to the master suite being modified to comply with the definition in the Residential Design Codes of a minor opening, by;
 - (a) having opening sill heights of not less than 1650mm above the finished floor level, or
 - (b) being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the finished floor level; or
 - (c) being deleted.
 - (ii) the retaining wall and fill at the rear of the western boundary being reduced to a maximum level of 0.5m above the existing ground level, and full details of this redesign being provided.
 - (iii) the overall wall heights being reduced to a maximum of 6m to comply with Town Planning Scheme No. 2.
- (2) Advise the submitters of this decision.

Carried 9/2

10.1.3 NO. 8 (LOT 57) GRANT STREET – SECOND-STOREY ADDITION, DECKS, BALCONIES AND ALTERATIONS TO EXISTING DWELLING

File No:	1184
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant Correspondence from architect Submission Plans Photos
Report Date:	5 July 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Amanda Battley
Applicant:	New Homes by Fusion
Date of Application:	31 May, 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	447m²
M.R.S. Reservation:	N/A

SUMMARY

A second storey addition, services deck, new deck/balconies, second garage and alterations are proposed to an existing residence.

The contemporary design features a curved roof which is under the maximum roof height but invokes variation of the associated wall height standard, which can be supported having regard to topography/NGL and as an extension to an existing building.

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

PROPOSAL

On the basement floor, the floor plans are being largely modified. Internal walls are being demolished and existing bedrooms are having their windows bricked up. These rooms are being converted into a wine cellar a store and workshop. The existing living room is being converted to a third car bay which is part of a new three car garage off the R.O.W. The laundry, bathroom and WC will remain.

On the ground floor which is level with Grant Street there are some minor alterations. The existing guest bedroom is being enlarged and a new WIR will occupy some of the existing front double garage which will now become a single garage. Several internal walls will be removed to make way for a new open plan meals, kitchen, family

and wine room area. The existing deck is being extended at the rear of the property and will extend over part of the new rear garage.

On the new first floor a front and rear balcony is proposed. Internally a studio, master suite, ensuite and WIR are proposed. A services deck can be found adjacent to the refrigeration duct at a higher floor level than the remainder of this storey.

Staircases link all levels.

URBAN DESIGN CONTEXT

The site is at the northern end of Cottesloe in an area characterised by generally smaller lots and an eclectic mix of dwellings, including some unique architectural expressions of modernist aesthetic featuring curved, angular and flat roof forms. The dwelling is opposite Grant-Marine Park so does not present as a typical streetscape and its interrelationship is confined to adjacent dwellings.

Several new dwellings and major renovations are underway in the locality, with ageing housing stock being replaced or transformed. The opportunity afforded by the older, basic dwellings to be modified into contemporary homes of today's lifestyle standards and to take advantage of views can be appreciated, as with this proposal. How this design approach is assessed against the relevant planning parameters is set out below.

In terms of the sense of scale and the pattern of development the view towards the proposal from the street approaches and the park reveal the following:

- The existing dwelling sits lowest in this row at the western end of the street and appears as a sunken site and more of a single storey scale than the adjacent two-storey dwellings.
- There is a variety of roof forms in this stretch of dwellings (as in the street and locality), with the existing pitched roof producing "gaps" in the roof-scape rather than occupying the skyline.
- The dwellings to the west combine to create the main massing of built form as a bookend to the street, whereas the existing dwelling looks smaller in-between that and the squarer mass of dwelling on its east.

With this urban design appreciation it can be seen that the proposal would fit in from a streetscape point of view at a similar height and with a continuity of roof-scape as dwellings step along then up the street.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No. 005

HERITAGE LISTING

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

- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 Building Height	Maximum 6m wall height Maximum 8.5m roof height	Curved roof design maximum height 8.406m. Roof curves from a wall height of 6.3m.

Council Resolutions

Resolution	Required	Provided
TP 128a October 2002	Generally insist on 6m setback on residential development in the district	Minimum setback of 5.5m from the front boundary

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 – Boundary Setbacks	1m setback basement garage	Nil setback	3.3.2 – P2
No. 3 – Boundary Setbacks	6m setback west ground floor wall	1-2.4m setback	3.3.1 - P1
No. 3 – Boundary Setbacks	8m setback west first floor wall	1.6-4.2m setback	3.3.1 – P1
No. 3 – Boundary Setbacks	6.4m setback east first floor wall	1.6-3.7m setback	3.3.1 – P1
No. 8 - Privacy	Ground floor guest bedroom 4.5m	1m setback	3.8.1 –P1
No. 8 - Privacy	Ground floor roof deck 7.5m	1.5m setback west & 6m north	3.8.1 – P1
No. 8 - Privacy	First floor rear balcony 7.5m	4.2m setback west & 3.8m east	3.8.1 – P1
No. 8 - Privacy	First floor studio 6m	1.6m setback	3.8.1 – P1
No. 8 - Privacy	First floor balcony 7.5m	3m setback west & 2.8m east	3.8.1 – P1
No. 8 - Privacy	Services deck 7.5m	1.6m setback	3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. There were 3 submissions received, of which were 3 were objections, all representing the same persons. Details of the submissions received are set out below:

Ray & Peter Eastwood of 10 Grant Street, Cottesloe

- Requests the upper floor being setback 3.06m
- Does not believe the "granny flat" in the basement floor will be used as a garage
- Questions the need for a rear garage due to the R.O.W being congested and because the front garage is being retained

Ray & Peter Eastwood of 10 Grant Street, Cottesloe, 2nd submission

- Requests the upper floor being setback 3.06m
- Does not believe this setback assist to ameliorate bulk on adjoining properties
- Does not believe this setback assists in protecting privacy between adjoining properties

Jane Deykin Architect on behalf of Ray & Peter Eastwood

- Concerned regarding the front setback of the balcony being reduced
- Believes the levels and brick coursing don't correspond
- Requests clarification of roofing and levels where not provided

BACKGROUND

The existing contemporary two storey residence was approved in 1994. This is built and no approvals have been issued since.

STAFF COMMENT**Natural Ground Levels**

The land slopes from the south-east corner downwards to the north-west with a fall of approximately 2.1 metres, being a material influence on the design and interrelationship with the surrounds.

For the purpose of the proposal, the natural ground level on the site was determined based on the survey provided in 1994 for the existing dwelling and compared with the survey provided for this application. The previous survey indicates that the undercroft (basement) floor was at an RL of 98m where the centre of the site appears to be at RL98.40m.

The current application survey does not provide levels through the centre of the site due to the dwelling being in the way, so a four-corners averaging technique has been used and produces an RL of 9.84m, where the existing (and proposed) undercroft floor level is at RL8.628m.

As there can be a question of consistency between surveys taken over time, and as the site has undergone modification for the development of the existing dwelling, the centre of the site NGL was been determined as the midpoint between these two centre of the site levels. In this respect it is noted that the RD Codes accept pre-modified sites resulting from prior approved subdivision or development as constituting existing natural ground levels (ie established for some time by legitimate alterations) and Council has generally accepted this approach.

The previous survey indicated that the undercroft was 400mm below the centre of the site level, whilst the current survey suggests this is 1212mm. Therefore, the midpoint of these two readings presents the proposed undercroft as being 806mm below the centre of the site level. When transferred to the current application the centre of the site level is determined to be RL9.434m.

Building Height

The existing residence is considered two storey as it has two storeys of habitable rooms, as originally approved. The proposed residence is still considered a two storey residence despite the new upper storey being added, because the existing basement floor can no longer be called a storey due to the rooms proposed for it as defined in Clause 5.1.1 of the Town Planning Scheme. The Clause says:

5.1.1 Building Height**(a) General Policy**

Council's general policy for development within the district favours low rise development of no more than 2 storeys to maintain privacy, views and general amenity notwithstanding that Council may consider the circumstances and merits of each case in terms of the amenity and development control provisions of this Scheme. In exercising height control policies Council will not regard as a storey undercroft space used for a lift shaft, stairway, meter room, bathroom, shower room, laundry, water closet,

other sanitary compartments, cellar, corridor, hallway, lobby, the parking of vehicles or any storeroom without windows or any workshop appurtenant to a car parking area where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council.

The rooms proposed in the reconfigured basement floor include a three car garage, workshop, store, bath, laundry, wine cellar, and a WC. These rooms meet the above Clause. It should also be noted that the workshop, store and wine cellar do not have windows so it can be assumed these rooms are no longer to be used as a bar or bedrooms, and a condition can ensure this.

Beyond qualifying in terms of the definition and use of the basement level, importantly the proposal meets the key criterion of not being higher than one metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage (ie the front boundary). In other words, were a whole new dwelling proposed on this site, then the creation of a basement level as proposed in compliance with the scheme requirements would be supportable. Examples of this consideration include 1/3 Princes Street which also retained the existing basement level, and 166 Marine Parade where a new basement plus two-storey dwelling was approved.

In terms of the measures for building height, clause 5.1.1 of TPS2 guides height control and the core provisions applicable to this proposal are as follows:

- (b) *Specific Policy*
- (ii) *Residential Zone*

The maximum building height shall be two storeys except that Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph (c) of this clause and also provided that in Council's opinion the dwelling will retain the appearance of a two storey dwelling and will not adversely affect local amenity.

(c) Measurement of Building Height

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

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

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

In summary, the options for the building design and height assessment in this instance are:

- The maximum wall and roof heights stipulated for two-storey development apply, but variation may be permitted on the basis of extension to the existing dwelling and in relation to the determination of natural ground level.
- The Scheme does not elaborate on any detail of or criteria for these discretions, such as the roof shapes, so there may be a variety of design

- approaches (however, the RD Codes and draft TPS3 provide some useful guidance).
- The Scheme does not explain in what way discretion may be allowed for extensions, so this is also open to various design solutions.
 - The Scheme also allows discretion in height by reason of topography, which is considered applicable in this case.

Over the years Council has approved several curved roofs, including 184 and 186 Little Marine Parade, which are located near this proposal. At the same time, emerging contemporary architecture around Cottesloe includes a number of other curved roofs. With respect to the range of roof designs put forward, the differentiation or transition between the walls and the roof of a dwelling has required some judgement in relation to form, function, appearance and amenity.

Regarding the proposal, the upper level is considered to be the second storey and not a level within a roof space and it is important to make this distinction.

Also regarding the proposal, the wall heights do not automatically conform to the basic 6m standard as if for a conventional pitched roof dwelling, as they are designed with a curved roof. The eastern elevation wall starts to curve at a height of 6.3m above natural ground level at the centre of the site. The effective maximum wall heights for the remaining three elevations are therefore 8.406m or RL17.84m from natural ground level at the centre of the site at the highest point. It is noted that this height is compliant with TPS2 in terms of the maximum roof height and is the result of the curved roof / continuous wall plane design approach which is quite common. If the technique of the RD Codes and draft TPS3 of the median wall height to such a roof is used, it can be seen that measure of the effective wall height would be 7.353m, which is comparable to a parapet wall/flat roof dwelling and still less than the overall roof height maximum.

The height variation could be supported based on the Scheme allowing variations in the case of extensions to existing buildings. The building envelope presents as only slightly larger relative to a conventional dwelling with a 6m wall and 8.5 metre roof pitch from the centre of the site.

In assessing streetscape, as the plans show the house has a similar profile or built envelope to the neighbour at 6 Grant Street in terms of building bulk, setbacks and height. The proposal also presents to the street at a similar height to both of its side neighbours.

It should be noted that the lowest height of wall from natural ground level at the centre of the site is from the eastern neighbour who objected to the proposal. Essentially it is bulkier to the western neighbour who did not object.

If Council considers reducing the height, it could be possible to decrease the maximum height of the roof at the western edge. It is assessed that the floor-to-ceiling height of the new first floor ranges from approximately 2m at the eastern edge of the roof above the WIR to 3.6metres at the western edge of the dwelling. The minimum standard floor-to-ceiling height is 2.4m for a habitable space, so it is preferable that height is not reduced on the eastern edge of the roof.

Front Setback

The application is a variation to the 6m setback for residential development as per a Council Resolution adopted in 2002. This setback is generally insisted on unless special circumstances allow for a variation.

The Residential Design Codes allow for a 6 metre setback with averaging for a property in an R20 coded area, as well as for some minor incursions.

In this proposal a front balcony is to protrude to a distance of 5.5m from the front boundary. It is assessed that the balcony in conjunction with an existing garage which is setback 3m from the front boundary do not provide an average of 6m which the RDC asks for.

As a result it is recommended the front setback of the balcony be a minimum of 6m from the front boundary.

Boundary Setbacks

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

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Basement west wall	Garage	3m	8m	No	1m	Nil
West ground floor	All (including deck)	5.5m	30m	Yes	6m	1-2.4m
West first floor	All (except garage)	9.5m maximum	22m	Yes	8.0m	1.6-4.2m
East first floor	All	7m maximum	22.5m	Yes	6.4m	1.6-3.7m

3.3.1 – Buildings Set back from the Boundary

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

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

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

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*

- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The RDC do also allow as per Clause 3.3.2 A2ii *“In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary;”* However, in this instance the new basement garage wall is in addition to the existing ground level garage wall on the western boundary, which together adds up to more than 9m in length and is also higher than 2.7m.

However, the west basement level garage boundary wall does make an effective use of space, enhances privacy, and does not restrict sun or the amenity on adjoining properties. In this circumstance the setback proposed is recommended for approval.

The west ground floor wall has a boundary setback of 1 to 2.4m where 6 metres is required. It has a wall height at its highest point of 5.5m above ground level and averages 4.5m at the boundary. This wall is penalized by the RDC as it requires walls to be measured to its highest point and the new wall has to be considered an extension of the existing wall even though the addition of the wall is a rear deck only.

The wall continues to provide adequate direct sun and ventilation to the building and neighbouring properties. Whilst it does not ameliorate bulk nor assist with privacy the western neighbour has no objection to this proposal. On balance, it is considered that the proposed western ground side boundary setback variation satisfies the above Performance Criteria of the RDC.

This proposal is to have a 1.6 to 4.2m setback to the side boundary for the upper west wall. This is usually required to be setback 8m from the boundary. This wall is penalized by the RDC as it requires walls to be measured to its highest point and much of this wall is a height of 8m and (not 9.5m as at the point from which this wall's height is assessed) above natural ground level at the side boundary which would require a lesser setback.

The setback meets the Performance Criteria of the RDC as it makes an effective use of space. It can be argued the wall does not have an adverse effect on the amenity of the adjoining property. This is partly due to the reduced setback and of the newly constructed residence of the western neighbour. Therefore it can be expected any amenity impacts will be shared by the two properties. The western neighbour does not have significant openings facing this wall. The proposal also ensures that direct sun and ventilation to outdoor living areas of adjoining properties is adequate. The proposal does not meet the privacy or amelioration of bulk criterion but there has been no objection from the western neighbour. On balance, it is considered that the proposed western upper floor side boundary setback variation satisfies the above Performance Criteria of the RDC.

The eastern upper wall asks for a 1.6 to 3.7m setback where a 6.4m setback is usually required. This wall is penalized by the RDC as it requires walls to be measured to its highest point and much of this wall is a height of 5.5m and (not 7m as at the point from which this wall's height is assessed) above natural ground level at the side boundary which would require a lesser setback.

The setback partially meets the Performance Criteria of the RDC as it makes an effective use of space. However, the proposed wall has a small adverse effect on the amenity of the adjoining property. The proposal slightly reduces western sun to major openings to habitable rooms of the eastern adjoining property but does not restrict sun into the outdoor living areas. It is assessed the privacy performance criterion is not met due to overlooking from the balconies. It is also argued that the proposal does not “Assist in ameliorating the impacts of building bulk on adjoining properties”

It should be noted that if the two balconies are to be screened the wall is no longer considered having major openings and the required setback under the RDC’s Acceptable Standards shall be 2.8 metres. However, screening the eastern elevation of the front balcony would reduce ocean views of the eastern neighbour. It is recommended that the rear balcony be screened on the eastern elevation. As this wall does not meet the Acceptable Development provisions for setback, and to meet the Performance Criterion for bulk, it is also recommended that the WIR off the master suite be setback an additional 520mm (to a 2.2 metre side setback) to stagger the wall elevation to the side boundary which will reduce the perception of bulk.

Privacy

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

Room	Required	Provided
Ground floor guest bedroom	4.5m	1m
Ground floor deck facing west	7.5m	1.5m
Ground floor deck facing north	7.5m	6m (2.3m to R.O.W)
First floor rear balcony facing west	7.5m	4.2m
First floor rear balcony facing east	7.5m	3.8m
First floor studio window	6m	1.6m
First floor front balcony facing west	7.5m	3.0m
First floor front balcony facing east	7.5m	2.8m
Services deck	7.5m	1.6m

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

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

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

The proposal asks for a cone of vision variation to the guest bedroom. It is considered that the proposed cone of vision setback variation satisfies the above Performance Criteria of the RDC. The neighboring property has no windows in that area of wall that can be overlooked. The vision to the neighbour's property is also restricted because of a high boundary wall.

The ground floor garage roof deck facing west does not comply with the Performance Criteria of the RDC as overlooking to the neighbouring property's backyard is possible. However, as the western neighbour did not object to the overlooking, the deck is recommended to remain unscreened. To the north, the deck would look onto a standard boundary fence separating 1 Margaret Street and a R.O.W. A planning application for a new residence at 1 Margaret Street has been received and it could result in the deck not overlooking any habitable spaces. However, it is recommended that a screen on the northern edge of the deck be of a height to 1.65m above finished floor level. At present the balustrade is 1m above floor level.

The first floor rear balcony facing west does not comply with the Performance Criteria of the RDC as overlooking to the neighbouring property's backyard is possible. However, as the western neighbour did not object to the overlooking, the deck is recommended to remain unscreened in the western elevation. The balcony does not provide effective screening to the neighbouring property's backyard. An objection was received regarding the setback of this floor from the eastern neighbour on amenity grounds and it is assessed that a screen to 1.65m above finished floor level is required.

The first floor front balcony facing west complies with the Performance Criteria of the RDC as overlooking is generally restricted to the neighbouring property's front yard and over a garage. The balcony facing east does not meet the Performance Criteria of the RDC as it does not provide effective screening to the neighbouring property's semi-private front yard. An objection was received regarding the setback of this floor from the eastern neighbour on amenity grounds. Nevertheless the neighbour has a front balcony and recommending screening would greatly reduce ocean views to the west. It is recommended the front balcony be unscreened.

The first floor studio window complies with the Performance Criteria as it does not overlook any major openings. It should be re-noted the western neighbour did not object to any aspect of this proposal.

Services Deck

A services deck is proposed to be approximately 2.1m above the upper floor finished level. The deck lies above a void which allows a view from the first floor passageway to the ground floor meals room. This service deck measures 3.7 by 3.8 metres and is 14sqm in area. The deck is proposed to be accessed by a staircase adjacent to a refrigeration duct

The services deck is not considered a third storey as there is only one storey (ground floor) and one level (the storage/basement level) below this deck.

The services deck is considered a privacy variation because it is unclear whether the space can be classified as non-habitable. The proposed balustrade being 1 metre above finished floor level does present an overlooking opportunity. However, the deck does not overlook any major openings on the neighbouring property. It faces a largely blank wall with minor openings and it is unlikely any ocean view is possible over the roof of the western neighbour.

Nevertheless, it is recommended the services deck have screening to a height of 1.65m above finished floor level on the western boundary. This screen will be at an RL of 17.82 is just below the maximum height of the proposed residence of RL 17.843.

Open Space

The proposed additions comply with open space. The property requires 50% open space and 55% is provided. It should be noted that the new garage roof deck at the rear of the property is considered to be open space as it meets the RDC definition of open space as shown below.

Open space
"open areas of accessible and useable flat roofs and outdoor living areas above natural ground level."

CONCLUSION

The proposal is compliant with the main height parameters but the design varies wall height per se, however, the dwelling is in scale and harmony with the streetscape. It is assessed that the proposal can be supported given that the performance criteria are essentially satisfied and as conditions can ensure that privacy and general amenity are achieved.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the setback relationships, basement level and floor-to-ceiling heights and generally considered that the streetscape would be acceptable, but concluded that condition (j) (iii) should be amended to read that the second storey setback from the eastern boundary is increased to 3m.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for Proposed Second Storey additions, decks, balconies and alterations to the existing residence at No. 8, Lot 57 Grant Street, Cottesloe, in accordance with the plans submitted on the 31st May 2007 and the service deck plan submitted 4 July 2007 subject to the following conditions:
-

-
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) The right-of-way adjacent to the development being paved and drained at the applicant's expense in accordance with Council guidelines and specifications and be approved prior to the commencement of works.
 - (h) Any front boundary fencing to the site being of an open-aspect design in accordance with Council's local law and the subject of a separate application to Council.
 - (i) The basement level shall not be used for habitable purposes.
 - (j) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (i) the front balcony having a minimum setback of 6m from the front boundary;
 - (ii) the rear balcony being screened to 1.65m in height from the finished floor level on the eastern elevation;
 - (iii) the master suite walk in robe wall being setback a minimum of 2.2m from the eastern boundary;
 - (iv) a privacy screen being provided to the northern elevation of the rear garage roof deck to a height of 1.65m above the finished floor level; and
 - (v) the services deck being screened to 1.65m above the finished floor level.
- (2) Advise submitters of the decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for Proposed Second Storey additions, decks, balconies and alterations to the existing residence at No. 8, Lot 57 Grant Street, Cottesloe, in accordance with the plans submitted on the 31st May 2007 and the service deck plan submitted 4 July 2007 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) The right-of-way adjacent to the development being paved and drained at the applicant's expense in accordance with Council guidelines and specifications and be approved prior to the commencement of works.
 - (h) Any front boundary fencing to the site being of an open-aspect design in accordance with Council's local law and the subject of a separate application to Council.
 - (i) The basement level shall not be used for habitable purposes.
 - (j) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (i) the front balcony having a minimum setback of 6m from the front boundary;
 - (ii) the rear balcony being screened to 1.65m in height from the finished floor level on the eastern elevation;
 - (iii) the setback from the side boundary to the second storey on the eastern elevation shall be a minimum of 3m;

- (iv) a privacy screen being provided to the northern elevation of the rear garage roof deck to a height of 1.65m above the finished floor level; and
 - (v) the services deck being screened to 1.65m above the finished floor level.
- (2) Advise submitters of the decision.

AMENDMENT

Moved Cr Dawkins, seconded Cr Miller

That item 1 (g) be amended to read:

- (g) **The right-of-way adjacent to the development site shall be paved and drained at the applicant's expense, for the width of the lot and extending eastward to connect to Margaret Street, in accordance with Council's guidelines and specifications, and as approved by the Town of Cottesloe prior to the commencement of works.**

Carried 11/0

10.1.3 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) **GRANT its Approval to Commence Development for the Development Application for Proposed Second Storey additions, decks, balconies and alterations to the existing residence at No. 8, Lot 57 Grant Street, Cottesloe, in accordance with the plans submitted on the 31st May 2007 and the service deck plan submitted 4 July 2007 subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) **The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.**

- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) The right-of-way adjacent to the development site shall be paved and drained at the applicant's expense, for the width of the lot and extending eastward to connect to Margaret Street, in accordance with Council's guidelines and specifications, and as approved by the Town of Cottesloe prior to the commencement of works.
 - (h) Any front boundary fencing to the site being of an open-aspect design in accordance with Council's local law and the subject of a separate application to Council.
 - (i) The basement level shall not be used for habitable purposes.
 - (j) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (i) the front balcony having a minimum setback of 6m from the front boundary;
 - (ii) the rear balcony being screened to 1.65m in height from the finished floor level on the eastern elevation;
 - (iii) the setback from the side boundary to the second storey on the eastern elevation shall be a minimum of 3m;
 - (iv) a privacy screen being provided to the northern elevation of the rear garage roof deck to a height of 1.65m above the finished floor level; and
 - (v) the services deck being screened to 1.65m above the finished floor level.
- (2) Advise submitters of the decision.

Carried 10/1

10.1.4 NO. 54 FORREST STREET – ALTERATIONS AND ADDITIONS TO DWELLING

File No:	1188
Author:	Mrs Lisa Engelbrecht
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Photos
Report Date:	6 July 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mrs Eleanor Anderson
Applicant:	Mr C Anderson
Date of Application:	6 July, 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	764m²
M.R.S. Reservation:	N/A

SUMMARY

It is proposed to undertake alterations and additions to the existing single-storey dwelling at No. 54 Forrest Street.

The proposal seeks to make the dwelling more liveable while restoring some of its historical features.

Given the assessment that has been undertaken, the support of the adjoining neighbours and revisions to the proposal, the recommendation is to approve the application.

PROPOSAL

The proposal incorporates single-storey extensions and alterations to the existing circa 1912 residence. The extensions generally occur at the sides and rear of the dwelling and internal room layouts are proposed to be altered. The works also include restoration of some of the original elements.

In terms of a heritage context, the subject property is not classified in any way, however, it sits in a street and area recognised as having a notable degree of historical character and a number of higher-order heritage places. Given this and proposals for other dwellings in the area, having regard for the heritage context is considered relevant. For example, No. 52 Forrest Street next door was approved for rear extensions and included restoration of street façade elements as a heritage gain.

The subject proposal entails a combination of some new elements and some contributions to the historical qualities of the dwelling:

- Relatively modest extension of the verandah as a deck only, so that front the roofline is not altered.
- Restoration and replication of the limestone piers to the verandah and deck.
- The introduction of a period-style balustrade to the verandah and deck, which is necessary for safety as none exists, and improves the presentation of the dwelling to the street.
- The removal of a front bay window, which appears to be a later addition in any case, and recycling of the window in the front extensions.
- General upgrading/maintenance of the front of the dwelling.
- Rear extensions at single storey and some side roofline alterations, which are not so visible to the street.
- Internal reconfiguration of the use of the original rooms.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Council Resolution

Resolution	Required	Provided
TP128A October 2002	R20 standard of 6.0m front setback preferred for residential development in the district	4m to front verandah extension, 6-8m to main dwelling

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 Boundary Setbacks	3.4m to western wall	1.65m in line with existing	Clause 3.3.1 – P1
No. 3 Boundary Setbacks	4.8m to eastern wall	0.6-1.5m in line with existing	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. There were 3 submissions received, of which none were objections.

BACKGROUND

The residence at No. 54 Forrest Street was originally constructed around 1912 by the same owner as Nos 50 and 52 Forrest Street. The house bears some resemblance to the existing building at No. 52, however, works to No. 54 in 1965 removed and modernises some of the original detailing and features of the dwelling, although the basic form and sense of character remains intact.

Properties neighbouring the subject site are described as follows:

- No. 52 Forrest Street – “Oceania”, single-storey brick and tile residence, Category 2 on the Municipal Inventory, has some architectural similarity to No. 54.
- Nos 56 & 56A Forrest Street – modern-era three storey pair of units (not heritage-listed).
- No. 48 Forrest St (cnr Broome St) – “Barsden” house c1910, TPS2 Schedule 1, National Trust classified, identified by HCWA to assess (not yet classified), which is also the subject of an application for renovations.

The site consists of two adjoining lots. Lot 503 is a narrow freehold lot with only 1.65m frontage to Forrest Street, a total area of 142m² and is located on the western side of the site. Lot 95 is a freehold lot that makes up the bulk of the site, with a frontage of 15.08m and an area of 622m². There are existing structures built across the common boundary of the lots.

A previous application was approved in 2006 for a somewhat different design which also extended the rear but did not alter the front so much and largely retained the original interior layout. However, for cost and practical reasons that proposal is no longer being pursued. The present proposal entails a more modest rear extension but seeks to alter the front of the dwelling and internal layout to a greater degree.

The Manager Development Services and Heritage Advisor met with the owner and current designer to discuss the general heritage attributes of the property, the relative authenticity of various features and how well the proposal suits the heritage context. While the proposal is arguably less respectful of the original dwelling than the previous proposal in terms of presentation to the street, at the same time it offers certain improvements reflective of the historical character of the property.

STAFF COMMENT

Front Setback

The proposal extends the front verandah as a deck forward to a front setback of 4m. The existing verandah is setback 4.5m and predates more recent Council resolution to generally support the R20 6m setback under the RD Codes.

Under the RD Codes, however, there is also provision for averaging to a minimum of 3.0m. Also, Acceptable Development Standard 3.2.2 A2 allows for minor incursions such as verandahs to project into the front setback by up to one metre, provided that the projection does not exceed 20% of the frontage of the lot.

The proposed verandah deck extension is intended to provide an outdoor area attached to the dining, kitchen and family rooms. The additional verandah space will provide a recreational area at the front of the site that can take advantage of ocean views down the street and the prevailing sea breeze. It will offer a better flow of internal living spaces to an outdoor useable area.

As part of the previous 1965 works, the applicant advises that the following was done to the original verandah:

- *Timber front veranda posts and balustrade were removed and replaced with steel posts (no balustrade).*
- *Parts of the timber veranda floor were repaired and replaced with different width boards.*
- *Veranda soffits were lined with asbestos sheeting.*

The applicant has stated that part of the proposed works includes restoring the verandah by:

- Removing the asbestos soffit sheeting.
- Reinstating timber posts, balustrading, frieze and floorboards.
- Removing brick infills between the supporting limestone piers and repairing timber arches.

While Council does not have a specific policy to address reduced front setbacks, the following setback objectives of the RD Codes may offer some guidance in this instance: *To contribute towards attractive streetscapes and security for occupants*

and passers by, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings.

The proposed reduced front setback incorporating the restoration works is considered to comply with the setback objectives of the Codes. It is noted that the verandah deck is essentially an open and lightweight structure and will have minimal impact on the adjoining properties or the streetscape in terms of building bulk.

The deck extension is relatively small at a depth of 1.4m and an area of 7.7m², and as there is to be no roof it would blend seamlessly with the existing verandah and be unified by the balustrade. Given the high elevation of the property, the front fence, the elevated verge and the public footpath being on the other side of the street, the deck would be viewed upwards and appear as part of the residence with an effective separation distance from the street and public domain rather than appear overly dominant or too close to the street. On this basis the deck is supported.

Side Setbacks

The following side setback variations from the Acceptable Development Standards of the Codes are being sought:

Wall	Required Setback	Proposed Setback
Western ground floor wall – height 4.5m, length 17.0m, with major openings	3.4m	1.65m in line with existing
Eastern ground floor wall – height 4.5m, length 24m, with major openings	4.8m	0.6-1.5m in line with existing

As the proposed side boundary setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.3.1 of the R Codes states the following:

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

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

The modifications to the eastern side of the subject residence are generally in keeping with the setbacks of the existing building. The verandahs are currently unscreened on the eastern side and remain as such. The proposed kitchen occupies the space currently identified as a sleep out and the new laundry, ensuite 2 and bedroom 4 are in line with the existing bedroom 3.

The modifications add building bulk towards the rear of the dwelling, however, the site adjoins a commanding three-storey residential development to the west, so it is considered that any impact is minimal. The major openings on the eastern side generally remain as existing, with minimal additional impact on privacy.

The works on the western side of the building involve filling in most of the front verandah return with solid walls. While the proposed music room and bedrooms 1 and 2 have major openings, the amount of overlooking is reduced from the existing situation.

The proposal will add building bulk, however this is considered to be minimal.

The orientation of the lots ensures that the proposed works will not interfere with the neighbours access to northern sunlight. Furthermore, both the adjoining owners have signed in support of the plans.

CONCLUSION

The proposed development is recommended for approval, subject to conditions. It is considered that the few aspects of non-compliance satisfy the Performance Criteria of the RD Codes and that a reasonable balance between renovations and a contribution towards the heritage attributes of the property has been achieved.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee expressed support for the proposal.

10.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the Alterations and Additions to Residence at No 54 Forrest Street, Cottesloe, in accordance with the plans submitted on 6 July, 2007, subject to the following conditions:

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

- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) Any future proposed fencing to the front boundary or setback area being of an open-aspect design in accordance with the Town of Cottesloe Fencing Local Law and the subject of a separate application to Council.**
- (5) The land being amalgamated into one lot on one certificate of title at the same time that the development proceeds.**

Carried 11/0

10.1.5 NO. 256 (LOT 7) MARMION STREET – RENOVATIONS & ADDITIONS TO EXISTING DWELLING

File No:	1186
Author:	Mrs Lisa Engelbrecht
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Photo
Report Date:	4 July 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Jeffrey Holloway
Applicant:	Ken Acton
Date of Application:	4 July, 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	611m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for alterations and additions to the existing two-storey dwelling on the subject site.

Given the assessment that has been undertaken, the recommendation is to approve the application, with conditions for some design modifications which are considered important.

PROPOSAL

The proposal includes the creation of a double carport at the front of the property, replacement of the rear shed with an alfresco and new shed, extensions to the ground floor family room and an ensuite addition at first floor level.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

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

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No. 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
003 – Garages & Carports in the Front Setback Area	4.5m	Nil
004 – Outbuildings	Outbuildings to be located behind the front setback line.	Shed to rear corner boundaries.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 2 – Streetscape	4.5m front setback to carport	Nil (double carport replacing single carport at nil)	Clause 3.2.3 – P3
No. 3 – Boundary Setbacks	1.8m setback to northern ground floor wall	0.9m (in line with existing)	Clause 3.3.2 – P2
No. 3 – Boundary Setbacks	1.0m setback to southern ground floor wall	Nil	Clause 3.3.2 – P2
No. 3 – Boundary Setbacks	1.1m setback to southern first floor wall	1.0-2.4m	Clause 3.3.2 – P2
No. 8 – Visual Privacy	4.5m setback to ground floor bedroom 3 window facing south	1.5m	Clause 3.8.1 – P1
No. 10 – Incidental Development	2.4m wall height to rear alfresco & shed	2.6m	Clause 3.10.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of letters to adjoining property owners

There were 7 letters sent out and no submissions were received.

BACKGROUND

In 1967 approval was granted for a solid front boundary wall at the subject site. The original home was extended in 1982 to become two storeys. Subsequently, a single carport has been built on the front boundary and a pool installed at the rear of the property.

STAFF COMMENTFront Setback to Carport

The application plans refer to an existing and proposed garage, however, the existing and proposed structures may be considered more akin to an essentially open carport, with the solid side boundary wall and a solid door. While the definitions in the RD Codes discern the difference between carports and garages by the degree of enclosure, the benefit of a carport built to a boundary or boundaries is that the open-aspect design ameliorates the effect of bulk to neighbouring properties and the streetscape.

This is reflected in Council's Garages & Carports in Front Setback Area Policy, which prefers such structures to be setback a minimum of 4.5m from the front boundary, but does provide guided discretion for consideration of variations having regard to the following criteria:

- Structure located not to affect sight lines or safety.
- Affects on amenity of adjoining properties.
- Existing and future effects on development of adjoining lots.
- Existing street setbacks in the immediate locality.
- Structure location not to detract from streetscape or appearance of dwellings and not to obstruct views of dwellings from the street.

The RD Codes require a minimum of two parking bays per site for single residential development, whereas the existing residence has only one bay on site. As vehicles

cannot be parked down the side of the residence, historically the single carport has been constructed with a nil setback to the front boundary and a nil setback to the southern boundary. The current proposal incorporates extending this structure in the same location to form a double-width carport to accommodate two vehicles, consistent with the objective of the RD Codes.

In terms of streetscape, the property presents as an anomaly in a generally open streetscape by being completely enclosed. A high solid front brick wall was approved in 1967 and the single carport has a solid door, so there is no passive surveillance of the street or appreciation of the dwelling and open space. The single carport has a flat roof, which while not in keeping with the roof pitch of the home or the adjoining properties, does limit its bulk, especially as the property sits lower than the street so the roof forms are looked upon.

In the proposal, the solid front wall is to be retained and the double carport is to have a solid door still. The double carport would also have a pitched roof with gabled ends to match the dwelling.

While the wide verge to Marmion Street provides adequate sight lines for vehicle traffic, the footpath is located adjoining the property boundary, so pedestrians are potentially affected, particularly as the carport is to accommodate two vehicles.

The double carport is not considered to impact unduly on the amenity of the adjoining properties. It is located well away from the northern boundary and has a similar impact as the existing structure on the southern boundary.

Overall, were the double carport being proposed anew, Council would only support it as an open-aspect structure and the opportunity should be taken to improve this situation. Hence to qualify properly as a carport and to adequately meet the criteria for the exercise of Council discretion the door should be open-aspect. An advantage here is that more of the width of the front yard will be opened-up, and by the same token the new person-gate should also be open-aspect. It is noted that ideally the entire front wall would be made an open-aspect fence, although the existing solid wall is a given as previously approved and the application is only to partially alter it.

The new carport roof is debatable. On the one hand, a flat roof would be the least intrusive but may be considered basic, although sensitive design can produce a smart, streamlined contemporary structure. Advantages here also are that the traditional form and attractive exterior treatment of the bungalow-style dwelling could still be seen; and view lines to / from the neighbouring property would be least affected – from next door a second-storey corner window looks out to the street over the existing carport, and that view would take-in / be partially obscured by the proposed new pitched roof (yet that neighbour has not made a submission). On the other hand, the proposed roof is relatively low pitch and light-weight looking, styled in harmony with the dwelling and that adjoining, as well as reflecting the general pattern of typical pitched roofs in this locality. An alternative would be a simple pitched roof with open ends (no gables) as conditioned in two recent similar approvals. In conclusion, when a forward carport or garage is on the front boundary rather than being set back, the impact of the roof form becomes more critical to amenity and streetscape, however, in this instance, on balance it is considered that the proposed roof may be allowed, as it bears a better resemblance to the existing and

neighbouring dwellings, and suits the overall massing of the development, provided that the open aspect door and gate are incorporated.

Boundary Setbacks

The following site boundary setbacks of the proposed dwelling do not meet the Acceptable Development standards of the RD Codes:

Wall	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Northern GF house	3.8m	27.3m	Yes	1.8m	0.9m (in line with existing)
Southern GF garage	2.9m	6.4m	No	1.0m	Nil
Southern FF house	4.8m	7.2m	No	1.1m	1.0-2.4m

Hence, they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) and 3.3.2 (P2) of the Codes, which are:

3.3.1 – Buildings Set back from the Boundary

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

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

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

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

However, the RD Codes do also allow parapet walls as per Clause 3.3.2 A2ii as follows:

"In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary;"

The proposed variations are considered to be minor in nature and will not impact on the amenity of the area. The extensions have been designed to follow the setbacks of the existing residence, with smaller projections towards the boundaries which break up the solid wall elements.

The setback variations do not affect the proposal's compliance with open space and overshadowing requirements. The northern setback is the only variation where major openings are introduced, however the two new openings are at ground floor level and will be effectively screened by the dividing fence.

Visual Privacy

Application of the visual privacy cone has identified a variation from the ground floor bedroom 3 (north, rear) window, facing south. The RD Codes require the visual cone to be applied to habitable rooms with a finished floor level more than 0.5m above the natural ground level. A setback of 4.5m from the boundary to the window is required, however only 1.5m has been achieved.

The window is existing in a similar location on the southern elevation. The proposal incorporates an extension to the bedroom, which moves the window towards the southern boundary from an existing setback of 2.35m to 1.5m.

Given that the window was previously non-compliant and the adjoining neighbour has not objected, it is considered that the impacts on privacy are minimal.

Outbuilding Wall Height

The proposal incorporates a new alfresco and shed at the rear of the site. Both Council policy 004 Outbuildings and the RD Codes define the structure as an outbuilding, as it is detached from the main dwelling.

Under the Outbuildings policy, a maximum wall height of 3.0m is applicable, which the structure complies with. The R Code provisions are more stringent and require a maximum wall height of 2.4m. The alfresco and shed reaches a maximum wall height of 2.6m, which is a medium between the two requirements.

It is considered that the outbuilding will have minimal impact on the adjoining properties. The new structure (7.0m x 3.3m) replaces an existing shed of similar dimensions (5.5m x 3.0m), also in the north-eastern corner of the site.

The structure abuts the rear boundaries of Nos 5 Athelstan Road and 9 Henry Road, so any impact of building bulk will be minimal. The external elevations of the structure do not contain any openings, so there will be no overlooking produced.

CONCLUSION

The proposed extensions to the existing residence meet a majority of the planning requirements and there has been no objection from the adjoining property owners to the proposal. It is recommended for approval, subject to conditions.

The double carport is supported in the proposed location, subject to the carport door being open aspect. The structure will provide the site with an adequate number of parking bays. An open aspect door to the carport will achieve passive surveillance from the front bedroom of the home to the street and reduce the impact of building bulk on the streetscape.

VOTING

Simple Majority

COMMITTEE COMMENT

For reasons of streetscape and of safety when vehicles reverse out of the carport Committee considered that the whole front fence should comply with Council's Fencing Local Law, hence that condition (6) be amended accordingly.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Renovations and Additions to Existing Residence at No 256 (Lot 7) Marmion Street, Cottesloe, in accordance with the plans submitted on 4 July, 2007, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the local law.
- (6) Revised plans shall be submitted at building licence stage, for approval by the Manager Development Services, showing the front door to the double carport and the person gate to the front wall both being open-aspect in accordance with Council's Fencing Local Law – the specification for open-aspect means timber or metal palings, spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel.

10.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the Renovations and Additions to Existing Residence at No 256 (Lot 7) Marmion Street, Cottesloe, in accordance with the plans submitted on 4 July, 2007, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the local law.**
- (6) Revised plans shall be submitted at building licence stage, for approval by the Manager Development Services, showing the front door to the double carport, the person gate and the whole of the front wall being made open-aspect in accordance with Council's Fencing Local Law; and the applicant is required to liaise with the Town of Cottesloe Planning Department to ascertain the design details and standards to achieve this.**

Carried 11/0

10.1.6 DRAFT POLICY ON CONSUMPTION OF ALCOHOL IN RESTAURANT AND ALFRESCO DINING AREAS

File No:	Sub/362
Author:	Ms Delia Neglie, Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachment	Proposed Liquor Licensing Policy
Report Date:	6 July 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

This report presents a draft policy to assist Council in the control of liquor licenced premises.

The actual proposed policy document is an attachment, which has been formatted consistent with adopted Council policies.

BACKGROUND

At its meeting on 28 May 2007, Council considered an application for an ETP for the Blue Waters restaurant located on the corner Marine Parade and Warnham Road.

It was resolved:

That Council:

- (1) Support the application by Blue Waters to sell and supply liquor without a meal to patrons seated in the restaurant and alfresco areas.*
- (2) Request staff to prepare a policy on the consumption of alcohol in restaurant and alfresco dining areas for the consideration of Council in June, 2007.*

A draft policy has been prepared and is now placed before Council for its consideration.

STATUTORY ENVIRONMENT

The *Liquor Licensing Act 1988* has been updated and renamed the *Liquor Control Act 1988*. Two of the recent changes made to liquor licensing laws that may have a significant impact on the local situation relate to restaurants serving alcohol without a meal and 'small bar' licences.

Restaurants Serving Alcohol without a Meal

Restaurants could previously only serve alcohol without a meal within a designated area up to 20 per cent of the seating capacity. Under the reform, restaurants can now apply for an extended trading permit (ETP) to serve alcohol without a meal to all patrons as long as they are seated at a table (ie, there would be no bar service for people not having a meal). The primary purpose of the restaurant must be the provision of meals. The application would be advertised in the community and may be approved for up to five years. Restaurants failing to comply with regulations would risk losing their ETP.

Small Bar Licence

Small bar licences may be issued for those restaurants and premises that would prefer to change their core business to that of a bar. This would allow the sale of liquor for consumption on premises only (i.e. no take-out), to no more than 120 patrons at any one time during general trading hours, although applications may be made for an ETP to extend hours like a tavern or hotel but the sale of packaged liquor is strictly prohibited.

Local Government Certification

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

Section 39 Certificates relate to the compliance (or non-compliance) of premises with the provisions of the *Health Act 1911*, the *Local Government (Miscellaneous Provisions) Act 1960*, the *Local Government Act 1995* and associated local laws. The DRGL may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the DRGL of a local government certificate.

For example, conditions may be imposed requiring that music not be amplified over a specified level.

Section 40 Certificates relate to the compliance (or non-compliance) of premises with the provisions of the Council's town planning scheme. The DRGL may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the DRGL of a local government certificate relating to planning issues.

For example, restrictions on noise levels or hours of operation can be placed on the licence in order to meet local planning requirements.

Other Legislation

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

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

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

Nil.

STAFF COMMENT**Need for a Policy**

Activities associated with entertainment and eating house uses are controlled by conditions of planning approval. It is also possible to include conditions on Section 39 and Section 40 certificates. A liquor licence or ETP application does not necessarily require planning approval if there is no change of use. This was the case with the Blue Water proposal.

The recent liquor law reforms may result in more existing restaurants applying for ETPs. These would not constitute a change in use and therefore do not require planning approval. However Council could consider the imposition of planning conditions when issuing a section 40 certificate.

New small bar licence proposals may be received and/or some existing restaurants may want to convert to a small bar licence. Both possibilities constitute a change of use and will require planning approval or refusal.

Council would benefit in having a liquor licence policy that would provide guidance in considering these applications and assist in making consistent decisions. Also applicants would be aware of Council's position with regard to the issues surrounding liquor licences. This would assist them in proposing suitable establishments and preparing comprehensive applications and management plans.

Licensed premises have the potential to have a detrimental effect on the amenity of a locality due to nuisance caused by crowds, associated traffic, excessive noise from patrons, music, traffic and servicing; in addition to disruptive behaviour of patrons of

licensed premises. These principally impact on residential amenity but the character and amenity of commercial or recreational areas may also be detrimentally affected.

A policy may control a number of factors that together contribute to the impact which an activity may have on the amenity of a locality including:

- Number of premises within a locality and their distribution;
- Outdoor activities and space/area;
- Public safety;
- Noise;
- Entertainment;
- Refuse storage and collection;
- Parking;
- Floor area;
- Number of patrons;
- Management plans; and
- A liquor accord, e.g. the Western Accord, of which Cottesloe is a member.

A liquor license policy could also apply to alfresco dining areas that may be part of either an eating house, tavern or hotel and the following matters could be covered:

- Location of the alfresco area
- Safety of the area
- Adequate pedestrian access
- Type of liquor license acceptable for such an area.

The Proposed Policy

A proposed policy is attached, which includes:

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

The policy was derived following perusal of other local government policies including those of Subiaco, Fremantle and Charles Sturt (SA) and information provided by the DRGL, recent attendance at a relevant local government seminar and general legal advice.

Statutory Considerations

The City of Subiaco amended its town planning scheme last year to specifically require a planning approval for any change in liquor licence or ETP. This is backed up by a new policy (excluding liquor stores).

Council may wish to consider a similar change for Cottesloe as it would maximise opportunities for Council to be involved with the establishment or change to licensed premises.

However, such an amendment may not be as necessary for Cottesloe as it has a different town planning control profile to that of Subiaco.

- Any change to the liquor licences of the existing hotels (on the beachfront and in the Town Centre), are likely to include changes of use as well, in any case.
- Any small bar licence would also constitute a change of use as there are no such uses yet in the Town.
- Any new ETP for restaurants would not change the land use and Council could include conditions on a Section 40 certificate. A restaurant would risk losing its licence if it traded otherwise.

Conclusion

The benefits to Council of adopting a local liquor licensing policy are to:

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

A proposed policy is attached for Council's consideration and adoption for advertising.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried whether restaurants could open all night in relation to the new liquor controls and the manager Development Services undertook to clarify this.

10.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **Endorse the proposed draft *Liquor Licence Policy as outlined below.***

LIQUOR (LICENSED PREMISES) POLICY

(1) BACKGROUND

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

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

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

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

The Town therefore has a responsibility to;

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

(2) AIM

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

(3) OBJECTIVES

To provide guidelines to:

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

(4) POLICY APPLICATION

Council will have regard to this policy when:

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

- Planning approval made under the Town Planning Scheme for development which may involve a liquor licence.
- Eating house licence applications made under Council's *Eating Houses* local law that may involve a liquor licence.
- Alfresco dining applications made under Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* that may involve a liquor licence.

- (b) Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the *Liquor Control Act 1988*.

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

Type of Licences:

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

Extended Trading Permits:

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

(4) POLICY

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

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

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

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

(ii) **Hours of operation**

This is particularly relevant to hotel, tavern, nightclub and small bar licences, extended trading permits for on-going hours and liquor without a meal (restaurants or alfresco). Late operating hours may contribute to irresponsible consumption of alcohol and lead to anti-social behaviour, particularly upon leaving licensed premises which in turn impacts on the amenity of others, including other patrons, residents and business operators and their customers. When considering a proposal for premises which would be licensed or an extended trading permit, Council is unlikely to recommend support for those licensed premises which cause disturbance and inconvenience to residents or businesses located in the vicinity of licensed premises.

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

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

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

(b) Managing Complaints / Advocacy

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

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

(c) Management Plans

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

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

(d) Western Accord

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

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

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

RESOLUTION NO:	TBA
ADOPTION:	TBA
REVIEW:	TBA

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

Carried 11/0

10.1.7 DRAFT TOWN PLANNING SCHEME NO. 3 – INDICATIVE DEVELOPMENT POTENTIAL OF RAILWAY LANDS AND COMPARATIVE DENSITY INCREASES

File No:	Sub/334
Author:	Mr Andrew Jackson / Ms Delia Neglie
Attachments	Aerial photo showing Curtin Avenue Concept plan of Town Centre Study
Author Disclosure of Interest:	Nil
Report Date:	25 June 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

This report presents preliminary information and estimates of indicative potential dwelling and population yields in particular parts of the district under a range of scenarios.

Quantitatively, it shows broadly that under draft TPS3 some increased residential densities and development sites could, over time, deliver additional dwellings and population which, while relatively gradual and modest, would nonetheless be worthwhile in relation to accommodating a share of metropolitan growth as well as providing housing diversity and choice for the Cottesloe community.

Qualitatively, it is evident that because whole sections of the suburb would simply not be demolished and rebuilt, the primary localities for gains in dwellings and population for the district are:

- in the nominated Special Development Zones, and
- by ongoing infill subdivision/development under existing and proposed residential densities.

It is cautioned that arbitrary density increases would not cause overnight changes and could impact detrimentally on the amenity and character of residential environments. In addition, density increases/additional dwellings per se do not necessarily mean that there will be a corresponding population increase.

In any case, a full feasibility study would be required to accurately ascertain opportunities, constraints, options, potentials and preferred outcomes.

It is also noted that some of the data available tends to differ, however, the overall trends can still be discerned.

BACKGROUND

At its 28 May 2007 meeting, Council considered a report on draft TPS3 including feedback from the Department of Planning and Infrastructure (DPI) / Western Australian Planning Commission (WAPC) regarding areas with potential for higher residential densities. In this respect Council resolved:

That Council Staff prepare a report for Council that evaluates the likely population increase in developing the vacant reserve land beside the railway station and the town centre as compared to the changes in density coding proposed by DPI/WAPC.

This report provides that information.

Also in this regard Council resolved to advise the WAPC as follows:

- Council's Town Centre Study undertaken as part of the scheme review explored the potential of this area to be redeveloped in connection with the town centre, railway station and integration with the residential area to the west.
- To that end Council has actively pursued a planning and design solution for Curtin Avenue with the DPI and Main Roads WA.
- Furthermore, this background has led to a prospective Enquiry by Design exercise between Council and the DPI for more detailed planning of a Transit-Oriented Development (TOD) as the next step towards realising the vision through the statutory processes, structure planning and urban design.
- Council agrees that it would be beneficial for the LPS to expand on this progress and intent.
- Rather than classifying the current vacant crown land as Local Reserve in TPS3, Council would support Special Development Zone and/or Special Control Area provisions to signal the general intent and anticipated processes to re-plan and redevelop the area, although it is noted that this would be somewhat academic as the area would be reconfigured, rezoned and requires a great deal more detailed planning to determine the final extent, content and form of development.

STATUTORY ENVIRONMENT

This report relates to draft TPS3 and the next step of consent to advertise.

Statutory implementation of proposals for the railway lands and surrounds would most likely entail firstly amendment of the Metropolitan Region Scheme (MRS) and secondly amendment of TPS3 to introduce precise zoning, residential densities, scheme provisions and planning policies / development guidelines.

POLICY IMPLICATIONS

Planning for the railway lands (ie intended Special Development Zone), Town Centre and a possible transit-oriented development project would entail consideration of a range of existing Council planning and other policies and may require the creation of a number of new policies, a structure plan and development guidelines.

STRATEGIC IMPLICATIONS

Consideration of the future of the railway lands links to several key strategic matters facing Cottesloe, embracing the main transport corridors, modes and networks; land use; town centre revitalisation; accessibility and parking; housing supply and diversity; and built form and urban design.

Council's *Future Plan* has as Objective 2: *To achieve connectivity between east and west Cottesloe*, and as a Future Direction: *The Council is committed to taking a high profile leadership role to resolve the decades long problem of the divisive nature of the transport corridor through the district by focussing on the needs and positives for well planned redevelopment.*

FINANCIAL IMPLICATIONS

Any agreed more detailed planning towards development of the railway lands would have budget implications for the Town in terms of consultants and community consultation.

Joint studies with the state planning bodies and relevant agencies may attract shared funding.

A future development project and the associated approval processes may involve further expenditure by, and income to, the Town.

COMPARATIVE ASSESSMENT**1. Development Potential of Railway Lands**

- The Town Centre Study provides some background data to assist this exercise.
- The subject government-owned lands on the western side of the railway line are identified on the attached plan.
- Draft TPS3 at present shows this corresponding area as largely Public Purpose Local Reserve (which the DPI now suggests should become Special Development Zone).
- The gross area of these parcels is 2.35 hectares (ha) north of Jarrad Street (excluding the Western Power site) and approximately 0.75ha south of Jarrad Street to Webb Street.
- The Town Centre Study concluded that the amount of developable land may be greater than this, given the possible integration of development with the railway corridor/station, and suggests 3 ha of developable land north of Jarrad Street and 0.8 ha south.
- Also as shown in TPS3, the current MRS Primary Regional Road (PRR) reserve for a possible alternative alignment of Curtin Avenue affects this area (and partially affects the railway reserve).
- Resolution of the alignment and width of future Curtin Avenue would either free-up or impact on the developable area.
- For the purpose of this exercise it is assumed that Council's preferred alignment of a two-lane Curtin Avenue along the railway line and passing between it and the Western Power sub-station would minimise land occupied by the road and maximise land available for urban development. In this respect it is noted that consideration of Curtin Avenue by the state bodies still includes options which could consume more land and would limit or even stultify the concept of an urban development outcome as the best way to address transport requirements together with town centre and residential objectives.
- The Town Centre Study also indicated that on the eastern side of the railway reserve along Railway Street in the commercial section, a narrow strip of that land could conceivably be developed with a new three to four-storey mixed use building(s), such as offices, retail and even apartments.
- This would appear most feasible as part of a transit-oriented development, which might entail changes in levels, east-west pedestrian routes, integration of the railway station into the precinct, public spaces, and so on.

- For the purpose of this exercise that potential is not inflated but one example is included, based on a building with mixed commercial-residential use.
- The WAPC draft Road and Rail Transport Policy and draft Metropolitan Freight Network Policy would need to be considered in relation to new development close to the transit corridor. It is understood that no actual buffer land would be required to be exempt from development, however, different measures, such as building orientation, detailed design (eg double-glazing) and noise walls would be ways to limit exposure to noise.

Development Parameters

- Gross area = 3ha.
- Less 10% public open space/plaza; = 2.7ha.
- Less 15% for roads, pedestrian links and infrastructure (eg drainage, services); = 2.3ha. *Note: this deduction may be less as only access lanes (ie minor/narrow roads) are required.*
- Additional land may be gained from the rationalisation of existing Curtin Avenue to a local access road. *Note: this would be constrained by the location of the Pine trees, particularly south of Forrest Street, but north of Forrest Street where the road reserve is more open an additional 0.5ha or more may be gained.*
- Railway reserve land east of the railway line between Station, Jarrad and Forrest Streets could contribute approximately 0.4ha (developed more intensively, as mentioned).
- On this basis some 2.8-3ha would be available to the west for residential development and some 0.4ha on the east may be available for a mixed use building with some residential.

Built Form

- The typical model for a medium-density style of development here would be similar to other inner-urban station precinct redevelopment projects in the metropolitan area, including town houses, the modern equivalent of terrace houses, and apartments; with an emphasis on controlled vehicular networks/parking and the provision of pedestrian networks, public open spaces and landscaping.
- The Town Centre Study concluded that there was agreement at the community workshop on utilising this area with a potential for small/high density residential interspersed with public open space. The Town Centre Study concept plan, as attached, illustrates the possibility of two-storey residential or mixed use buildings situated to the north and south of a public open space area.
- This development area would function as a transition from the established predominantly single-residential area to the west and the built-up more intensive Town Centre activity node.
- Retention of the avenue of Pines along existing Curtin Avenue would be an important landscape feature and demarcation.

Comparative Dwelling & Population Yields

Density:	R20 (1-2 storey)	R30 (1-2 storey) <i>Grouped dwellings (townhouses)</i>	R40 (2 storey) <i>Grouped or Multiple dwellings (apartments)</i>	R60 (2 storey) <i>Multiple dwellings</i>	R80 (2-3 storey) <i>Multiple dwellings</i>
Dwelling yield from 3ha	60 (500sqm per dwelling)	100 (300sqm per dwelling)	136 (220sqm per grouped dwelling) 120 (250sqm per multiple dwelling)	180 (166sqm per multiple dwelling)	240 (125sqm per multiple dwelling)
Resultant Population yield	150	250	300-340	450	600

[Note: average household size = 2.5 persons.]

Eastern Railway Land Building

Assuming a three-storey building integrated with the railway station, the first storey might be public facilities such as cafes, kiosks and toilets; the second storey offices; and the third storey apartments. Four storeys would allow for another layer of apartments. As many factors affect the size and number of apartments in such a mixed-use building, the yield would be flexible, and the household size would be low, ie only one or two persons. Using six to twelve apartments as an example, the population yield would be as few as six and as many as 24 persons.

Note: elsewhere in the Town Centre land along Station Street and south of Jarrad Street could also be considered for upper-level apartments in two or more-storey mixed-use buildings. Indicatively, an overall supply of say 50 apartments would yield 50-100 persons, which is significant in the context of Cottesloe. Amendment of the town planning scheme would be the appropriate statutory and consultative process to introduce any new density, height or other development standards to facilitate such proposals.

Comment

- This analysis indicates that the railway lands potential residential development area of approximately 3ha is not large, yet as an undeveloped parcel could provide a significant amount of additional housing and new population to Cottesloe.

- At a density of R20 or R30 (ie the virtual status quo) the yields would be relatively modest.
- At R40 or more the yields would be more substantial.
- In practice, a blend of densities, height, built form and dwelling types could be expected, and the household size would vary accordingly (ie with increased density/smaller dwellings population yield may reduce).

2. Development Potential of DPI/WAPC Suggested Density Increases

- Compared to the indicative development potential outlined above, the approach applied by the DPI is by way of the conventional assessment of a draft scheme, ie the suggestion of broad-brush and arbitrary density increases for whole street blocks. This would leave the theoretical increases in lots, dwellings and population to private actions and market forces rather than a planned development area and project.
- In other words, there would be no compulsion or guarantee that personal decisions, financial influences and the real estate industry would generate significant or rapid increases in subdivision and redevelopment so as to supply more dwellings, improve housing choice or increase population.
- It is observed that in Cottesloe the tendency to secure and keep a home is strong, given the desirable location, lifestyle amenity, the generation it takes to raise a family, social networks and people's long-standing associations with the suburb; whereby dwellings tend to be retained, maintained, renovated or redeveloped by owners who continue to live there. While the restricted supply of properties for sale drives up demand and prices, this actually supports preservation of both the lifestyle and asset values rather than attracting wholesale speculative redevelopment. *Note: this is evidenced by the suggested increased household size of 2.8 persons per dwelling for Cottesloe according to the 2006 Census (although there may be some uncertainty associated with interpretation of the early data at this stage).*
- Indeed, it is a likelihood that factors such as lifestyle aspirations and family needs, neighbourhood character and heritage attributes, and the various approval procedures would limit redevelopment such that there would not be a transformation of those areas.
- In any case, the provision of more dwellings does not necessarily lead to increased population, as existing residents would be replacing their homes and because overall occupancy ratios are generally low.
- Earlier work on the Scheme Review tested the implications for dwelling yields based on density increases and lot sizes in defined localities, as to how much subdivision and infill development could result. It showed that modest density increases could take advantage of the development potential of existing undeveloped lots, larger lots or those with scope for amalgamation, for meaningful amounts of additional dwellings without unduly impacting on residential character and amenity. It also showed that greater increases in density could give rise to more extensive redevelopment and change of the established neighbourhoods.

DPI / WAPC Suggested Areas for Increased Residential Densities

The advice from the DPI / WAPC was expressed as: *The potential for TPS3 to provide residential densities higher than R20 and R30 in a number of areas (eg by taking greater advantage of ROWs) including....* These are listed in the table below and the approach taken by officers to examine them is described for each type of area.

Geographic Locations Identified by DPI / WAPC	Methods of Assessment Undertaken by Town of Cottesloe
<p>Area east of railway and north of Town Centre, bounded by Railway, Parry and Forrest Streets and Stirling Highway – potential for infill subdivision and development.</p> <p><i>(Note: the northern side of Forrest Street is actually zoned Residential & Office, with the Residential zone commencing from Vera Street northwards.)</i></p>	<p>Each distinct locality has been assessed in terms of the draft TPS3 density, existing number of dwellings, gross land area, maximum dwelling yield at the draft TPS3 density, and theoretical dwelling yield at an increased density of R40.</p> <p><i>Note: any theoretical density yield would only be achieved were the area completely rebuilt, which is an unrealistic expectation.</i></p>
<p>Areas west of and near the Grant Street, Cottesloe, Mosman Park and Victoria Street train stations.</p>	<p>Selected localities as examples have been assessed as above. The more localities assessed (ie the greater the geographical extent of theoretical density increases), the greater the cumulative growth in dwelling yield.</p> <p><i>Note: again, this is an academic exercise, because broad-hectare demolition and redevelopment of such established and sought-after residential neighbourhoods would not ordinarily occur.</i></p>

Geographic Locations Identified by DPI / WAPC	Methods of Assessment Undertaken by Town of Cottesloe
<p>The Wearne Hostel and Institute for the Deaf sites (at up to R50 or 60 rather than the R30/40 proposed).</p> <p>The Council Depot site of 9055sqm (at R40-R50).</p>	<p>The DPI has advised that it would rely on the structure plan process for these Special Development Zones to set the densities, and Council is supportive of this approach.</p> <p><i>Note: as there are many variables (ie land ownership, topography, access, infrastructure, open space, heritage, etc at this stage) a detailed analysis has not been done and only a crude indication of potential dwelling yields is possible, by assuming an area available for development and applying the increased density. This situation is comparable to the railway lands in that any separate area of vacant land can be readily developed at the planned density. For example, a parcel of 1.5ha at R50 would yield 75 multiple dwellings for some 75 to 150 persons (conservatively assuming only one or two- person households); which demonstrates that like the railway lands such development sites can contribute significantly to housing supply and new population.</i></p>

East Cottesloe

The following table compares estimated yields in dwellings and population under a range of density scenarios.

Vera Street- Napier Street	
Draft TPS3 Density	R20 and R35
Existing No. of Dwellings	120 dwellings = 300 persons
Gross Land Area	55,600 sqm
Max. No. of Dwellings at R20 and R35	133 dwellings = 333 persons
Theoretical Max. No. of Dwellings at R40	250 dwellings = 625 persons
Assumed 50% of R40 Max. Achieved <i>(Note: balance of area remains as existing, so dwelling yield = half R40 potential + half existing number.)</i>	185 dwellings = 463 persons

Napier Street- Eric Street	
Draft TPS3 Density	R20
Existing No. of Dwellings	108 dwellings = 270 persons
Gross Land Area	68,300 sqm
Max. No. of Dwellings at R20	136 dwellings = 340 persons
Theoretical Max. No. of Dwellings at R40	310 dwellings = 775 persons
Assumed 50% of R40 Max. Achieved	209 dwellings = 522 persons
Napier Street- Eric Street	
Draft TPS3 Density	R35
Existing No. of Dwellings	66 dwellings = 165 persons
Gross Land Area	22,900 sqm
Max. No. of Dwellings at R35	88 dwellings = 220 persons
Theoretical Max. No. of Dwellings at R40	103 dwellings = 258 persons
Assumed 50% of R40 Max. Achieved	85 dwellings = 213 persons
Eric Street- Grant Street	
Draft TPS3 Density	R20
Existing No. of Dwellings	74 dwellings = 185 persons
Gross Land Area	67,500 sqm
Max. No. of Dwellings at R20	135 dwellings = 338 persons
Theoretical Max. No. of Dwellings at R40	306 dwellings = 765 persons
Assumed 50% of R40 Max. Achieved	190 dwellings = 475 persons
Grant Street- Railway Street	
Draft TPS3 Density	R20
Existing No. of Dwellings	102 dwellings = 255 persons
Gross Land Area	81,300 sqm
Max. No. of Dwellings at R20	162 dwellings = 405 persons
Theoretical Max. No. of Dwellings at R40	369 dwellings = 923 persons
Assumed 50% of R40 Max. Achieved	236 dwellings = 590 persons

[Note: average household size = 2.5 persons.]

Comment

- It can be seen that in some instances the difference between the existing number of dwellings and the maximum possible under the draft TPS3 density is relatively small numerically, but also that it may represent a proportionally significant difference.
- In practice, incremental infill subdivision and development would reduce this difference.

- It can be seen, too, that the difference in dwelling yield between the draft TPS3 density and the theoretical maximum potential were entire R40 redevelopment to occur is marked, however, as explained that is most unlikely to happen.
- Likewise, a nominal density increase from R20 to R30 in draft TPS3 would produce a similarly exaggerated potential.
- More tangibly, were an increased density coding of R40 anticipated to in the longer term yield say half of its ultimate potential, then that dwelling increase would appear more realistic (but may not be probable).
- The possible population increases are uniform estimates which do not take account of localised circumstances and assume a fairly healthy household size.

South Cottesloe

The following table applies the same assessment as above to sample areas in the southern part of the district in proximity to the railway stations.

Pearse Street- Broome Street – Curtin Ave	
Draft TPS3 Density	R30
Existing No. of Dwellings	148 dwellings = 370 persons
Gross Land Area	72,000 sqm
Max. No. of Dwellings at R30	240 dwellings = 600 persons
Theoretical Max. No. of Dwellings at R40	327 dwellings = 818 persons
Assumed 50% of R40 Max. Achieved	238 dwellings = 595 persons
Warton Street- Curtin Ave – Marine Parade	
Draft TPS3 Density	R30
Existing No. of Dwellings	108 dwellings = 270 persons
Gross Land Area	38,400 sqm
Max. No. of Dwellings at R30	128 dwellings = 320 persons
Theoretical Max. No. of Dwellings at R40	174 dwellings = 435 persons
Assumed 50% of R40 Max. Achieved	141 dwellings = 326 persons
Marmion Street- Napier Street - Curtin Ave (including Bird Street)	
Draft TPS3 Density	R20 and R30
Existing No. of Dwellings	26 dwellings = 65 persons
Gross Land Area	17,500 sqm
Max. No. of Dwellings at R20 and R30	47 dwellings = 118 persons
Theoretical Max. No. of Dwellings at R40	79 dwellings = 198 persons
Assumed 50% of R40 Max. Achieved	53 dwellings = 133 persons

Comment

- A similar trend is observed as described for east Cottesloe.
- The existing R30 density in TPS2 for south of Pearse Street and west of Broome Street, and the proposed R30 density for all of the area south of Pearse Street, reflects existing medium density developments, larger lots capable of such development and smaller lots at about that density.
- However, it is again observed that the density coding alone has not led to extensive new medium-density development, although some subdivision has occurred but usually for single-family dwellings – the take-up rate has been slow.

3. DPI Population and Housing Targets

At the same time the DPI as part of the Network City programs has engaged with local government to explore estimating and setting targets for population, housing and jobs to help manage the growth of Perth.

This initiative is in its early stages yet has revealed some useful information regarding the development potentials and expectations, including:

- An indicative target for Cottesloe to provide approximately 350 new dwellings over about the next 15 years.
- The fact that population and housing in Cottesloe currently exhibits the following characteristics:

Town of Cottesloe Population & Housing Indicators

Population	6741
Dwellings	3440
Workers	1249
Average net density	20.7 dwellings per ha
Housing diversity <i>Note: Metropolitan trend overall is declining housing diversity, proportion of units/apartments and household size.</i>	62% low density 13 % medium density 24% high density (ie 38% non-single residential)

[Note: based on lower / more conservative average household size of 1.96 persons.]

One DPI finding so far is that defined development areas or planned pockets of density increase are more likely to achieve gains than simply increasing density codes in established residential areas – ie the same perspective articulated in the above analysis. That is, so-called *brown-fields* sites in the inner metropolitan areas such as the railway lands and development sites in Cottesloe are key prospects to achieve new urban development.

CONCLUSION

For a number of reasons Cottesloe is not ripe to undergo major urban renewal and the impetus for rule-of-thumb residential density increases is not a readily sustainable strategy towards housing supply or diversity or population increase.

The railway lands present a prime opportunity for Cottesloe to enhance the supply and diversity of housing within the district, in order to provide choice, add population, stimulate the town centre, foster transit-oriented development and address longstanding road planning issues, thereby responding to local and regional planning requirements.

Over time, other development sites may also be brought on-stream to supplement this urban development, once structure planning has been carried out and subsequent detailed proposals are formulated.

Although the railway lands area is in some ways constrained, in other ways it is capable of being well-planned and developed to achieve various objectives for an attractive and accessible medium-density inner-urban residential environment. Land ownership / assembly, servicing and design are made easier by the stand-alone situation of the land and its separation from private properties, whereby interfacing of new development with the surrounds is easier.

While the land area is relatively modest, the setting facilitates innovative design for a somewhat denser and possibly taller, comprehensively-planned and cohesive development, compatible with the town centre transport hub. The physical context of the topography, Pine trees, elevated railway station, sub-station, regional road and town centre supports a densities of R40 or more and a maximum height up to three and maybe four storeys in selected areas (ie in conjunction with density increases).

The real benefits are not merely in terms of actual dwelling and population yields, but rather in terms of lifestyle / lifecycle, urban regeneration, transport efficiencies and liveable neighbourhoods.

Council is encouraged to pursue this development vision and potential.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee appreciated the work that had gone into producing this report and found the information useful. Committee also commented that medium density development would tend to have smaller households in terms of population yields.

10.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) **Note the findings of this report in terms of:**

- (a) the indicative comparative dwelling and population potentials for a range of localities and scenarios within the district; and
 - (b) the primary opportunity for the railway lands to provide substantially for new residential development in the district and in support of a number of important local and regional planning aims.
- (2) Consider how it may wish to apply this information and ongoing related endeavours in:
 - (a) pursuance of Draft TPS3;
 - (b) planning for the Town Centre and railway lands;
 - (c) addressing a solution for Curtin Avenue; and
 - (d) managing residential development in the district generally.

Carried 11/0

10.1.8 DRAFT TPS3 HEIGHT LIMIT FOR CENTRAL BEACHFRONT – POSTAL POLL

File No: Sub/334
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 12 July 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

This report presents the draft Cottesloe height limit postal poll documentation as requested by Council.

Council's endorsement is sought on the proposed process, form and content of the postal poll documentation so that the poll can be undertaken.

STATUTORY ENVIRONMENT

This Council initiative is intended to assist with the determination of the height controls for the central beachfront area that are to be included in Town Planning Scheme 3 (TPS3).

POLICY IMPLICATIONS

Conducting a comprehensive postal poll is in accordance with Council's commitment to comprehensive community consultation on important matters.

Ultimately, the central beachfront height limits will link to plans and policies for managing beachfront development.

STRATEGIC IMPLICATIONS

Finalising TPS3 and confirming an acceptable scale of development for the central beachfront are key Council objectives.

The postal poll will assist Council in gaining a better understanding of the community's attitude on the matter.

FINANCIAL IMPLICATIONS

Preparing for and carrying out the postal poll represents a staff cost.

Printing and mailing costs will not be great and will be absorbed within the current budget.

BACKGROUND

At its 28 May 2007 meeting, Council considered a report on the progress of draft TPS3 and resolved:

To conduct a postal poll of each Cottesloe elector as to the retention of the 12m central beachfront height limit proposed in TPS3, including a summary of the State Government's case against and the Council case in favour.

Accordingly, staff have prepared postal poll draft documentation that includes a covering leaflet explaining the subject matter and associated issues together with a separate poll paper and instruction sheet.

Covering Leaflet

This is necessary and desirable in order to:

- Catch people's attention.
- Explain the reasons for the postal poll.
- Inform the community specifically about the local and regional planning perspectives on the matter, to enable their considered poll.
- Keep the community generally informed of the progress of the draft scheme.

The leaflet is designed to provide the following basic information:

- Why the postal poll is being held.
- What it is about in particular.
- Factors that are taken into account when considering height limits.
- The State Government's view.
- The Town of Cottesloe's view.

It is recognised that coastal height limits are very topical and have been the subject of much public discussion in Perth over recent years.

While the local community will be quite aware of the matter generally, the leaflet is intended to provide specific background and context so that the community can make a better-informed response to the poll.

The draft leaflet presents the recommended format, content and language. The actual finished product will entail professional artwork to be approved by the CEO. This will entail size, paper type, colour, typeface, headings, borders and graphics, etc, to be attractive, user-friendly and uncomplicated.

Poll Paper

The poll paper is intended to be simple, straightforward and unambiguous. For the purposes of greater certainty in determining and interpreting the poll results, any poll question should be easy to understand and simple to complete.

An array of choices of height limits has been avoided because:

1. It would be inconsistent with Council's previous resolution, and
2. The very form of the words used for a greater range of choices will tend to generate more rather than less uncertainty when interpreting the results.

The accompanying instruction sheet and reply-paid envelope makes it fairly simple to respond to the poll and ensures that individual responses are kept secret.

Conducting the Postal Poll

It is intended that the postal poll be carried out during August 2007.

Following finalisation of the draft documentation, the leaflet, poll paper and envelopes can be printed and a bulk mail-out performed.

A fresh electoral roll has been requested from the Western Australian Electoral Commission for the conduct of the poll.

A period of between two to three weeks will be provided for responses to ensure that not too little but not too much time is allowed for people to respond and to capture any people who may be away from Cottesloe for up to a week during the period.

Advertisements encouraging electors to respond to the poll are to be placed in local newspapers.

If there is any delay in the printing or mail out of the postal poll documentation or the receipt of an up-to-date electoral roll, the deadline for poll responses will be extended. At this stage however it is intended that the poll will close on 30th August, 2007 at 4.00pm and that the poll papers will be collated and counted on Friday 31st August, 2007 commencing at 10am. Elected members and members of the public will be invited to be present at the count.

CONCLUSION

The postal poll is considered to be an effective way of gauging current local community opinion on the proposed height limit for buildings in the central beachfront under draft TPS3 as adopted by Council to date.

It will provide Council with useful feedback and help further the scheme review process, in terms of an appreciation of the community's view and when in dialogue with the State authorities about the matter.

It will also keep the Cottesloe community informed and maintain interest as a prelude to the statutory advertising phase of the draft scheme.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the draft documents at length. It was generally considered that the length of the covering leaflet could be reduced and that the information should be as neutral as possible. It was suggested that an abridged version could be distributed with advice that further information could be obtained from Council's website.

There was also discussion about the presentation of options on the poll paper, such as a choice between TPS3, the WAPC policy, the Minister's suggestion or a mix of heights.

Officers pointed-out that the report and draft documents were aimed at responding to the specific Council resolution regarding the TPS3 height limit, and that the postal poll was intended more to test Council's proposal rather than promote other options.

OFFICER RECOMMENDATION

That Council:

- (1) Endorse the proposed Cottesloe community postal poll leaflet and poll paper documents regarding the proposed 12 metre height limit for the central beachfront area.
- (2) Request staff to finalise the publication and distribution of the documentation with a view to conducting the postal poll in August 2007.

COMMITTEE RECOMMENDATION

That Council:

- (1) Endorse the proposed Cottesloe community postal poll leaflet and poll paper documents regarding the proposed 12 metre height limit for the central beachfront area, subject to the following amendments:
 - (i) the leaflet being reduced by:
 - (a) streamlining the *Factors to be taken into account* section;
 - (b) deleting the *Existing TPS2* section; and
 - (ii) the poll paper containing two choices to vote on, being:
 - (a) the 12m height limit proposed in draft Town Planning Scheme No. 3; and
 - (b) the height limit of up to five storeys and not exceeding 21m provided for in the Western Australian Planning Commission's Statement of Planning Policy No. 2.6: State Coastal Planning Policy;
- (2) Request staff to finalise the publication and distribution of the documentation with a view to conducting the postal poll in August 2007.

CEO COMMENT

It would appear that Crs Carmichael and Furlong inadvertently overlooked the declaration of a financial interest in relation to this matter when it was considered at the Development Services Committee meeting held last Monday.

Given that:

1. they both reside within the proposed Central Foreshore Zone which will be directly affected by any determination of height limits,
2. have made declarations of interest in the past in relation to the Central Foreshore Zone and draft Town Planning Scheme No.3, and
3. have acknowledged this fact in discussions with the CEO subsequent to the committee meeting,

It is felt that it would be unsafe for Council to consider the recommendation of the Development Services Committee without some degree of reservation.

Accordingly the original Officer Recommendation has been represented for a fresh round of debate together with the attachments that have been previously supplied to elected members.

OFFICER RECOMMENDATION

That Council:

- (1) Endorse the proposed Cottesloe community postal poll leaflet and poll paper documents regarding the proposed 12 metre height limit for the central beachfront area.
- (2) Request staff to finalise the publication and distribution of the documentation with a view to conducting the postal poll in August 2007.

Cr Carmichael declared a financial interest in Item 10.1.8 due to being a resident of the proposed Central Foreshore Zone at 14/116 Marine Parade

Cr Furlong declared a financial interest in Item 10.1.8 due to being a resident of the proposed Central Foreshore Zone at 134 Marine Parade

Cr Carmichael and Cr Furlong left the meeting at 7.41 pm

STANDING ORDERS

Moved Cr Peter Jeanes, seconded Cr Victor Strzina

That Standing Orders be suspended since a committee recommendation is not presented. Hence, the rules of debate will be impinged as Councillors would only be allowed to speak once.

Carried 5/4

STANDING ORDERS

Moved Cr Bryan Miller, seconded Cr Victor Strzina

That Standing Orders be resumed.

Carried 9/0

10.1.8 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- (1) Endorse the proposed Cottesloe community postal poll leaflet and poll paper documents regarding the proposed 12 metre height limit for the central beachfront area.**
- (2) Request staff to finalise the publication and distribution of the documentation with a view to conducting the postal poll in August 2007.**

Carried 5/4

Cr Carmichael and Cr Furlong returned to the meeting at 8.28 pm

10.1.9 PROPOSED AMENDMENT NO. 44 TO TOWN PLANNING SCHEME NO. 2 – UN-ZONED LAND SOUTH OF JARRAD STREET

File No:	Sub/342
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil.
Attachments:	Current Scheme Plan of Area Proposed Scheme Plan of Area
Report Date:	3 July 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

A relatively minor technical amendment to round-out the zoning shown on the scheme map for part of the Town Centre is proposed.

Although draft TPS3 corrects this anomaly it is considered prudent to amend TPS2 as a priority, given that the land is anticipated to be the subject of a redevelopment proposal.

STATUTORY ENVIRONMENT

The *Planning & Development Act 2005* empowers amendment of town planning schemes and the Town Planning Regulations govern the procedure for this.

Town Planning Scheme No. 2 is the current scheme by which land use and development in the district are controlled and which is able to be amended.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The proposed amendment is in accordance with the intent for the area under current TPS2 and proposed TPS3.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

- This report presents a minor but important Amendment to Town Planning Scheme No. 2.
- The Amendment is to properly classify land south of Jarrad Street as part of the Town Centre Zone and with a residential density coding of R100.
- This is necessary in order to remove uncertainty and to manage development proposals and assessments.
- Stirling Highway is generally affected by an historical and very wide regional road reservation for town planning purposes.
- Under the Metropolitan Region Scheme (MRS) there is a Primary Regional Road (PRR) reservation for the highway, which extends virtually the depth of the lots along the western (Cottesloe) side.

- As MRS reservations override any local zoning they are required to be shown in the town planning scheme as such.
- South of Jarrad Street this MRS reservation has been rationalised in recent years and limited to the highway road reserve so that properties are less affected by any possible future widening requirements.
- Technically the lifting of the wider MRS reservation has left the adjoining private land partially un-zoned and partially zoned Town Centre R100.
- It is therefore a statutory requirement and desirable that the area of former MRS reservation now be appropriately zoned under TPS2, and obviously Town Centre R100 is the intent and consistent with the balance of the land (as it would be had the reservation not been imposed).
- To correct this anomaly the same zoning and coding has already been proposed in draft TPS3, however, that scheme is some time away and there is a need for proper zoning and development controls now.
- In particular, some of the subject properties are on the market and various enquiries have been received regarding the zoning, density and development parameters, so a future redevelopment proposal is likely.
- By zoning the land completely all of the relevant scheme objectives, provisions and development controls will automatically apply to the subject land in the normal manner.
- The subject land is shown on the attached maps and the properties are summarised below.

<i>Street Address</i>	<i>Lot Numbers</i>
33 Jarrad Street	Lot 6
35 Jarrad Street	Lot 7
571 Stirling Highway	Lots 19 and 21
573-575 Stirling Highway	Lots 16, 17 and 18
583-585 Stirling Highway	Lot 80
Units 1-31, 589 Stirling Highway	Lot 52, Strata lots 1-31
Units 1-4, 11 Brixton Street	Lot 50, Strata lots 1-4
595 Stirling Highway	Lot 10
597 Stirling Highway	Lots 8 and 9

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

10.1.9 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2, by amending the Scheme Map to zone land currently un-zoned within the area bounded by Stirling Highway, Jarrad Street and Brixton Street, as Town Centre Zone with a residential density coding of R100.**
- (2) Request the Manager Development Services to prepare the amendment documents, upon which the Chief Executive Officer shall adopt and endorse the amendment documents on behalf of Council.**
- (3) Pursuant to section 81 of the Planning and Development Act 2005, refer the proposed amendment to the Department of Environment for clearance prior to advertising.**
- (4) Advertise the proposed amendment for public comment for a period of 42 days by:**
 - (i) Placing a copy of the notice in the Post newspaper, on the Council notice boards at the Council Offices and the Town Centre, and in the Library.**
 - (ii) Placing a copy of the proposed amendment on display at the Council Offices and in the Library.**
 - (iii) Notifying nearby landowners by letter as determined by the Manager Development Services.**
 - (iv) Arranging for a sign notifying of the details of the proposal and the opportunity to make a submission, to be placed on site, the Stirling Highway frontage in a prominent position, for the duration of the advertising period.**
- (5) Provide the Western Australian Planning Commission with a copy of the proposed scheme amendment.**

Carried 11/0

Mr Andrew Jackson left the meeting at 8.34pm and did not return.

The agenda items were dealt with in the following order: 11.1.3, 11.1.5, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.4.1 and then the balance in numerical order enbloc.

11 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 17 JULY 2007

11.1 ADMINISTRATION

11.1.1 DISABILITY SERVICES ADVISORY COMMITTEE – PLAN & APPOINTMENT

File No: SUB/554
Attachment: [Town of Cottesloe Disability Access and Inclusion Plan](#)
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The Town of Cottesloe's Disability Services Advisory Committee seeks Council's adoption of the *Town of Cottesloe Disability Access and Inclusion Plan* (see attached) and approval for the appointment of a new committee member.

STATUTORY ENVIRONMENT

The *Western Australian Disability Act 1993* states that people with disabilities have the right to be respected for their human worth and dignity and have the same human rights as other community members, regardless of the degree and nature of their disabilities.

The Act requires local and State government authorities to develop and implement a Disability Access and Inclusion Plan to ensure that people with disabilities can access services provided by local governments in Western Australia. These services should facilitate increased independence opportunities and inclusion for people with disabilities in the community.

The plan must be submitted to the Disability Services Commission by 31 July 2007.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The adoption of the *Town of Cottesloe Disability Access and Inclusion Plan* confirms the Town of Cottesloe's commitment to this area. There are a number of strategies outlined in the document that are intended to be implemented over the next 5 years.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The *Town of Cottesloe Disability Access and Inclusion Plan* provides a blueprint for Council's Disability Services Advisory Committee to follow in the short to medium term.

The plan was adopted by the Disability Services Advisory Committee at a meeting held on 22 June, 2007.

At the same meeting the Disability Services Advisory Committee appointed Mr Don Hyde as a committee member subject to Council approval.

CONSULTATION

Comprehensive community consultation on the plan included a meeting in the War Memorial Town Hall in March 2007. The feedback from this consultation has been included in the compilation of the *Town of Cottesloe Disability Access and Inclusion Plan*.

STAFF COMMENT

The *Town of Cottesloe Disability Access and Inclusion Plan* is the result of many months of work by the Disability Services Advisory Committee and is commended to Council.

VOTING

Absolute majority

11.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- 1. Appoint Mr Don Hyde to Council's Disability Services Advisory Committee.**
- 2. Adopt the *Town of Cottesloe Disability Access and Inclusion Plan* for submission to the Disability Services Commission.**

Carried by Absolute Majority 11/0

11.1.2 PROCOTT INCORPORATED - RELEASE OF 2007/08 FUNDING

File No: SUB/47
Attachment(s): [Progress Report and Budget - April 2007](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to agree to pay to ProCott the amount of money raised by a Specified Area Rate with the amount raised in rates becoming payable in one lump sum to ProCott on 15 October 2007.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Based on a 5% increase in the rate in the dollar levied over the Central Business District for the 2006/07 financial year, the specified area rate agreement is likely to raise \$75,000 on behalf of ProCott Inc in 2007/08.

BACKGROUND

Under Part 3 of the *Specified Area Rate Monies* legal agreement with the Town of Cottesloe, ProCott Inc is required to undertake a number of actions in order to obtain funding from the Council for this financial year.

Specifically, on or before 15th April 2007, ProCott is to prepare and deliver to the Town a programme for the next financial year which:

- (a) is within the objects of ProCott;
- (b) proposes the provision of specific works, services or facilities within the meaning of section 6.37 of the Act;
- (c) will be or is likely to be of special benefit to the Central Business District; and
- (d) sets out the proposed expenditure with respect to each of the specific works, services and facilities referred to in the programme.

ProCott has fulfilled its obligations in this regard and the programme of expenditure was presented to Council at its May 2007 meeting.

At its June 2007 meeting, Council resolved to adopt a Specified Area Rate for the 2007/08 financial year.

Now that Council has adopted a Specified Area Rate for 2007/08 the Council is obliged to consider in detail the programme delivered to it under the legal agreement.

A copy of ProCott's program for 2007/08 is shown as an attachment.

In considering the programme for any financial year, Council has agreed to be concerned only with matters of principle while noting that the expenditure of the ProCott in carrying out the programme may include a reasonable amount for incidental administrative expenses.

Subject to Council agreeing to pay to ProCott the amount of money raised by the Specified Area Rate, the amount raised in rates becomes payable in one lump sum to ProCott on 15 October 2007.

CONSULTATION

Nil.

STAFF COMMENT

The progress report and budget is the same as that which was presented to Council in May 2007.

VOTING

Simple Majority

11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council agree to pay to ProCott the amount of money raised by the Specified Area Rate with the amount raised in rates becoming payable in one lump sum to ProCott on 15 October 2007.

Carried 11/0

11.1.3 REVIEW OF VEHICLE FLEET ADMINISTRATION POLICY

File No: SUB/588
Attachment(s): [Report of Uniqco International Vehicle Management Proposed Policy with Marked-up Changes](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

Council's *Vehicle Fleet Administration Policy* has been reviewed and updated by the CEO and is recommended for adoption.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

The new policy will form part of Council's *Policy Manual*.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Town of Cottesloe recently commissioned Uniqco International Vehicle Management to undertake a review of the Town's acquisition policy for light vehicles.

A copy of their 'commercial-in-confidence' report is attached for the information of elected members and staff only.

While the full import of the report has yet to be realised (particularly in relation to novated premium leases and opportunities to reduce the Town's fringe benefits tax liability through employee contributions) it is readily apparent that four-cylinder vehicles that are retained for up to three years should become the mainstay of the Town's light vehicle fleet rather than six-cylinder vehicles that are retained for only one year - as is currently the practice.

As a result, the Town's *Vehicle Fleet Administration Policy* has been updated in order to better reflect the main findings of the report prepared by Uniqco International Vehicle Management.

CONSULTATION

The report of Uniqco International Vehicle Management has been distributed to all employees with Council vehicles. Staff have been made aware that the vehicle fleet acquisition policy is about to change.

STAFF COMMENT

A copy of the proposed revised policy with marked-up changes is attached and the following comments are made in relation to a number of the proposed changes.

- The wording under the heading of 'Aim of this Policy' has been tightened up by deleting a specific reference to Local MINUTES 21 (which has no meaning to the average punter) and introducing a new 'social' consideration in the decision-making process.
- As the provision of vehicles to staff is no longer confined to senior staff, the policy has been amended to reflect current practice. By way of explanation, the Accountant and GIS Officer have vehicles as part of their remuneration packages and of necessity; this may be extended to a yet-to-be-recruited senior town planner (subject to Council's approval of an unbudgeted expense).
- 'Whole-of-life' costs have been introduced into the policy for the first time. While the measurement of whole-of-life costs has been around for some time, the ability to access up-to-date and relevant information for light vehicles has been problematic. An online subscription to an NRMA 'motoring cost calculator' which allows the input of 14 variables will overcome this difficulty.
- All new vehicles now have carbon dioxide and air pollution ratings which can be easily compared. These considerations are now specified in the policy.
- Vehicle safety ratings and public perceptions of certain types of vehicles have been introduced into the policy as a new consideration in the decision making process.

Subject to the adoption of the revised policy, it is intended that the passenger vehicle fleet be converted to four-cylinder vehicles over the next three years using the assessment criteria provided by Uniqco International Vehicle Management. This staged approach will facilitate a relatively even vehicle changeover cost from year to year.

By way of setting the example, the CEO and Managers are expected to lead the charge.

Those not converting to four-cylinder vehicles by the third year will be required to keep their current passenger vehicle for another two years (five years in total) or another year for those with utilities.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council adopt the following revised *Vehicle Fleet Administration Policy*:

VEHICLE FLEET ADMINISTRATION**(1) BACKGROUND**

The administration of Council's passenger and commercial vehicles is a significant component of the annual budget. This policy details Council's primary criteria for the management of vehicle resources.

(2) AIM OF THIS POLICY

To ensure that Council vehicles are operated in an efficient and cost effective manner with due regard to social and environmental factors.

(3) POLICY STATEMENT

Council recognises the need to operate a fleet of vehicles which are essential to its effective daily operations. This includes vehicles which are primarily used in a functional capacity and those which are provided as part of remuneration packages to attract appropriate staff.

The following major criteria are to be observed in the operation of Council's vehicles and the associated administration:

(a) Economy

The most economic vehicles conducive to efficient and effective operations are to be used. In assessing this criterion, whole-of-life costs are to be considered. The price of a vehicle, in isolation, is not a good indicator of economic advantage.

(b) Functionality

Staff who operate specialised vehicles are to be consulted in the selection of new equipment. Assessment of alternative models will be based on predetermined selection criteria developed by management in consultation with works staff.

(c) Environment

Matters such as carbon dioxide emissions, air pollution ratings and any other relevant issues are to be considered. When similar alternative vehicles are considered, environmental advantage shall determine which vehicle is to be chosen.

Vehicles are not to be operated in any condition that creates additional pollution of any kind (e.g. smoky exhaust etc.).

(d) Social

Matters such as vehicle safety ratings and public perceptions of certain types of vehicle are to be considered.

(e) Vehicle Changeover

The calculation of vehicle changeover will depend on many variables. In general terms, passenger vehicles are to be changed at a time calculated to minimise whole-of-life costs while the vehicle is still under warranty.

Management may vary passenger vehicle types and models from time to time to obtain the best benefit to Council. Maximum use is to be made of fleet discount opportunities and similar schemes.

(f) Vehicles Included in Staff Contracts

A number of staff have private vehicle use included in remuneration packages. New contracts will contain the category of vehicle usage in accordance with this policy and any other relevant conditions. In all cases, the terms of this policy are to apply to these vehicles rather than individual preference. Where staff can demonstrate that a preferred alternative vehicle to that offered by Council has advantages, under the criteria stipulated in this policy, it may be procured at the next appropriate changeover time at the discretion of the CEO.

Staff are to be consulted prior to any significant change in vehicles provided under contractual or salary packaging arrangements.

Vehicles supplied under these provisions are to be kept in a clean and tidy condition and routine maintenance checks, as recommended in the manufacturer's handbook, are to be conducted regularly (e.g. fluid levels and tyre pressures). If a vehicle requires major detailing at the time of trade-in, due to lack of appropriate cleaning, the driver responsible for its use may be required to pay for this service.

(g) Categories of Vehicle Use

The following categories of use will apply to Council vehicles:

(i) Operational Use

Daily "on the job" uses only – no commuting or private use of any kind to apply. This will generally apply to heavy and specialist vehicles.

(ii) Commuting Use

This may be granted to staff and allows use of the vehicle between home and work only. No other private use is permitted. The CEO will allocate vehicles in this category.

(iii) Limited Private Use

This allows commuting and additional private use within a radius of 250km of the City centre. This may be provided as a component of salary, or may be offered on a repayment basis. Additional private use (beyond 250km) is only to be undertaken with the authority of the CEO. The vehicle may have to be returned to Council during periods of leave of any kind in excess of one week, and particularly when relieving staff are employed. This will apply to some vehicles supplied under contractual agreements and will be stipulated in the relevant contract.

(iv) Full Private Use

Unlimited private use within the state of WA and including all leave periods. This will apply to heads of departments and to the CEO unless other arrangements are agreed by negotiation.

(v) Use of Vehicles

All vehicles purchased by Council are to be regarded as business transport during working hours. Staff other than the primary driver of the vehicle are to have reasonable access to any available vehicle to facilitate their work.

For insurance purposes, staff who have any form of private use of a vehicle may nominate, in writing, to the CEO, an alternative driver of the vehicle. This will normally be a member of the officer's family. Other non – family drivers are not to use the vehicle other than in an emergency. The alternative driver may be changed at any time by giving written notice to the CEO.

(h) Use of Signage

Commercial vehicles used on Council business are to bear signage showing that they are operated by the Town of Cottesloe. This may be in the form of removable magnetic signs if the vehicle is used for other purposes.

(i) First Aid Kits

All vehicles used on Council business shall carry basic first aid kits.

(j) Accident Reporting

All vehicles are to carry appropriate documentation to allow accident reporting procedures to be followed. All accidents are to be reported as soon as practicable to the immediate supervisor and insurance claims are to be completed by drivers and handed to Council's claims officer.

(k) Fuel

A system of fuel cards operates to enable staff to purchase fuel at retail outlets at discounted prices. Random audits of the system are to be used to maintain accountability of the users.

The provision of fuel at Council expense to officers who have use of a vehicle during leave periods will be specified in individual contracts or statements of conditions of employment and limited to a full tank of fuel on commencement of leave.

(l) Fringe Benefit Tax

Council is obliged to pay Fringe Benefit Tax (FBT) in relation to all vehicles which are used for private travel of any kind. The CEO is to monitor this expense and regularly review vehicle operations with a view to maximising the efficient use of resources through alternative strategies of remuneration packaging.

(m) Effect on current contracts

This policy shall not have a detrimental effect on staff contracts or conditions of employment which are current at the date of its adoption.

RESOLUTION NO: 11.1.3
ADOPTION: July 2007
REVIEW: July 2015

AMENDMENT

Moved Cr Utting, seconded Cr Woodhill

That the motion be amended by removing this item and tabling it at the next Strategic Planning Committee meeting to allow further discussion and debate over the item.

Lost 4/7

Cr Utting requested the votes be recorded

For: Cr Carmichael, Cr Utting, Cr Walsh and Cr Woodhill

Against: Mayor Morgan, Cr Cunningham, Cr Dawkins, Cr Furlong, Cr Jeanes,
Cr Miller and Cr Strzina

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Mayor Morgan

That Council adopt the following revised *Vehicle Fleet Administration Policy*:

VEHICLE FLEET ADMINISTRATION

(1) BACKGROUND

The administration of Council's passenger and commercial vehicles is a significant component of the annual budget. This policy details Council's primary criteria for the management of vehicle resources.

(2) AIM OF THIS POLICY

To ensure that Council vehicles are operated in an efficient and cost effective manner with due regard to social and environmental factors.

(3) POLICY STATEMENT

Council recognises the need to operate a fleet of vehicles which are essential to its effective daily operations. This includes vehicles which are primarily used in a functional capacity and those which are provided as part of remuneration packages to attract appropriate staff.

The following major criteria are to be observed in the operation of Council's vehicles and the associated administration:

(a) Economy

The most economic vehicles conducive to efficient and effective operations are to be used. In assessing this criterion, whole-of-life costs are to be considered. The price of a vehicle, in isolation, is not a good indicator of economic advantage.

(b) Functionality

Staff who operate specialised vehicles are to be consulted in the selection of new equipment. Assessment of alternative models will be based on predetermined selection criteria developed by management in consultation with works staff.

(c) Environment

Matters such as carbon dioxide emissions, air pollution ratings and any other relevant issues are to be considered. When similar alternative vehicles are considered, environmental advantage shall determine which vehicle is to be chosen.

Vehicles are not to be operated in any condition that creates additional pollution of any kind (e.g. smoky exhaust etc.).

(d) Social

Matters such as vehicle safety ratings and public perceptions of certain types of vehicle are to be considered.

(e) Vehicle Changeover

The calculation of vehicle changeover will depend on many variables. In general terms, passenger vehicles are to be changed at a time calculated to minimise whole-of-life costs while the vehicle is still under warranty.

Management may vary passenger vehicle types and models from time to time to obtain the best benefit to Council. Maximum use is to be made of fleet discount opportunities and similar schemes.

(f) Vehicles Included in Staff Contracts

A number of staff have private vehicle use included in remuneration packages. New contracts will contain the category of vehicle usage in accordance with this policy and any other relevant conditions. In all cases, the terms of this policy are to apply to these vehicles rather than individual preference. Where staff can demonstrate that a preferred alternative vehicle to that offered by Council has advantages, under the criteria stipulated in this policy, it may be procured at the next appropriate changeover time at the discretion of the CEO.

Staff are to be consulted prior to any significant change in vehicles provided under contractual or salary packaging arrangements.

Vehicles supplied under these provisions are to be kept in a clean and tidy condition and routine maintenance checks, as recommended in the manufacturer's handbook, are to be conducted regularly (e.g. fluid levels and tyre pressures). If a vehicle requires major detailing at the time of trade-in, due to lack of appropriate cleaning, the driver responsible for its use may be required to pay for this service.

(g) Categories of Vehicle Use

The following categories of use will apply to Council vehicles:

(i) Operational Use

Daily “on the job” uses only – no commuting or private use of any kind to apply. This will generally apply to heavy and specialist vehicles.

(ii) Commuting Use

This may be granted to staff and allows use of the vehicle between home and work only. No other private use is permitted. The CEO will allocate vehicles in this category.

(iii) Limited Private Use

This allows commuting and additional private use within a radius of 250km of the City centre. This may be provided as a component of salary, or may be offered on a repayment basis. Additional private use (beyond 250km) is only to be undertaken with the authority of the CEO. The vehicle may have to be returned to Council during periods of leave of any kind in excess of one week, and particularly when relieving staff are employed. This will apply to some vehicles supplied under contractual agreements and will be stipulated in the relevant contract.

(iv) Full Private Use

Unlimited private use within the state of WA and including all leave periods. This will apply to heads of departments and to the CEO unless other arrangements are agreed by negotiation.

(v) Use of Vehicles

All vehicles purchased by Council are to be regarded as business transport during working hours. Staff other than the primary driver of the vehicle are to have reasonable access to any available vehicle to facilitate their work.

For insurance purposes, staff who have any form of private use of a vehicle may nominate, in writing, to the CEO, an alternative driver of the vehicle. This will normally be a member of the officer’s family. Other non – family drivers are not to use the vehicle other than in an emergency. The alternative driver may be changed at any time by giving written notice to the CEO.

(h) Use of Signage

Commercial vehicles used on Council business are to bear signage showing that they are operated by the Town of Cottesloe. This may be in the form of removable magnetic signs if the vehicle is used for other purposes.

(i) First Aid Kits

All vehicles used on Council business shall carry basic first aid kits.

(j) Accident Reporting

All vehicles are to carry appropriate documentation to allow accident reporting procedures to be followed. All accidents are to be reported as soon as practicable to the immediate supervisor and insurance claims are to be completed by drivers and handed to Council's claims officer.

(k) Fuel

A system of fuel cards operates to enable staff to purchase fuel at retail outlets at discounted prices. Random audits of the system are to be used to maintain accountability of the users.

The provision of fuel at Council expense to officers who have use of a vehicle during leave periods will be specified in individual contracts or statements of conditions of employment and limited to a full tank of fuel on commencement of leave.

(l) Fringe Benefit Tax

Council is obliged to pay Fringe Benefit Tax (FBT) in relation to all vehicles which are used for private travel of any kind. The CEO is to monitor this expense and regularly review vehicle operations with a view to maximising the efficient use of resources through alternative strategies of remuneration packaging.

(m) Effect on current contracts

This policy shall not have a detrimental effect on staff contracts or conditions of employment which are current at the date of its adoption.

RESOLUTION NO: 11.1.3
ADOPTION: July 2007
REVIEW: July 2015

Carried 10/1

Cr Utting requested the votes be recorded

For: Mayor Morgan, Cr Carmichael, Cr Cunningham, Cr Dawkins,
Cr Furlong, Cr Jeanes, Cr Miller, Cr Strzina, Cr Walsh and Cr Woodhill

Against: Cr Utting

11.1.4 BLUE WATERS - CHANGE TO EXISTING OUTDOOR EATING AREA

File No: HEA/25
Attachment(s): [Outdoor Eating Area Lease Plan](#)
[Local Law – Licence to Set Up and Conduct Eating Area in Streets and Other Public Places](#)
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 11 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to consider an application from Blue Waters for an additional table and six chairs and permission to install balustrading around the perimeter of the outdoor eating area. The recommendation is for approval.

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law - Division 3 - Outdoor eating facilities on public places.*
- *Building Code of Australia 1996 Part F2 – Sanitary and Other Facilities.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

An application has been submitted to place an additional table and six chairs in the outdoor eating area of Blue Waters and to install removable balustrading around the perimeter of the area. A copy of the outdoor dining area is attached for information.

The current Outdoor Eating Area Licence permits 6 tables and 24 chairs to be placed on the footpath immediately adjacent to the southern Warnham Road side windows of the café between the hours of 8.00am to 10.00pm daily, Monday to Sunday. Internally, the café is licensed to seat up to 70 patrons.

The proposed balustrading is galvanised painted pipe frames fitted to marine grade stainless steel housing. The proposed black canvas infill will have no advertising whatsoever. The complete structure is removable and in accordance with the condition of the licence, is permitted to remain in place during the hours of operation. A copy of the current licence outlining conditions of operation is attached.

The Town of Cottesloe requires a Certificate of Currency be submitted demonstrating that public liability insurance cover for \$10 million is in place. Conditions in relation to indemnification of the Town against any claims can be seen at the bottom of the attached licence.

The addition of balustrading to the perimeter will further reduce the pedestrian access way between the alfresco area and the kerb on Warnham Road. It is therefore recommended that the 3.0 metre width of the alfresco area along the southern Warnham side be reduced by 0.5 metre to 2.5 metres to ensure there is adequate pedestrian access, particularly access for the disabled and prams. The Trading Area plaques will be moved accordingly.

CONSULTATION

Nil.

STAFF COMMENT

The designated area shown on the attached plan exceeds that required for the number of tables and chairs and therefore no additional area will be required to place an extra table and six chairs in the outdoor area. The application, if supported will permit up to 100 patrons to be seated inside and outside the café during the hours of operation. Blue Waters complies with all health requirements and has adequate toilet facilities to service the number of patrons proposed, that is, up to 100 patrons.

Similar structures can be seen in Fremantle, Northbridge, Subiaco and a number of other areas where alfresco dining is popular. This style of barrier assists to contain the outdoor dining area within the designated area and to maintain safe pedestrian access. Depending on the robustness of the structure they may provide some protection from pedestrians bumping into tables and chairs or even from vehicles where the outdoor area is adjacent to a roadway.

In the event that the recent application for an Extended Trading Permit (ETP) is approved by the Office of Racing, Gaming & Liquor there will be a requirement to define the licensed area using balustrading or a similar barrier. As Council has supported the ETP, it is recommended that it also supports the application to install perimeter balustrading to the area.

Condition No. 12 of the Outdoor Eating Area Licence refers to the supply and/or consumption of alcohol and states:

“The supply and/or consumption of alcohol in the licensed eating area shall be in accordance with the requirements of the Liquor Licensing Act 1988, and shall be ancillary to a meal supplied by the licensee”.

In light of the likelihood of an ETP being granted to consume alcohol without a meal it is recommended that this condition be amended by removing “and shall be ancillary to a meal supplied by the licensee”.

It is also recommended that the Warnham Road section of the outdoor dining area be reduce to 2.5 metres wide, that is, the distance from the tables and chairs to the kerb is increased to 1.78metres, which is considered to be adequate for safe pedestrian access and that all structures are removed when the business is not in operation.

Unless complaints are received in relation to the operation of the alfresco dining area or there are significant changes to the cafe, this licence may be renewed annually in July under delegated authority.

VOTING

Simple Majority

11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Approve the application by Blue Waters to place an additional table and six chairs in the existing approved outdoor eating area and to install removable balustrading around the perimeter of the area, subject to the following additional conditions:**
 - (a) the existing 3.0 metre width of the alfresco area along the southern Warnham Road side to be reduced by 0.5metre to 2.5 metres to ensure there is adequate pedestrian access; and**
 - (b) up to 30 patrons may be seated in the outdoor dining area at any time during the permitted hours of operation.**
- (2) Amend Condition No 12 of the Outdoor Eating Area Licence by removing “and shall be ancillary to a meal supplied by the licensee”.**

Carried 11/0

11.1.5 COTTESLOE CIVIC CENTRE - MUSTARD CATERING & LESSER HALL

File No: SUB/406
Attachment(s): [Redevelopment Plan](#)
[Redevelopment Costs](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: The author discloses a financial interest in the matter
Report Date: 11 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to undertake community consultation on the proposed partial redevelopment of the Lesser Hall for private catering purposes.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Following the completion of a schematic design for the proposed Civic Centre office expansion and upgrade, Council passed the following resolution at its December 2006 meeting:

That Council:

- (1) *Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the proposed new administration entrance being more sympathetic to the aesthetics of the existing building.*
- (2) *Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,*
- (3) *Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,*
- (4) *Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,*

- (5) *Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,*
- (6) *Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place.*
- (7) *Undertake community consultation prior to any budget-setting decision.*

In relation to part 6 of Council's resolution, Mustard Catering provided plans and preliminary cost estimates for the redevelopment of the Lesser Hall to the March 2007 meeting of Council.

Concerns were raised by Council about the community losing the Lesser Hall as a meeting room and the likely rejection of the proposed plans by the community. Also an issue relating to the storage of chairs and tables for the War Memorial Town Hall needed to be resolved without using the Town Hall verandas.

As a result, Council decided that Mustard Catering should be requested to revisit their plan with a view to keeping the Lesser Hall meeting space as is.

Upon receiving the request, Mustard Catering made the suggestion that;

".. we discuss the proposals with your architects whom may be able to offer a more precise and consultative solution given their current intimate knowledge of the building and future plans. The real issue remains that if we can resolve the operational and functional issues then the current business can survive and develop. If the hospitality fundamentals are not able to be accommodated as a minimum then any catering organisation will find it difficult to service customers in a compliant manner at Cottesloe Civic Centre.

Our aim is to seek a solution that concurs with the Council's imperatives and also considers a modus operandi that supports a hospitality solution for the operations at Cottesloe Civic Centre. Therefore it would be advantageous that Philip Griffiths Architects was engaged at this stage to give thought to a planning solution taking into account Council's comments and preferred options and future plans given their considerable experience with the venue.

I would ask that the Town of Cottesloe engage Philip Griffiths Architects to allow Mustard Catering to seek advice on behalf of the Town of Cottesloe for the relocation of the catering facilities within the current redevelopment and report back to Council once our consultation is completed."

It was subsequently confirmed that Mustard Catering wanted the Town of Cottesloe to engage Philip Griffiths Architects to prepare revised plans and estimates for the Lesser Hall.

In the absence of a mandate from Council to expend funds on revised plans and estimates for the Lesser Hall, the CEO sought a quote from Philip Griffiths Architects with a view to putting the matter back to Council.

A quote was obtained and referred through to Council's May 2007 meeting where it was resolved;

That Council:

- (1) Meet the cost (to a maximum of \$5,000) of preparing Stage 2 plans and estimates for the partial conversion of the Lesser Hall for a private catering operation and that Philip Griffiths Architects be engaged to undertake the work.
- (2) Instruct the architects that:-
 - (a) No more than 30% of the area currently used for community/civic purposes within the open hall area is to be given over to the exclusive use of private caterers, and
 - (b) The southern access is to be retained for community access to the hall.

Stage 2 plans and estimates for the partial conversion of the Lesser Hall for a private catering operation are close at hand (if not attached to this agenda) for Council's preliminary approval prior to community consultation being undertaken.

CONSULTATION

Under Council's *Community Consultation Policy* the proposed redevelopment of the Lesser Hall is considered to relate to a change in service that relates to the whole of the Town of Cottesloe.

The level of community consultation to be undertaken for a change in service demands that at the **minimum**, consultation include;

- The invitation of submissions with the placement of advertisements in the local newspaper.
- Information being placed on the Internet at www.cottesloe.wa.gov.au together with an invitation for submissions.

The policy also requires that in **most circumstances** Council would also:

- Place an article in *Cottesloe Council News* about the proposed plans with the article informing and encouraging feedback.
- Consult with ratepayer groups such as SOS Cottesloe Inc.
- Conduct focus groups of around 15-20 invited people, usually led by a trained facilitator.

Council **might** also want to:

- Issue media releases and conduct interviews with local journalists.
- Undertake personal briefings. These are held at the request of a member or members of the local community to discuss a particular issue with the CEO. They may include the Mayor and/or Councillors.

STAFF COMMENT

As requested, no more than 30% of the area currently used for community/civic purposes within the open hall area is to be given over to the exclusive use of private caterers.

The southern access has also been retained for community access to the hall.

DECLARATION OF INTEREST

The CEO made a declaration of financial interest in as much as he receives gifts of corporate hospitality, mainly tickets and refreshments for sporting events, from Mustard Catering. The value of the gifts ranges between \$200 and \$700 per year.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council undertake community consultation on the proposed redevelopment plans for the Lesser Hall by:

- 1. Inviting submissions with the placement of advertisements in the local newspaper.**
- 2. Placing information on the Internet at www.cottesloe.wa.gov.au together with an invitation for submissions.**
- 3. Placing an article in Cottesloe Council News about the proposed plans and informing and encouraging feedback.**
- 4. Consulting with ratepayer groups such as SOS Cottesloe Inc.**
- 5. Undertaking personal briefings.**

Carried 10/1

11.1.6 PROPOSED CIVIC CENTRE UPGRADE AND EXPANSION - RESULTS OF COMMUNITY SUBMISSIONS

File No: SUB/398
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 11 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to sign off on the developed design for the proposed Civic Centre upgrade and expansion and to call tenders for fee proposals for professional services to complete the project including contract documentation and administration.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Following the completion of a schematic design for the proposed Civic Centre expansion and upgrade, Council passed the following resolution at its December 2006 meeting:

That Council:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the proposed new administration entrance being more sympathetic to the aesthetics of the existing building.*
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,*
- (3) Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,*
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,*

- (5) *Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,*
- (6) *Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place.*
- (7) *Undertake community consultation prior to any budget-setting decision.*

In relation to parts 1, 2 and 3 of Council's December 2006 resolution, Philip Griffiths Architects obtained input from the Design Advisory Panel, developed the design, undertook cost checks and obtained the necessary approvals for the proposed additions to the Civic Centre.

A copy of their report was presented to the May 2007 meeting of Council where it was resolved to undertake community consultation on the proposed redevelopment of the Civic Centre.

CONSULTATION

Community consultation was sought by:

1. Inviting submissions (closing on the 13th July 2007) with the placement of advertisements in the local newspaper.
2. Placing information on the Internet at www.cottesloe.wa.gov.au together with an invitation for submissions.
3. Placing an article in Cottesloe Council News about the proposed plans and informing and encouraging feedback.
4. Consulting with ratepayer groups such as SOS Cottesloe Inc.
5. Seeking registrations of interest from residents who would like to participate in focus groups of around 15-20 people led by a trained facilitator.
6. Undertaking personal briefings.

A request was received from representatives of SOS Cottesloe for an inspection and of the Civic Centre and offices and briefing on the planned changes. This was undertaken by the CEO on the 21st June with three members of SOS being present.

At the time of preparing this report no submissions had been received.

STAFF COMMENT

There being no objection to the planned upgrade and expansion of the Civic Centre, it is recommended that Council sign off on the developed design and call tenders for fee proposals for professional services to complete the project including contract documentation and administration.

As building costs continue to rise, it is important that delays in the implementation of the project be avoided wherever possible.

VOTING

Simple Majority

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council sign off on the developed design for the proposed Civic Centre upgrade and expansion and call tenders for fee proposals for professional services to complete the project including contract documentation and administration.

Carried 11/0

11.1.7 LIBRARY COST SHARING PRINCIPLES

File No: SUB/547
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to inform Councillors of the outcome of a recent meeting held between the Mayors of Cottesloe and Mosman Park, the President of the Shire of Peppermint Grove and senior staff from the Cottesloe, Mosman Park and Peppermint Grove local governments which was held to finalise cost sharing arrangements for the proposed library.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the Town of Cottesloe at this point in time.

The project is still subject to Council approval.

BACKGROUND

The Mayors and President together with the 3 Chief Executive Officers and Mr Graham Pattrick of Cottesloe met on Friday morning 29 June 2007 at 8.30am in Cottesloe.

The purpose of the meeting was to develop an appropriate cost sharing rationale for all aspects of the proposed library construction.

CONSULTATION

Nil.

STAFF COMMENT

The outcomes of the meeting were that:

- 1 The proposed library project, which includes community facilities, will see capital and operating costs being shared on a population basis rather than a membership basis as is currently the case.

- 2 The population figures are to be taken from the 2006 census data and reviewed after each subsequent census.
- 3 The reconstruction of the storm water sump will be shared on a 50/50 basis between the three local governments and the Shire of Peppermint Grove.
- 4 Landscaping is to be constructed on Environmentally Sustainable Development Principles and to be as 'water-wise' as is possible.
- 5 Future maintenance of the landscaped grounds, including external lighting is to be shared on the ratio of Shire 75% and the three local governments 25%.

Based on a \$10m project, the savings to the Town of Cottesloe (based on what was once the old cost-sharing methodology i.e. population rather than membership levels) amounts to approximately \$235,000.

VOTING

Simple majority.

11.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council endorse the proposed cost-sharing principles.

Carried 11/0

11.2 ENGINEERING**11.2.1 JARRAD STREET - TEMPORARY ROAD CLOSURE**

File No: SUB/235
Attachments: [Copy of Advertisement for Temporary Road Closure](#)
[Copy of Summary of Submissions](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil.
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in May 2007, Council resolved that:

- (1) In accordance with section 3.50(4) of *the Local Government Act 1995* as amended, give local public notice of its intention to order that the section of Jarrad Street between Marine Parade and the Sea View Golf Club entry be closed to the passage of vehicles at all times for reasons of public safety for a period of twenty one (21) years commencing on 29 July, 2007.
- (2) Give written notice of Council's intention to order the road closure to each person who –
 - (i) is prescribed for the purposes of section 3.50 (4) of the Local Government Act 1995; or
 - (ii) owns land that is prescribed for the purposes of 3.50(4) of the Local Government Act 1995.
- (3) Allow a period of thirty five days for submissions to be made and consider any submissions made.
- (4) Inform the Sea View Golf Club of Council's actions and the reasons for this action.

The time for public comment on the road closure proposal closed on 6 July, 2007.

This report comments on submissions received and recommends that Council:

- (1) Inform the Sea View Golf Club, the Sea View Kindergarten, the Commissioner of Main Roads, the Department for Planning and Infrastructure, the Western Australian Planning Commission and Landgate that following the requirements of section 3.50 of the *Local Government Act 1995*, the Town of Cottesloe will be temporarily closing, for a period of 21 years, that section of Jarrad Street, Cottesloe, between Marine Parade and the roundabout on the existing Sea View Golf Club entry, commencing on the 29 July, 2007 to the movement of all vehicles for reasons of public safety.
- (2) Kerb the eastern roundabout perimeter to prevent vehicular access to the closed road and remove all barriers and signs currently in place to prevent the movement of vehicles on the road.

- (3) Remove the made portion of the road and backfill with sand.

STATUTORY ENVIRONMENT

Section 3.50 of the *Local Government Act 1995* empowers a local government to temporarily close a thoroughfare for any length of period, subject to a public notice inviting submissions and advice to Main Roads WA and other prescribed bodies.

3.50. Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) repealed]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section;

and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the *Main Roads Act 1930* a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

[(7) repealed]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In 2006 all formal steps required of the Town of Cottesloe to have a major portion of Jarrad Street from Marine Parade to Broome Street permanently closed were completed.

To recap, there was an overwhelming majority of support for the closure. All affected service authorities were contacted and gave approval, apart from Western Power and Alinta. Both of these organisations have service lines on the proposed closed road reserve and required formal easements of access to ensure ongoing control of their services. This was not seen as a problem and could have been accommodated.

During the consultation period, the Department of Planning and Infrastructure indicated their general support for the permanent closure. After several meetings to finalise Council's decision on this closure, Council resolved at its September 2006 meeting to proceed with the closure. A letter was sent to Land Asset Management Services requesting that the closure proceed and giving details of the specific reasons, responses received and how the closed land was to be treated.

In late December, 2006 the Western Australian Planning Commission (WAPC) provided a very late response to the original request for comment, which was to reject the proposal for a variety of planning reasons.

A response on behalf of Council to the points raised by the WAPC was sent on the 16th January, 2007. Due to the lack of any form of answer, a further letter was sent on the 16th March 2007, proposing that a site meeting be held so that the WAPC could gain a better understanding of site conditions and the safety considerations. No response has been received to that letter.

In the absence of a response, Council resolved its May 2007 meeting to pursue a 21-year temporary closure option. The decision required a further round of public consultation process which is the subject of this report.

CONSULTATION

This is the third round of public consultation on the closure of Jarrad Street in the last five years.

At the time of the close of submissions, a total of 246 submissions had been received with 245 in favour and one against.

Cottesloe residents provided the most comments but comments also came from residents in a large range of other metropolitan suburbs.

The majority of letters in support of the closure were received in the form of two different 'pro-forma' letters which were properly dated, addressed and signed.

Many expressed surprise that the previous overwhelming public support in favour of permanent closure had not lead to approval for the permanent closure of the road. A 21-year temporary closure was seen to be the next best alternative.

STAFF COMMENT

Because the proposed closure is temporary, service authorities do not need to be consulted because maintenance or upgrading works can still continue on what will remain as a road reserve.

As required under the Act, the Commissioner of Main Roads has been advised in writing of the proposal.

The Sea View Golf Club and Sea View Kindergarten have also been informed and asked for comment.

The golf club comment has come in the form of multiple club member letters in favour of the closure.

DECLARATIONS OF INTEREST

Mayor Morgan, Cr Furlong, Cr Walsh and Cr Strzina declared interests of impartiality as members of the Sea View Golf Club.

VOTING

Simple Majority

11.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Inform the Sea View Golf Club, the Sea View Kindergarten, the Commissioner of Main Roads, the Department for Planning and Infrastructure, the Western Australian Planning Commission and**

Landgate that following the requirements of section 3.50 of the *Local Government Act 1995*, the Town of Cottesloe will be temporarily closing, for a period of 21 years, that section of Jarrad Street, Cottesloe between Marine Parade and the roundabout on the existing Sea View Golf Club entry, commencing on the 29 July, 2007 to the movement of all vehicles for reasons of public safety.

- (2) Kerb the eastern roundabout perimeter to prevent vehicular access to the closed road, remove and make good the existing Marine Parade intersection treatments and remove all barriers and signs currently in place to prevent the movement of vehicles on the road.
- (3) Remove the made portion of the road and backfill with sand.

Carried 10/1

11.2.2 PRIVATE ROAD RESERVE VERGE PARKING AREAS POLICY

File No: SUB/176
Attachments: [Proposed Policy: Private Road Reserve Verge Parking Areas \(with marked-up changes.\)](#)
[Letter from Woodhouse Legal, 8 June, 2007](#)
[Letter from Woodhouse Legal, 4 December, 2006](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil.
Report Date: 4 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A report was made to the April 2007 Council meeting regarding the *Maintenance of Road Reserve Verge Parking Areas* policy. The main issue that was raised related to the legality of a proposed legal agreement binding users of 'private' parking areas on Council road reserves to certain care and maintenance obligations.

Council resolved that the item be withdrawn to allow staff further time to consult with Council's legal advisers on whether the *Parking and Parking Facilities* local law could be modified to achieve Council's objectives in this matter.

The legal advice is now to hand.

A recommendation is made to adopt a revised *Private Road Reserve Verge Parking Areas* policy which considerably simplifies Council's approach to the matter in general.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council.

Council's *Activities on Thoroughfares and Trading on Thoroughfares and Public Places* local law gives Council the power to prevent, allow and control activities on the road reserve.

In addition, Council's *Parking and Parking Facilities* local law gives Council substantial control powers regarding all forms and areas of parking on road reserves and public areas within the Town of Cottesloe.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

This matter first arose when Council adopted a *Maintenance of Road Reserve Verge Parking Areas* policy in September, 2005.

At the time it was agreed to have a standard agreement drawn up and checked by Council's legal adviser to cover the long-term maintenance and upgrading responsibilities of private property owners in relation to 'private' parking infrastructure on road reserves.

A draft standard agreement was prepared and submitted to Council's legal adviser for comment. The legal advice received is that it would be legally doubtful for the Town to attempt to grant, by contract, the exclusive use of any part of the road (reserve) to a particular person.

With regards to legal liability, it has also been confirmed that as the road reserves are vested in the Town of Cottesloe, the Town has a primary duty-of-care in keeping the road reserves up to an acceptable standard. This duty-of-care cannot be 'contracted out' or transferred through an agreement with an adjoining property owner.

A further complicating factor is Regulation 2A of the *Local Government (Functions and General) Regulations*. This regulation prevents any local law being made requiring or authorising a fee to be paid for the parking of vehicles on any land under the Town's care, control or management in any part of the district west of Broome Street.

Parking in general, however, can be regulated by the use of an appropriate local law.

CONSULTATION

Nil.

STAFF COMMENT

The legal advice has established a number of points that require a reconsideration of the existing policy.

These points are:

- Council carries full liability for the maintenance of road reserves that it has accepted vesting powers over. Council cannot devolve legal liability for the care, control and management of 'private' car parking areas on verges to any individual or group.
- The charging of a fee for parking area maintenance costs is not possible west of Broome Street. It is possible east of Broome Street but only if complex arrangements were carried through to modify the *Parking and Parking Facilities* local law.
- Any maintenance agreement prepared under the *Maintenance of Road Reserve Verge Parking Areas* policy is likely to be unenforceable.
- Part 8 of Council's *Parking and Parking Facilities* local law could be modified so that a form of Residential Parking Permit system could apply to certain

residents, i.e. residents in an adjacent block of flats could be given exclusive legal use of a particular verge parking area.

- Council has an ongoing power to remove any built parking area from road reserves under its control. The exercise of this power could be used to coerce a group of residents who have residential parking permits into meeting the cost of upgrading or resurfacing a parking area that has degenerated beyond normal standards.
- Regardless of whether repair costs are met by the residents or not, Council has an ongoing obligation to carry out repairs on such verge parking areas for so long as they exist as parking areas.

Discussions with Council's Rangers indicate that any expansion of the current Residential Parking Permit system will create substantial control and 'policing' requirements, requiring additional administrative and 'court' time by Council Rangers.

In the interests of keeping things simple, the *Maintenance of Road Reserve Verge Parking Areas* policy has been reworked so as to remove all reference to maintenance agreement requirements and fees.

As a matter of practice, the policy envisages that no new parking areas will be allowed to be established on Council road reserves. This will avoid any new obligation on the part of Council to maintain new verge parking areas.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the following *Private Road Reserve Verge Parking Areas* policy.

PRIVATE ROAD RESERVE VERGE PARKING AREAS

(1) OBJECTIVE

- 1.1 To provide controls and clarify responsibility for the maintenance or replacement of existing built 'private' road verge parking areas.
- 1.2 To provide for public safety on the road verge.
- 1.3 To ensure that where Town of Cottesloe has historically allowed the construction of built 'private' road verge parking areas, the maintenance and/or replacement of such areas is properly defined and understood.

(2) PRINCIPLES

- 2.1 On-site parking for all developments should be provided in accordance with the planning codes and the town planning scheme.

- 2.2 The use of Council road reserves for built 'private' parking should be actively discouraged as it detracts from streetscape amenity.
- 2.3 Historically there have been occasions where the provision of on-site parking has been difficult and built 'private' verge parking has been allowed by the Town of Cottesloe.
- 2.4 This practice should cease as it imposes both hidden and direct costs on the general community by limiting access rights to common property and imposing additional duty-of-care cost obligations on the Town of Cottesloe.
- 2.5 Where built 'private' verge parking has been allowed by the Town of Cottesloe, responsibilities for the future maintenance and replacement of such areas needs to be clearly defined and understood by adjoining landowners.

(3) ISSUES

- 3.1 The Town of Cottesloe has the vested responsibility for all road reserve areas, including road verges and verge parking areas.
- 3.2 Verges are part of the road reserve and as such are not parcels of land which can be developed in such a way that property rights to individuals or private organisations can accrue. Landowners who have historically been granted approval to develop built 'private' verge parking need to be aware that the land ultimately remains under the control of the Town of Cottesloe.
- 3.3 If built 'private' parking areas on Council verges are not properly maintained, they may become dangerous to the public. Under duty-of-care obligations, the Town of Cottesloe has an obligation to ensure that such areas are properly maintained through the Town of Cottesloe's normal road maintenance programme.
- 3.4 All constructed forms of parking areas require maintenance and eventual replacement, ranging from small potholes requiring patching to general resurfacing, drainage system upgrades, re-kerbing and the removal/replacement of trees and landscaped areas. The Town of Cottesloe and adjoining private land owners should plan and budget for such expenditure.
- 3.5 However significant repairs, upgrades and/or replacement of built 'private' parking areas on Council verges should not be funded or subsidised by general ratepayers as a matter of principle.

(4) POLICY

- 4.1 All new requests for built 'private' road verge parking areas will be automatically refused by the Town of Cottesloe as of the date of adoption of this policy.

- 4.2 The Town of Cottesloe's long term aim is to remove all built 'private' road verge parking areas. This will be achieved as development applications are dealt with.
- 4.3 The development of any property with existing adjoining built 'private' parking (including redundant crossovers) will render approval for the 'private' parking area obsolete. The 'private' parking area is to be removed and the verge restored at no cost to the Town of Cottesloe as part of the development approval process.
- 4.4 Under duty-of-care obligations, the Town of Cottesloe may undertake general minor maintenance on built 'private' parking (up to \$1,000 in value on any one carpark on any one occasion) through the Town of Cottesloe's normal road maintenance programme.
- 4.5 Where a built 'private' parking area has a demonstrated parking value to the general public, then a shared-cost arrangement with the adjoining landowners (for reconstruction or significant repairs in excess of \$1,000 but less than \$2,000) may be entered into at the absolute discretion of the Manager Engineering Services.
- 4.6 Reconstruction or significant repair costs of \$2,000 or more for the maintenance or upgrading of shared car parking areas must be referred to Council for determination before any works are undertaken.
- 4.7 Where an existing built 'private' verge parking area is to be upgraded or replaced, then the construction standards for the parking area shall be of the highest quality order (as determined by the Manager Engineering Services) so as to minimise the need for ongoing minor maintenance by the Town of Cottesloe and maximise the time before major repair/replacement is required.
- 4.8 Where an existing built 'private' verge parking area has deteriorated to such an extent that (in the opinion of the Manager Engineering Services) minor maintenance will not ensure public safety, then in the absence of satisfactory agreement being made between the Council and the adjoining landowners within a period of six months, the Town of Cottesloe may by resolution and at its own expense, remove the carpark area from the verge and make good the verge.

COMMITTEE RECOMMENDATION

That Council:

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

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

- (1) **That the words ‘the care and management of’ be deleted from the first bullet point and replaced with the words ‘injury or damage sustained by people on’.**
- (2) **That a third bullet point be inserted to read the following:**
 - **the matter of having a standing agreement to assign liability to adjoining landowners for the care and management of off-street parking areas is no longer a concern.**

Carried 10/1

Cr Utting left the meeting at 9.01 pm.

Cr Utting returned to the meeting at 9.03 pm

11.2.2 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

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

Carried 11/0

11.2.3 PARRY STREET - PROPOSED PLAYGROUND ON MEDIAN STRIP

File No: SUB/489
Attachment(s): [Town of Claremont Letter](#)
[Town of Cottesloe Plan](#)
[Comments from 7 Parry Street](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil.
Report Date: 2 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

At its April 2007 meeting, Council received a petition from a number of residents in Parry Street objecting to a Town of Claremont proposal to install a playground on the Parry Street median strip situated on the Claremont/Cottesloe local government boundary.

The Town of Claremont was therefore requested to undertake broader consultation with all residents within a 400m range of Parry Street with the Town of Cottesloe meeting the costs of consultation on the western side of Parry Street.

Given the submissions received following broader community consultation, a recommendation is made to inform the Town of Claremont that the Town of Cottesloe supports the installation of a playground on the Parry Street median strip, near the Hillside Avenue intersection subject to:

1. Parking bays being provided on the Claremont side to service the needs of playground patrons.
2. Measures being undertaken to reduce vehicle speeds and make the playground site obvious to motorists using Parry Street.

STATUTORY ENVIRONMENT

Parry Street is on a 40m wide road reserve, with the Claremont/Cottesloe local government boundary going down the centre.

This means that the western carriageway, the most western verge area and half the median strip/island is vested in the Town of Cottesloe.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Town of Claremont's cost estimate for the project is \$548,629. They proposed that Claremont contribute \$361,432 towards the project with the Town of Cottesloe

contributing \$187,197. Some of Cottesloe's proposed contribution is for roadworks that are already contemplated within Cottesloe's existing five-year roadworks program.

The Town of Cottesloe has no funds in its 2007/2008 budget for this project and if it is to proceed, then the cost would need to be borne in its entirety by the Town of Claremont with the Town of Cottesloe undertaking already planned roadworks at a later time.

BACKGROUND

This matter was first considered by Council at its February 2007 meeting.

At that meeting, Council resolved to inform the Town of Claremont:

- (1) That in the absence of demonstrated community demand from Cottesloe residents, the proposed Parry Street playground and median strip upgrade is not seen by the Town of Cottesloe as a priority project requiring contributory funding in 2006/07 or 2007/08.
- (2) That the Town of Cottesloe is prepared to discuss the provision of a one-off grant at some later date subject to demonstrated community demand from Cottesloe residents and a written ongoing maintenance agreement.
- (3) That in the interim the Town of Cottesloe is not averse to the Town of Claremont carrying the full cost of construction and maintenance provided full community consultation is undertaken prior to construction.

The Town of Claremont then went ahead with a letter-drop to residents on both sides of Parry Street. The letter-drop resulted in a petition being served on the Town of Cottesloe objecting to the median strip playground proposal.

Council then requested broader community consultation. This process has been completed and the results are the subject of this report.

CONSULTATION

Consultation involved a letter-drop by the Town of Claremont to all properties within 400m of Parry Street. Town of Cottesloe staff also helped with the distribution of the letters.

A total of 460 survey/letters were distributed; 260 of them east of Parry Street and within the Town of Claremont and 200 west of Parry Street and within the Town of Cottesloe.

Eighty eight residents responded to the letters which constitutes a 19% return.

Town of Claremont residents provided 46 approvals and 7 rejections. Town of Cottesloe residents provided 24 approvals and 11 rejections.

A number of positive comments were received from local residents from both local government areas.

The main issue of concern was the danger of speeding vehicles in Parry Street and the need for speed restriction devices if the playground goes ahead.

The issue of parking near the playground site was also raised. Residents on side streets off Parry Street don't want playground visitors causing parking problems in their streets. One potentially affected resident indicated that he would only support the proposal if parking was provided near the playground site.

Parking could be provided on the Claremont side of Parry Street, as part of their full construction project.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That the Town of Cottesloe inform the Town of Claremont that the Town of Cottesloe supports the installation of a playground on the Parry Street median strip (at no cost to the Town of Cottesloe), near the Hillside Avenue intersection subject to:

- (1) Parking bays being provided on the Claremont side to service the needs of playground patrons.
- (2) Measures being undertaken to reduce vehicle speeds and make the playground site obvious to motorists using Parry Street.

COMMITTEE COMMENT

As a number of safety concerns were raised by residents of Parry Street, it was recommended that a safety audit be undertaken.

COMMITTEE RECOMMENDATION

That the Town of Cottesloe inform the Town of Claremont that the Town of Cottesloe supports the installation of a playground on the Parry Street median strip (at not cost to the Town of Cottesloe), near the Hillside Avenue intersection subject to:

- parking bays on the Town of Claremont side to service the reserve,
- the Town of Cottesloe to undertake a safety audit in collaboration with the Town of Claremont to address residents safety concerns, and
- dependent on the outcomes of the safety audit, measures being implemented to reduce the speed of vehicles and safety concerns of Parry Street residents.

AMENDMENT

Moved Mayor Morgan, seconded Cr Miller

On the final bullet point replace the words 'dependent on' with the words 'compliance with'.

Carried 6/5

AMENDMENT

Moved Cr Cunningham, seconded Cr Dawkins

That the recommendation be replaced with the following:

That the Town of Cottesloe inform the Town of Claremont that support for the installation of a playground on the Parry Street median strip, near the Hillside Avenue intersection is withheld until the outcomes of a safety audit to be undertaken by the Town of Cottesloe in collaboration with the Town of Claremont to address safety concerns are known.

Carried 11/0

11.2.3 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That the Town of Cottesloe inform the Town of Claremont that support for the installation of a playground on the Parry Street median strip, near the Hillside Avenue intersection is withheld until the outcomes of a safety audit to be undertaken by the Town of Cottesloe in collaboration with the Town of Claremont to address safety concerns are known.

Carried 11/0

11.2.4 PEARSE STREET ROAD RESERVE: SEA VIEW GOLF CLUB ENCROACHMENT

File No: SUB/490
Attachment(s): [Plan of Pearse Street Closure Proposal](#)
[Copy of Section 58, Land Administration Act, 1997.](#)
[Copy of Closure Advertisement](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil.
Report Date: 10 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in November 2006, Council resolved:

That Council advertise and conduct a public consultation process, in accordance with Council's policy and as required under Section 58 of the *Land Administration Act, 1997*, that Council intends to request the Minister to permanently close the section of Pearse Street road reserve on the north side of Pearse Street, from Marine Parade to the western boundary of Cottesloe Lot 113, for a width of 15m from the northern road reserve boundary, under Section 58 of the *Land Administration Act, 1997* and that this closed road reserve section be amalgamated into the adjoining 'A' Class Reserve 1664.

The consultation process has been underway for several months with the comments from the last service provider, Western Power, now being received.

This report recommends that Council resolve to request the Minister to close the section of Pearse Street road reserve on the north side of Pearse Street, from Marine Parade to the western boundary of Cottesloe lot 113, for a width of 15 metres from the northern road reserve boundary, with the closed area to be amalgamated into the adjoining 'A' Class Reserve No. 1664, in accordance with Section 58 of the *Land Administration Act, 1997*.

STATUTORY ENVIRONMENT

Any permanent closure of a portion of road reserve is covered by Section 58 of the *Land Administration Act, 1997* (attached).

Council's local law *Activities on Thoroughfares and Trading in Thoroughfares and Public Places* also applies.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

During discussions regarding the proposed closure of Jarrad Street between Broome Street and Marine Parade, Council was informed that a portion of the northern verge of Pearse Street (immediately to the east of Marine Parade) formed part of the Sea View Golf Club playing area and had done so for many years, with a pine log fence closing off this area to general public use.

This is in conflict with the Town of Cottesloe's local law *Thoroughfares and Trading in Thoroughfares and Public Places*, which includes the provision:

"A person shall not: ...

- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare.

Council resolved to advertise the intended closure of a 15 metre width of road reserve on the northern verge of Pearse Street (from Marine Parade to the western boundary of lot 113 - the Rugby Club Headquarters) and its amalgamation into the adjoining 'A' Class Reserve.

CONSULTATION

This item covers the results of a mandatory consultation process required for any permanent road closure proposal.

Advertising closed on the 2 February, 2007, with no comments being received.

The four main service providers were requested to comment. Three providers gave comments in good time. Western Power did not comment and a reminder notice had to be sent. A 'No Objections' comment was received on the 24 May, 2007.

STAFF COMMENT

There being no objection voiced by ratepayers, residents or service authorities, it is proposed that this closure and amalgamation into the adjoining 'A' Class Reserve proceed.

DECLARATION OF INTEREST

Mayor Morgan declared a proximity interest as an owner of land in Pearse Street opposite the Sea View Golf Club and left the meeting at 9.16 pm.

The Deputy Mayor, Cr Miller, took the chair.

VOTING

Simple Majority

11.2.4 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council resolve to request the Minister to close the section of Pearse Street road reserve on the north side of Pearse Street, from Marine Parade to the western boundary of Cottesloe lot 113, for a width of 15 metres from the northern road reserve boundary, with the closed area to be amalgamated into the adjoining 'A' Class Reserve No. 1664, in accordance with Section 58 of the *Land Administration Act, 1997*.

Carried 9/1

Mayor Morgan returned to the meeting at 9.17 pm.

11.2.5 STREET LIGHTING

File No:	SUB/319
Attachment(s):	<u>Legal Opinion - Street Lighting Liability Consultant Report & Addendum to Report Consultant Brief</u> <u>Three Example Letters re Street Lighting Western Power Email</u> <u>IPWEA Report</u> <u>1997 Draft Streetlighting Report</u>
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	29 June, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

At its February 2007 meeting, Council received a *Street Lighting Study Report* based on a specialist consultant's study of street lighting in Cottesloe.

Council resolved to defer consideration of this item until further reports were obtained on the potential for providing uprights to footpaths and the Town of Cottesloe's potential exposure to litigation in the event that street lighting is not brought up to Australian Standards.

This item supplies further information on footpath lighting and the litigation potential for below standard street lighting and recommends that Council:

- (1) Contact affected residents of properties on Marine Parade between Vera View Parade and North Street to provide relevant information on the Street Lighting Study Report relating to this street section, requesting comment on the proposal to relocate street lights to the western side of Marine Parade and modify light pole positions to provide more regular lighting for that section.
- (2) Support the submission of a grant application to the WA Sustainable Energy Development Office for a project to test and demonstrate solar powered options for public footpath lighting.
- (3) Progressively improve the street lighting to Australian Standards at all roundabouts, complex intersection treatments, traffic control treatments and streets with higher levels of risk (e.g. alignments through vertical and horizontal changes).

STATUTORY ENVIRONMENT

Apart from four private street lights in Napoleon Street that are owned by the Town of Cottesloe, all street lights in the town are owned by Western Power.

The Town pays Synergy for all power used within the light system, with the installation, removal or modification of street lights and for any changes to power inlets into Council property, being undertaken by Western Power. All maintenance costs (which include the repair of inoperative lights) are met by the Town under a

maintenance agreement with Synergy but the work is undertaken by a contractor appointed by Western Power.

Under State Government legislation, the authority to provide or upgrade a street lighting system in Cottesloe rests entirely with Western Power. A significant upgrade with State Government funding will require that the system meet all Western Power and Australian Standards for street lighting.

However there is an element of choice in that Council can have a say (subject to agreed cost-sharing arrangements) in the type of lights, location, style and colour of lights and light poles and other non-safety issues

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The cost of the consultant's report was \$5,130 which was within the budget allowance of \$10,000 in 2006/07.

Apart from the 2007/08 maintenance and power cost allocation for street lighting, a \$20,000 allowance is available for changes to street lighting at the northern end of Marine Parade.

SEDO grants may be available for possible future Council projects which involve sustainable energy use for street or path lighting.

BACKGROUND

A number of inquiries have been held into the condition of street lighting in Cottesloe and other local government areas.

1. Report on Streetlighting for the Town of Cottesloe (1997)

In 1997, Council received a *Report on Streetlighting for the Town of Cottesloe*, from Nelson, Mardandy Consulting Engineers. The report was received prior to the undergrounding of power lines in the Town of Cottesloe.

This study examined six representative streets in Cottesloe, with the results being:

- a) Illumination levels are very low or zero except in the immediate vicinity of streetlights.
- b) The lighting measurements indicate that the street lighting is below the requirements of AS1158-1986 the current Australian standard for public lighting.
- c) While trees are casting shadows, the principal cause of the poor lighting is the insufficient number of streetlights.

The report noted that

Western Power [in 1997] installs suburban lighting to what they term “half standard” that is they install half the number of streetlights required by category B2 of AS1158. In fact, this does not give half of the standard, but lights half of the length of the road and leaves half in the dark.

The report compared the then new lighting technology of compact fluorescent lamps with mercury vapour, high pressure sodium and metal-halide lamps.

The recommendations made in the report were:

- a) Use compact fluorescent lamps for footpaths and metal-halide for carriageways, intersections and carparks.
- b) Screen luminaires to prevent backspill to homes.
- c) Streetlights should be between trees with lights near the level of the tree canopies.
- d) Footpath light poles should be 1.8m from the property boundary.
- e) For roads and intersections, light poles should be 1.0m behind the kerbs.

This report, in draft form, was considered by Council at least twice in 1997 and further information was sought from the consultant in April 1997 at about the same time as the introduction of the State Government Underground Power Scheme.

2. IPWEA Response to Coronial Finding on Streetlighting

A recommendation made by the State Coroner on the death of Leon Russell Coomerang (February, 2002) was that:

I recommend that all local government bodies ensure that new roads are adequately illuminated and that the illumination is at least in excess of the Australian/New Zealand Standards and that in the case of existing roads regular reviews are conducted to ensure that all relevant standards are met and effective maintenance programs are in place.

The Institute of Public Works Engineering Australia (IPWEA) Executive sought clarification from the State Coroner as to what was meant by the words “in excess”.

At a presentation to Engineers Australia Forum on July 28, 2005 the Coroner made it clearer that there was a need to install new street lighting to current Australian Standards and that a program should be put in place to review existing lighting standards.

Notwithstanding the publication of relevant Australian Standards in 1971 and 1986, the lighting of local roads by the former State Energy Commission was largely driven by the power distribution infrastructure. Lamps were simply installed on existing power poles with little scope for varying spacing or mounting height to ensure compliance with any standard.

There is no doubt that in many areas street lighting continues to be provided on this basis i.e. in non-compliance with Australian Standards.

It is generally acknowledged that with many existing installations, the 'fixed' spacing of power poles and the mounting height of the lamps makes it difficult to achieve Australian Standard illumination levels without incurring excessive costs.

The IPWEA therefore recommended that local governments prepare a long-term program to upgrade street lighting to the relevant AS/NZS1158 – 2005 standard with areas of high pedestrian and vehicular traffic activity to be targeted first.

Upgrades could then be extended to areas of lower volumes of vehicular traffic as and when funds become available.

3. Western Power attitudes to street lighting downgrades in Cottesloe

In May, 2006 in response to a request for the shading of street lights in Marine Parade due to complaints from residents, Western Power advised that:

Western Power will carry this out only if the Town of Cottesloe will accept liability in that if a road accident occurs at night and the cause of the accident is traced to the fact that the lighting in that section was not up to the standard required for that section because of the shading. If Council is ok with this, Western Power will need the Council's consent in writing.

4. Attitudes of Cottesloe residents to street lighting

Three examples of different attitudes to improved lighting on paths and streets are included in the attachments to this report.

- a) 108 Broome Street – request for more lighting, as suggested by the Police, to reduce vehicle break-ins.
- b) The Mill, 14 Athelstan Street - request for expanded lighting to reduce graffiti, vandalism and rubbish left in park due to teenagers gathering after dark.
- c) 8 Kathleen Street – comments that the lighting of Marine Parade is excessively bright and 'glarey', that well lit streets attract speeding drivers and that no further lighting of the beach area should occur.

5. Town of Cottesloe Street Lighting Study Report (2006)

The current study is, in part, a response to a 2005 petition from residents at the northern end of Marine Parade requesting a downgrade in lighting levels. Other street lighting concerns were debated and Council subsequently adopted a brief for the current study in May, 2006.

The brief required an assessment of the following lighting concerns:

1. Marine Parade – the existing street lighting fronting residential properties has caused a degree of glare and light intrusion. Is the current lighting the correct standard, including the type and power of luminaire, location of poles and height of luminaire, regarding vehicle use of the street and residential expectation?

2. On many of the Cottesloe wide road verges, existing street lights behind the kerb do not provide lighting to footpaths located at the property boundaries. Provide alternative solutions to address this lack of lighting for pedestrian use and safety.
3. The current general street lighting standard in the Town of Cottesloe – what is the current provision compared with Synergy and Australian Standards? This includes intersection lighting.
4. The location, type of luminaire and power of street lights in Cottesloe – are they the most suitable in terms of operating efficiency, operating cost and environmental standards of operation and disposal?

GHD Consultants were chosen to undertake the study and the following is a summary of their findings.

Marine Parade

With regards to the northern end of Marine Parade, the study found that the poles and lamps are smaller in both size and wattage and the lighting levels are a lot lower than highway/freeway lighting, with the existing lighting not being up to appropriate standards.

One reason for appropriate lighting levels not being met by the existing arrangement is that the spacing between poles is not standard, ranging from 40 to 80 metres.

The report recommends the re-spacing of the existing poles and lights to comply with Australian Standard lighting category V5. This would decrease the contrast between light and dark areas and improve lighting on adjacent pathways.

At the same time, such re-spacing should include relocation to the western side of Marine Parade, which would provide the most significant reduction in light spill into adjacent properties.

Footpath Lighting

Where the road reserve width is 20m or less, improved residential street lighting will mean improved path lighting.

Where there are 40m road reserves, the occasional streetlight mounted behind the kerblines provides almost no lighting onto any footpath located near the property boundary. The two main problems are the 15m distance from the streetlight to the footpath and street trees blocking the passage of light.

Although bollard lighting for footpaths is an attractive concept, bollard lighting is normally subjected to heavy vandalism. In addition, bollard lighting does not comply with current Australian Standards.

Therefore, if any new footpath lighting is to be introduced to these 40m wide road reserves, the four main options are:

- a) In addition to the road lighting, install lights on both verges to provide for the footpath requirements.

- b) Remove the street surface lighting and install lighting on each verge focused on the paths, with a minor spill of light towards the street surface.
- c) Move the footpaths closer to the kerb line so that improved street lighting would also light the paths.
- d) Install dual outreach poles with a light approximately 3.5-4.0m above ground closer to the path for lighting and a light closer to the road edge at a higher level.

With the majority of these 40m streets having footpaths on each side, a line of lights will be required on both sides of these wide road reserves if the footpaths are to be properly lit. This work could be progressed over a period of years, starting with the higher priority pedestrian routes.

General Street Lighting

The study confirms that street lights in the Town of Cottesloe remain largely unchanged since 2000 when the underground power program was completed.

Virtually all of the 800 street lights in the Town of Cottesloe are owned by Western Power. These lights are mercury vapour or high pressure sodium with the individual wattage ranging between 80W and 250W - apart from 2 x 400W lights.

In particular and in relation to general street lighting, the consultant has advised that:

Approximately 60 150W and 90 250W high pressure sodium, and 101 250W mercury vapour luminaries are used along the major roads such as Curtin Avenue, Marine Parade and Stirling Highway (p.10).

The street lighting along the major roads appears to be quite adequate when looking at the wattages of the lamps used and the spacing of the poles, with respect to typical lighting designed to comply with Australian Standards (p.11).

There are approximately 280 80W and 270 125W mercury vapour streetlights used for the minor roads. The majority of the residential roads appear to be lit by 1 to 3 125W mercury vapour lamps at the intersections with an 80W mercury vapour streetlight in between, giving spacings of up to 100m (p.10).

The majority of the road lighting for the minor roads appears to be significantly inadequate compared to the Australian Standards. The biggest problem is the excessive spacing between the streetlights. For minor road lighting using 80W and 125 W mercury vapour lamps, typical spacing in the order of 30m to 50m is required to comply with Australian Standards (p.11).

Approximately 185 lights are 150w or 250w in power, for use on the most significant roads i.e. Curtin Avenue, Marine Parade and the Cottesloe side of Stirling Highway.

New Technology

The four main, current technology lamps are mercury vapour, high pressure sodium, metal halide and compact fluorescent. Generally, Western Power has installed high pressure sodium for major roads and mercury vapour for minor road lighting.

The four light types have the following positives and negatives:

Mercury Vapour

- Cheap to replace, long life, blue-white colour.
- Rapidly loses the level of light provision, has a low energy efficiency compared to new lamp types, toxicity of mercury creates a disposal problem. These problems mean this lamp type is being phased out in many countries.

High Pressure Sodium:

- Relatively inexpensive, long life, high energy efficiency.
- Has a yellow colour, poor colour rendition, the human eye has a decreased sensitivity to yellow light at low lighting levels.

Metal Halide:

- Becoming more popular in Perth due to white light, excellent colour rendition. Has recently been introduced by Western Power in its available range.
- Comparatively shorter life, higher cost, lamp economy is an issue.

Compact Fluorescent:

- New alternative for minor road and public area lighting. Reasonable price, good energy efficiency.
- Shorter life, electronic control gear. At this time Western Power does not support the product but this should change in the near future.
- Lowest power use per lamp. Lowest annual operational use in terms of power cost.

The report recommends:

- a) If any upgrading is to occur, mercury vapour lamps should be phased out and replaced with more efficient newer technology.
- b) Pedestrian lighting should have a high colour rendition. Therefore, do not use high pressure sodium for this purpose.
- c) Metal halide lamps are the currently-available Western Power backed, energy efficient, quality colour rendition lamp type but it is probable that Western Power will adopt compact fluorescent lamps in the near future. This option should be considered.

CONSULTATION

Nil, at this stage.

STAFF COMMENT

The 1997 report pointed out that Cottesloe street lighting did not meet Australian Standards and that this was a general problem across the majority of the metropolitan area.

While major roads and streets in Cottesloe are lit to a more adequate standard with regards to vehicle-use requirements, there are problems with lighting standards on Cottesloe's minor roads.

It seems that a conscious decision was made by Council (presumably because of the expense) not to increase the standard of street lighting during the installation of underground power in 2000. With the 'like for like' replacement of street lights during the underground power program (i.e. one aerial-fed street light being replaced with one underground power-fed street light) the lighting of minor streets remains well below 'then' and 'now' Australian Standards.

Inadequate spacing is the main problem. The distance between lights should be 30-50m compared to the existing spacing of up to 100m.

There are also problems with path lighting on the 40m wide road reserves arising from the distance between the light (near the kerb line) and the footpath (near the property boundary).

The report provides a 'ballpark' cost of \$3.2m using standard Western Power equipment or \$3.8m using Decorative Western Power (Streetvision) to replace the minor street lighting system with an Australian Standards compliant system.

In the most recent 'rounds' of the State Government Underground Power program, street lighting systems have been brought up to Australian Standards. Indeed all new subdivisions have to meet Australian Standards.

There is also very strong competition amongst metropolitan local governments for State Government Underground Power program grant funding. At face value, there appears to be little chance of Cottesloe obtaining State Government funds to virtually double the number of street lights in Cottesloe given that other local governments are still waiting for underground power.

Nonetheless it should be noted that Cottesloe is part of an increasingly small group of local governments where the undergrounding of power is complete but the street lighting system is sub-standard. It may be possible to argue a special case for Cottesloe on the basis that community expectations have changed and that the Cottesloe community should not be penalised for being amongst the first to receive underground power.

If the argument is to be advanced, then the Town of Cottesloe will need to have a better understanding of the costs involved. There will be no opportunity to go back to government a third time in the event that costs are under estimated.

Alternatively, Council might consider that a multi-million dollar project to upgrade the street lighting is not a high priority project worthy of long-term effort and significant expenditure.

Instead it may decide to focus on identifying problem streets and footpaths with a view to raising standards - but perhaps not to Australian Standards.

The requested legal opinion regarding the potential liability issue if Town of Cottesloe street lighting is not to Australian Standards is included in the attachments.

The opinion views the adequacy of street lighting as a risk assessment issue. If a street or construction in a street is in plain view and an obstruction or change in the

street is obvious then the risk is reduced in daylight. However, if the change in the street (e.g. depression, obstruction, hole etc.) or the obstruction (e.g. manmade roundabout, speed control device etc.) is difficult to see at night due to poor or non-existent street lighting, then the risk is high and requires a solution.

The typical street change or obstructions are roundabouts, speed control devices, abnormal intersections, sharp changes in direction and road works in progress.

A number of intersections have received lighting improvements in the past few years, including the roundabouts. There are also a few streets in need of improved lighting because of their changing alignments plus abnormal intersections which could be perceived as having a higher level of risk at night due to existing below-standard lighting being inadequate.

The majority of residential streets are not seen as having high levels of risk due to below-standard street lighting.

With regards to the possibility of 'uplighting' on residential footpaths, additional comment was sought from the consultant. This is included in the attachments.

The main points made by the consultant are:

- (1) For path lighting to be effective it should light up potential hazards. For uplighting to do this, it needs to shine up to a reflector which reflects light down onto the path area. Only a portion of the light is reflected back, therefore requiring a stronger light, using more power, to light the path.
- (2) Another factor is the glare produced and the control of upward light.

The only major public uplighting demonstration on paths in the western suburbs known of by the author is in Rokeby Road, Subiaco. These lights require a separate power system and all lights are directed into the lower branches of street trees positioned on intersection treatments. The main lighting for these paths comes from the traditional overhead street lights.

Lighting on footpaths within streets having a 40m road reserve width is a relatively unique problem for Cottesloe. Few other metropolitan residential streets have 40m road reserves. Virtually no light falls on paths close to property boundaries from street lights 13 to 15 metres away.

To properly light such paths to Australian Standards, expensive separate underground power lines would be required beside each path or a system established to power such lights from residential 'green domes', originally designed for private property connections only.

One alternative to improve public safety on such footpaths is the use of solar powered panels set into the path surface. This is relatively new technology but at least two brands of such lights exist and have been installed in the United Kingdom and in Australian cities in the past year.

The State Sustainable Energy Development Office (SEDO) offers grants for sustainable energy projects and it is intended to apply for a grant to cover a solar power footpath lighting demonstration project for 2007/08. The demonstration project would demonstrate the suitability (or otherwise) of solar powered lighting panels on Cottesloe paths.

Therefore, the main response to the content of the *Street Lighting Study Report* is proposed to be:

- (1) \$20,000 allowed in 2007/08 budget for changes to the street lighting on Marine Parade between Vera View Parade and North Street.
- (2) A submission to SEDO for a grant to study solar power footpath lighting involving extensive installation and trailing of such lights.
- (3) The progressive increase of street lighting on intersections, traffic control installation sites and the higher risk street locations, commencing with all roundabouts being upgraded from two to four street lights.

VOTING

Simple Majority

11.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) **Contact affected residents of properties on Marine Parade between Vera View Parade and North Street to provide relevant information on the *Street Lighting Study Report* relating to this street section, requesting comment on the proposal to relocate street lights to the western side of Marine Parade and modify light pole positions to provide more regular lighting for that section.**
- (2) **Support the submission of a grant application to the WA Sustainable Energy Development Office for a project to test and demonstrate solar powered options for public footpath lighting.**
- (3) **Progressively improve the street lighting to Australian Standards at all roundabouts, complex intersection treatments, traffic control treatments and streets with higher levels of risk (e.g. alignments through vertical and horizontal changes).**

Carried 11/0

11.2.6 TOWN OF COTTESLOE LOCAL EMERGENCY RECOVERY PLAN

File No: SUB/218
Attachment(s): [TOWN OF COTTESLOE LOCAL EMERGENCY RECOVERY PLAN](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A legislative requirement under the *Emergency Management Act 2005*, requires that local governments ensure that local emergency recovery arrangements are prepared.

The purpose of this report is to recommend the adoption of the *Town of Cottesloe Local Emergency Recovery Arrangements* plan which will in turn be attached to a regional document - the *Western Central Local Emergency Management Arrangements* plan.

STATUTORY ENVIRONMENT

Section 41 of the *Emergency Management Act 2005*, provides the following.

41. Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements ("**local emergency management arrangements**") for emergency management in the local government's district are prepared.
 - (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management;
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
 - (d) a description of emergencies that are likely to occur in the local government district;
 - (e) strategies and priorities for emergency management in the local government district;
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and
 - (g) other matters about emergency management in the local government district the local government considers appropriate.
 - (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
 - (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
-

(5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

The legislation does not mean that the Town of Cottesloe has to develop the emergency arrangements themselves, only that it is to be the 'driver' of the process and that the arrangements are to be developed in partnership with other stakeholders.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

For the purposes of *Emergency Management Act 2005*, eight local governments from the Central Metropolitan Police District combined to form the Western Central Local Emergency Management Committee (WC LEMC) in 2005. The WC LEMC consists of representatives from the Towns of Vincent, Cambridge, Claremont, Cottesloe and Mosman Park, the Cities of Nedlands and Subiaco and the Shire of Peppermint Grove.

So as to avoid duplication and a high workload for all eight local governments, the members of the WC LEMC formed a "Recovery Working Group" and developed a generic local emergency recovery arrangements plan which can be used throughout the whole region. The appendices to the plan deal with specific vulnerabilities and emergency contacts for each individual local government. The appendices also allocate team-leader responsibility for the various sub-committees that will be convened to ensure that the recovery phase of any emergency is correctly managed.

CONSULTATION

Nil.

STAFF COMMENT

Given that the Town of Cottesloe has a responsibility for the recovery of the community following an emergency and in keeping with the *Emergency Management Act 2005*, it is important that the Council formally adopts a local emergency recovery arrangements plan. At the same time, the other seven local governments that make up the WC LEMC are also expected to adopt local recovery arrangement plans for their individual areas.

Because the *Town of Cottesloe Local Emergency Recovery Arrangements* plan is a working document, it may be necessary for minor amendments to be made to take account of changing situations. Rather than report back to the Council each time a minor change is identified as being appropriate, it is requested that the Council

authorise the Manager Engineering Services to make such changes and to report back to the Council on an annual basis.

The Manager Engineering Services is Council's representative on the WC LEMC and the Senior Ranger is his deputy/proxy.

The *Town of Cottesloe Local Emergency Recovery Arrangements* plan will enhance the Town's approach to community safety as well as meeting the requirements for such a plan under the *Emergency Management Act 2005*.

VOTING

Simple Majority

11.2.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) **Adopt the *Town of Cottesloe Local Emergency Recovery Arrangements* plan attached to this report.**
- (2) **Authorise the Manager Engineering Services to make minor procedural changes to the plan should the need arise with any such changes to be reported annually to Council.**

Carried 11/0

11.3 FINANCE**11.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE, 2007**

File No:	C7.4
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 June, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Operating Statement on page 17 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$1,276,759 as at 30 June 2007. Operating Revenue is ahead of budget by \$666,840 (7.17%). Operating Expenditure is \$609,919 (8.1%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 June 2007 is shown on page 41.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$45,436) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$240,944). This includes scheme review expenses. Some of the variance in Town Planning is dependent upon the outcome of the current Supreme Court appeal and the Scheme Review.

The operating revenue has been favourably impacted with the receipt of the proceeds from the sale of the sump at Lyons Street (\$331,964 higher than budget)

The Capital Works Program is listed on pages 23 to 25 and shows total expenditure of \$3,261,662. This includes \$171,853 of capital expenditure related to projects funded with grant money received in the last financial year. The other items of capital are budgeted with some timing differences causing the variance.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2007, as submitted to the 17 July, 2007 meeting of the Works and Corporate Services Committee, subject to a written report being presented to the Full Council.

COMMITTEE RECOMMENDATION

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2007 as submitted to the 17 July, 2007 meeting of the Works and Corporate Services Committee, subject to a written report being presented to the Full Council.

11.3.1 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2007.

Carried 11/0

11.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 JUNE, 2007

File No: C12 & C13
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 30 June, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 June, 2007 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on page 50 of the Financial Statements shows that \$1,734,071.33 was invested as at 30 June, 2007.

Reserve Funds make up \$1,215,108.44 of the total invested and are restricted funds. Approximately 74% of the funds are invested with the National Australia Bank, 13% with Home Building Society and 13% with BankWest.

The Schedule of Loans on page 51 shows a balance of \$285,920.03 as at 30 June, 2007. There is \$142,456.50 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

11.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 June, 2007, as submitted to the 17 July, 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 JUNE, 2007

File No: C7.8
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil.
Period Ending: 30 June, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 June, 2007 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The following significant payments are brought to Council's attention and are included in the list of accounts commencing on page 42 of the Financial Statements:

- \$21,450.00 to Italia Stone Group for the overlay and stairway reconstruction from beach to groyne.
- \$36,256.00 to DS Agencies for the Brixton Street Sump
- \$15,884.00 to Eric Hood Pty Ltd for the painting of the Council Administration Building exterior.
- A total of \$38,162.75 to Building Construction Industry Trust Fund for building levies.
- \$30,173.00 to Italia Stone Group for the groyne protection wall.
- \$54,441.07 to the Town of Mosman Park for construction of the roundabout at Curtin Avenue and Marine Parade.
- \$15,909.14 to WALGA for the advertising.
- A total of \$50,297.64 to Civica Pty Ltd for implementation of Authority and support staff travel expenses.

- A total of \$35,065.26 to FlexiStaff for temporary depot staff.
- \$25,000.00 to Ruth Marchant James for the 'Cottesloe' book.
- \$42,315.30 to Trum Pty Ltd for domestic and commercial waste disposal.
- \$20,011.20 to Gecko Contracting for the construction of wall and supply of soak well to Marine Parade.
- \$11,000.00 to Jaymar Pumps for pump and bore works to new tanks at Marine and Pearse Streets.
- \$12,402.39 to Roads 2000 for asphalt overlay Napier Street, Marmion Street to Curtin Avenue.
- \$19,690.93 to Australian Tax Office for the monthly Business Activity Statement.
- \$23,233.10 to B&N Waste Pty Ltd for the May waste removal account.
- \$10,296.00 to Professional Tree Surgeons for work done at the Cottesloe Playgroup.
- \$80,165.73 to the Town of Mosman Park for soakwells.
- \$74,450.94 to FESA (WA) for the 4th quarter Emergency Services Levy contribution.
- \$253,074.79 to Italia Stone Group for the Cottesloe Groyne refurbishment.
- \$18,700.00 to Claremont Asphalt for the Boat Shed carpark resurfacing.
- \$27,456.00 to Roy Galvin & Co Pty Ltd for shower/footwash columns.
- \$48,827.24 and \$49,703.31 for staff payroll.

VOTING

Simple Majority

11.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the List of Accounts for the period ending 30 June, 2007, as submitted to the 17 July, 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

**11.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 JUNE, 2007**

File No: C7.9
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil.
Period Ending: 30 June, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 June, 2007 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 47 to 49 of the Financial Statements shows a balance of \$604,665.75 of which \$430,591.95 relates to the current month. The balance of aged debt greater than 30 days stood at \$174,073.80 of which \$112,439.80 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$194,348 in 2007 compared to \$152,178 last year.

VOTING

Simple Majority

11.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 June, 2007; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 June, 2007.**

Carried 11/0

11.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**11.4.1 COTTESLOE PLAYGROUP**

File No: 80 Railway Parade
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 17 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation was made to conduct a safety audit of the site and equipment at the Cottesloe Playgroup

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

After correspondence was tabled and a presentation was made by Sally Grainger from the Cottesloe Playgroup, the recommendation was made that Council:

- (1) agree to engage the services of Mr Richardson of Recreation Safety Australia to conduct a safety audit of the site and equipment.
- (2) request staff to prepare a report on the upgrading and development of the site.
- (3) request staff to prepare a report on the implications and issues of tenure of the site.

CONSULTATION

Nil.

STAFF COMMENT

Nil.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) agree to engage the services of Mr Richardson of Recreation Safety Australia to conduct a safety audit of the site and equipment.
- (2) request staff to prepare a report on the upgrading and development of the site.
- (3) request staff to prepare a report on the implications and issues of tenure of the site.

AMENDMENT

Moved Cr Cunningham, seconded Cr Dawkins

That item 2 of the recommendation reads the following:

- (2) **request staff to prepare a report on the upgrading, development and maintenance of the site.**

Carried 11/0

AMENDMENT

Moved Mayor Morgan, seconded Cr Carmichael

That item 1 of the recommendation has the words 'or equivalent consultant' added.

Carried 11/0

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That the words 'and endeavour to provide that report by the October 2007 meeting' be added to items 2 and 3 of the recommendation.

Carried 11/0

11.4.1 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Utting

That Council:

- (1) **agree to engage the services of Mr Richardson of Recreation Safety Australia (or equivalent consultant) to conduct a safety audit of the site and equipment.**

- (2) request staff to prepare a report on the upgrading, development and maintenance of the site, and endeavour to provide that report by the October 2007 meeting.**
- (3) request staff to prepare a report on the implications and issues of tenure of the site, and endeavour to provide that report by the October 2007 meeting.**

Carried 11/0

11.4.2 NOTICE OF NEW AUDIT PARTNER

File No: SUB/134
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 17 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to acknowledge the appointment of a new partner within the firm that carries out the audit for the Town of Cottesloe.

STATUTORY ENVIRONMENT

The Local Government Act 1995 Section 7 Part 2

7.3. Appointment of auditors

(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.

** Absolute majority required.*

(2) The local government may appoint one or more persons as its auditor.

(3) The local government's auditor is to be a person who is —

(a) a registered company auditor; or

(b) an approved auditor.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Our audit firm has appointed a new partner, Mr Gregory Richard Godwin (registered company auditor number 310219). The council is required to note Mr Godwin's appointment as he may be involved in the current audit.

CONSULTATION

Nil.

STAFF COMMENT

This is a standard requirement for the council to fulfil its statutory obligations.

VOTING

Absolute majority

11.4.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded by Cr Furlong

That Council appoint Gregory Richard Godwin of UHY Norton as one of the approved auditors.

Carried by Absolute Majority 11/0

12 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 18 JULY 2007**12.1 GENERAL****12.1.1 FUTURE PLAN - DRAFT ACTION PLAN**

File No: SUB/108
Attachments: [Draft Action Plan](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 9 July, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

Following the recent adoption of a *Future Plan 2006 – 2010* for the Town of Cottesloe, an *Action Plan* has been prepared and is now submitted for adoption by Council.

BACKGROUND

The *Action Plan* improves accountability when regularly updating elected members on progress being made with the implementation of Council's future plan.

The objectives and major strategies that have already been identified in the *Future Plan 2006 – 2010* are shown below.

Those items that have been highlighted in a blue font are considered by the author of this report to be immediate priorities for 2007 – 08 based on key result areas that were identified for the CEO at Council's February 2007 Council meeting.

Objective 1 – Protect and enhance the lifestyle of residents

- 1.1 Develop an 'integrated transport strategy' that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic.
- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.3 Develop café/restaurant alternatives to the large hotels.
- 1.4 Participate in a regional programme for a Youth Communications Officer to market and promote social opportunities and services and youth initiatives in the area and to strengthen links with relevant government agencies.
- 1.5 [Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.](#)
- 1.6 Develop a strategy for greater community engagement when change is needed.
- 1.7 Develop a strategy to ensure access and inclusion of aged persons and persons with disabilities.
- 1.8 Protect the low-rise, human-scale nature of the beachfront and existing residential areas.

Objective 2 – To achieve connectivity between east and west Cottesloe

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

Objective 3 – Enhance beach access and the foreshore

- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.2 Improve beach access and dune conservation outside the central foreshore zone.
- 3.3 Enhance public transport options for moving people to and out of the beach area.
- 3.4 Introduce electronically timed parking.
- 3.5 Improve bicycle and disabled access to beach facilities.

Objective 4 – To manage development pressures

- 4.1 Develop planning incentives for heritage properties.
- 4.2 Promote the heritage advisory service.
- 4.3 Debate and consolidate planning philosophies on prescription versus outcomes.
- 4.4 Develop best practice planning policies for a seaside residential suburb that are outcome based and that have both public and private benefit.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- 4.6 Retain the predominantly two-storey height limit for existing residential areas.

Objective 5 – Maintain infrastructure and council buildings in a sustainable way

- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Maximise income from non -rates sources.
- 5.4 Develop a consultation and information strategy that explains the costs and benefits associated with public assets and any proposed changes.
- 5.5 Develop a long term asset management plan and accompanying financial plan.
- 5.6 Where it appears greater input from the community or individuals would be advantageous in pursuing this objective, consider setting up working parties or task forces with community representation.

Objective 6 – Foster the community's confidence and support for council

- 6.1 Further improve the community consultation policy in recognition that there are different techniques for different objectives.
- 6.2 Strengthen our ability to give feedback on the results of consultation through email, print and radio media, website, and personalised letters.
- 6.3 Develop a protocol so that when decisions are made by council, the reasons why input from sections of the community has not been accepted for that particular case is stated.

- 6.4 Implement procedures that ensure that upcoming issues are flagged during the information gathering stage.
- 6.5 Develop new and additional consultation/communication strategies for external stakeholders, e.g. State Government Ministers.
- 6.6 Develop a protocol for staged progress reports to be provided to the community.
- 6.7 Make the *Cottesloe Council News* page available by email subscription.

CEO's Key Result Areas

To recap, the key result areas that were identified for the CEO at Council's February 2007 meeting were as follows.

1. Substantially progress the advertising of Town Planning Scheme No. 3 (not included in the future plan).
2. Finalise and adopt a plan for the foreshore (included in the future plan as [Develop the 'Foreshore Vision and Master Plan' in consultation with the community](#)).
3. Reach agreement with the State Government on a design solution for Curtin Avenue (included in the future plan as [Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links](#)).
4. Substantially progress options for the Council Depot (included in the future plan as [Adopt a policy position on assets that have a realisable value such as the Depot and Sumps](#)).
5. Seek Expressions of Interest and make a recommendation on events management and catering within the Civic Centre and grounds (included in the future plan as [Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities](#)).
6. Develop planning incentives for heritage properties (same as major strategy 4.1 in the future plan).
7. Develop a long term asset management plan and accompanying financial plan that takes into account the community call for better quality public buildings (included in the future plan as [Develop a long term asset management plan and accompanying financial plan](#)).

Priority Dynamic Projects

The *Future Plan 2006 – 2010* also identifies the following priority dynamic projects to be achieved over the next three years.

- Develop sustainability and capacity criteria to assess major strategies
- Finalise Town Planning Scheme No. 3
- Finalise and adopt a plan for the foreshore
- Proactively pursue solutions for Curtin Avenue and the railway
- Consider the new library concept

- Consider options for the council Depot site
- Enhance use of the Civic Centre
- Develop a District Management Plan
- Implement a Community Safety Strategy
- Finalise and adopt a plan for the Town Centre

CONSULTATION

N/A.

STAFF COMMENT

Subject to reconciling any perceived differences between;

- the major strategies identified in the *Future Plan 2006 – 2010*,
- the identified key result areas for the CEO and
- the identified priority dynamic projects shown above,

Council is asked to;

1. Confirm the major strategies identified in the draft *Action Plan 2007 – 2008* as being action priorities for 2007 – 08.
2. Identify which, if any, of the other major strategies should be included in the Action Plan for 2007 – 08 financial year.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The identification and implementation of specific actions through the *Action Plan 2007 – 2008* is critical to the realisation of Council's *Future Plan 2006 – 2010*.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Confirm the major strategies identified in the draft *Action Plan 2007 – 2008* as being action priorities for 2007 – 08.
- (2) Identify which, if any, of the other major strategies should also be included in the Action Plan for 2007 – 08 financial year.

12.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded by Cr Strzina

That Council confirm the following major strategies for inclusion in the Action Plan 2007 – 2008:

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

Carried 11/0

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

Nil

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

Nil

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.30 pm.

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