

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 23 OCTOBER, 2006**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	2
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
8	PUBLIC STATEMENT TIME	3
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
10	REPORTS OF COMMITTEES AND OFFICERS.....	5
11	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 16 OCTOBER 2006.....	5
11.1	PLANNING	5
11.1.1	NO. 21 (LOT 21) SALVADO STREET – TWO X TWO STOREY GROUPED DWELLINGS	5
11.1.2	NO. 24 (LOT 32) KATHLEEN STREET – ALTERATIONS & ADDITIONS TO RESIDENCE, BELOW-GROUND SWIMMING POOL, GARAGE & FRONT FENCE	16
11.1.3	NO. 46 (LOT 36) GRANT STREET – TWO-STOREY RESIDENCE	26
11.1.4	PROPOSED AMENDMENT NO. 43 TO TOWN PLANNING SCHEME NO. 2 – NO. 36 (LOT 50) ERIC STREET – LOCAL SHOPPING CENTRE MIXED-USE COMMERCIAL/RESIDENTIAL REDEVELOPMENT	33

11.1.5	CURTIN AVENUE IN COTTESLOE – COUNCIL RESOLUTION	45
11.1.6	FORESHORE VISION – OPTIONS REPORT	49
11.2	GENERAL.....	70
11.2.1	DRAFT LEIGHTON OCEANSIDE LANDSCAPE MASTERPLAN – FOR COUNCIL COMMENT	70
12	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 17 OCTOBER 2006	78
12.1	ADMINISTRATION.....	78
12.1.1	PROCOTT INCORPORATED - PAYMENT OF 2006/07 RATE MONIES	78
12.1.2	COTTESLOE CIVIC CENTRE CONCERT	81
12.1.3	SHADY CHARACTERS - BEACH HIRE	85
12.1.4	COTTESLOE TENNIS CLUB AND COTTESLOE RUGBY CLUB LEASE RENEWAL	87
12.1.5	INDIANA TEA HOUSE & BARCHETTA - TOILET CLEANING	92
12.1.6	COTTESLOE, PEPPERMINT GROVE & MOSMAN PARK LIBRARY	94
12.1.7	COMMUNITY SAFETY & CRIME PREVENTION COMMITTEE	101
12.1.8	PURCHASE ORDERS	104
12.1.9	WA LOCAL GOVERNMENT ASSOCIATION - PROPORTIONAL REPRESENTATION	106
12.2	ENGINEERING.....	112
12.2.1	LANE STREET/EDWARDS STREET, COTTESLOE - PETITION REQUESTING SOLUTION TO DANGEROUS INTERSECTION	112
12.2.2	PARKING - EAST SIDE OF MARINE PARADE - NORTH STREET TO VERA VIEW	116
12.2.3	COTTESLOE WADING POOL	120
12.2.4	BUSINESS PLAN, SALE OF NO. 45, LOT 8 LYONS STREET, COTTESLOE	132

	12.2.5 PROCOTT/COUNCIL WORKING GROUP -	
	PROGRESS TO DATE	138
12.3	FINANCE.....	141
	12.3.1 FINANCIAL REPORT FOR SEPTEMBER, 2006	141
	12.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006	143
	12.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006	145
	12.3.4 ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006	147
	12.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006	149
12.4	CEO CONTRACT PANEL	151
	12.4.1 CEO'S CONTRACT RENEWAL	151
13	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	155
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	155
15	MEETING CLOSURE.....	155

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.05pm.

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

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Woodhill

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

Carried 9/0

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

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

Officers

Mr Stephen Tindale
Mr Graham Pattrick
Mr Andrew Jackson
Mr Geoff Trigg
Mrs Jodie Peers

Chief Executive Officer
Manager Corporate Services/Deputy CEO
Manager Planning & Development Services
Manager Engineering Services
Executive Assistant

Apologies

Cr Jack Walsh

Leave of Absence (previously approved)

Cr Jo Dawkins

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Jeanes, seconded Cr Strzina

That Cr Dawkins' application for leave of absence for the November meeting be granted.

Carried 9/0

Moved Cr Carmichael, seconded Cr Furlong

That Cr Strzina's application for leave of absence for the November meeting be granted.

Carried 9/0

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 September, 2006 be confirmed.

Carried 9/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PUBLIC STATEMENT TIME

Ms D Wainwright, Riverstone Construction, 265 Curtin Avenue, Cottesloe – Item 11.1.1, No. 21 (Lot 21) Salvado Street – Two x Two Storey Grouped Dwellings

Ms Wainwright stated that the site has complex levels and that Council has imposed an average level to work from. In order to achieve the undercroft garage the wall heights are slightly higher than should be. It has been ensured that the overall bulk and scale of development is not large and the ridge heights are well below 5.5 metres. Riverstone have consulted with Council from the start of the project, to achieve a positive outcome for all parties. There are no overlooking issues. The proposal achieves the open space requirement.

Mr B Mellen, 15 Salvado Street, Cottesloe – Item 1.2, Cottesloe Civic Centre Concert

Mr Mellen stated that he is keen to hold a concert at the Civic Centre. Mellen Events have been promoters in WA of a number of successful large public outdoor events. Mr Mellen has successfully worked with other Councils. Safety, policing and security are all ensured during the events that he runs. Mellen events are interested in staging one show at the Civic Centre each year.

Mr T Willoughby, 54 Bruce Street, Nedlands – Item 12.2.3, Cottesloe Wading Pool

Mr Willoughby spoke in relation to the meeting he has held with the Mayor and CEO revisiting the facts on the beach pool. There is no requirement for fencing or supervision at a beach pool. The water feature that is in the report in replacement of a lap pool is not a fitting replacement in the 'learn to swim' vision. This pool would be for the whole community and tourists. Mr Willoughby stated that the proposal is for a simple sea water circulation.

Ms H Rumley, 5/4 Athelston Road, Cottesloe – Item 12.2.3 Cottesloe Wading Pool and item 11.1.6, Foreshore Vision Options Report

Ms Rumley asked why the \$25,000 set aside in the budget wasn't spent on the feasibility study?

This is an ideal time to work with DPI on a wider vision for the groyne and beach area. It is appropriate to include a children's swim facility. Ms Rumley reminded Council that this issue has been going on for five years.

Ms Rumley also spoke in relation to the proposed composition of the working group to prepare the foreshore vision concept plan. She raised concern that there is no representation of Cottesloe residents on the working group.

The Mayor answered Ms Rumley's question in relation to the feasibility study. The study is being undertaken in-house.

Mr T Sweet, 216 Marine Parade, Cottesloe – Item 12.2.2, Parking – East Side of Marine Parade – North Street to Vera View

In August, 2006 Council resolved to invite comment from affected owners on Marine Parade in relation to parking, and three options were presented.

Council received 27 signatures supporting option 1, the staff recommendation to Committee was for option 1, however the Committee chose to amend it to option 3 with no published reason. The reason that residents would like option 1 is for aesthetics, safer reversing of cars and street calming. The planting of native vegetation will fit in with the landscaping on Vera View. Mr Sweet asked why Council asked for resident opinions if they are ignored completely. Mr Sweet asked Council to adopt the wishes of the ratepayers, being option 1.

Mrs A Sweet, 216 Marine Parade, Cottesloe – Item 12.2.2, Parking – East Side of Marine Parade – North Street to Vera View

Mrs Sweet asked Council why they ask for community comments if they are going to ignore resident suggestions.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS

Items 11.1.1, 11.1.6 were dealt with first.

11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 16 OCTOBER 2006**11.1 PLANNING****11.1.1 NO. 21 (LOT 21) SALVADO STREET – TWO X TWO STOREY GROUPED DWELLINGS**

File No:	21 Salvado Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan
	Plans
	Photo
	Submission from Applicant (1)
	Submissions from neighbours (4)
Report Date:	27 September 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Bradley Mellen & Anita Brunton
Applicant:	Riverstone Construction
Date of Application:	27 September, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	651m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for two by two storey grouped dwellings on the subject site.

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

PROPOSAL

The two by two storey (grouped dwellings) residences will share a two storey parapet wall. The residences have near identical plans except they are flipped in opposite directions.

For both residences, the undercroft level contains a garage, two stores, a cellar and a lift motor room. On the ground floor two bedrooms, a bathroom, laundry, powder,

study, entertaining and an outdoor living area are proposed. The main entrance will be off a porch facing the side boundary.

On the upper floor are the main bedroom, ensuite, two store areas, as well as an open area comprising of dining, kitchen and living areas. The living room then opens out to the terrace. The three levels are connected by staircases and a lift.

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	6m maximum wall height	6.4m wall height (eastern residence)
5.1.1 Building Height	Top of garage a maximum of 1m above footpath level	Top of garage 1.8m above footpath level (eastern residence) Top of garage 1.65m above footpath level (western residence)

Council Resolutions

Resolution	Required	Provided
Front setbacks	6m front setback for residences	5.5m setback for the outdoor living & terrace

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 2 – Streetscape	Maximum of 60% of lot frontage being garage door	61% for each residence	Clause 3.2.8 – P8

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setback	Upper east wall (Eastern Residence)	1.7 to 2.4m setback	Clause 3.3.1 – P1
No 3 – Boundary Setback	Upper west wall (Western Residence)	1.7 to 2.4m setback	Clause 3.3.1 – 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:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There was 4 submissions received, which were objections. Details of the submissions received are set out below:

Janet Payton of 23 Salvado Street

- *Objects to drying area and laundry opposite her entry.*
- *Concerned of overshadowing due to the large bulk of the building.*
- *Requests that any spa motors and/or air conditioning units not be located adjacent to her property.*
- *Asks Council to consider protecting the existing Loquat tree on the property.*

A & F Poulson of 21A Salvado Street

- *Suggests that any spa motor areas and air conditioning units are not to be located on the southern boundary so to avoid being heard from their adjacent outdoor entertaining area.*

J & M Kendal of 1/23 Salvado Street

- *Believes the development is large & bulky for the size of the blocks.*
- *Streetscape will be altered.*
- *Open space calculations result in little ground space other than driveways*
- *Hopes the development will retain Jacaranda tree.*
- *Main objection is to the balcony is in front of their dwelling and its potential overlooking to their front courtyard.*

Warren & Ainslie Gibbs of 2/23 Salvado Street

- *Objects to laundry/amenities area on our boundary.*
- *Requests that no air-conditioning units be located to the rear of the property so as to avoid noise problems.*
- *Requests neighbours are notified for any dust/noise issues with any demolition.*

BACKGROUND

There is an existing two storey residence on the site. This house has the appearance of a three storey dwelling (with a visible garage level) from the street partially due to the slope of the land.

A subdivision application is proposed for this site to create two green title lots, which the Town has supported and is in the process of being finalised. The approval of this development application will be subject to the subdivision being completed and certificates of title being issued for the two proposed lots. Assessment as two grouped dwellings at present on the parent lot is consistent with the R-Codes standards also applicable to single dwellings at this density.

STAFF COMMENT

Front Setback

The proposal asks for a variation to the front setback for both residences. Council applies a 6m front setback for residences generally whilst the Residential Design Codes require a 6m averaged setback for a dwelling in an R20 zone, which Council has also considered appropriate to R30 areas in south Cottesloe.

This proposal has a minimum setback of 5.5m from the front boundary for the outdoor entertaining areas on both the ground and upper floors. Whilst these areas are open they are also elevated from the street and the physical space and balustrades protrude into the front setback area. It is noted that the application meets the averaged 6m setback requirement as per RDC, however, the Council Resolution is not satisfied.

There appears to be no particular reason to allow this variation and a condition is proposed that no part of the dwellings is to be built within the front 6m. This would reflect the existing large setback.

Streetscape

The garage door widths are an RDC variation in regards to streetscape. The RDC Acceptable Development provisions specify:

3.2.8 A8 Where a garage is located in front or within one metre of the building, a garage door (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street

Due to the narrow proposed lots and the double-sized garages, the Acceptable Development Provisions are not met. In this situation the 5.68m width will occupy 61% of the 9.31m frontage. The allowable width of the garage door is 60% of the frontage, as a balcony extends the full width of the garage.

The Performance Criteria relating to this Clause is:

3.2.8 P8 The proportion of frontage and building façade occupied by garages limited so as not to detract from the streetscape.

The application meets the criteria as the verge is approximately 16m wide. This added to a 7m setback for the garage provides for a 23m setback. The garages are also sunken 950mm below footpath level for the left unit and approximately 1m below for the right unit. These elements soften the garages impact on the streetscape.

Moreover, the 1% variation is truly negligible and could not be discerned from the street.

Building Heights

The wall heights do not conform to the TPS2 requirement for two-storey development. The proposal has a maximum 6.4m wall height for the left unit, where the Scheme allows for a maximum 6m height from natural ground level at the centre of the site.

In this circumstance, the design requests this variation so the western residence does not dwarf the eastern residence. In assessing amenity impacts the eastern neighbour will experience a slight decrease in the reduction of light to their property as opposed to the wall meeting the Scheme requirements.

While this is not optimal, the applicant requests this wall height in order to achieve sufficient gradient for the garage. It is the Officer assessment that the garage could be reduced an extra 150mm and the driveway would still meet Australian Standards.

Reducing all of the wall heights by 150mm on the western elevation is an alternative (this would reduce the overall wall height to 6.25m), however, it should be noted that both of the eastern neighbours did not object to this aspect of the proposal. It is also noted that the overall heights for both units are lower than the 8.5m maximum building height as required by the Scheme.

Furthermore, it is argued that reducing wall heights is not necessary as the proposed floor-to-ceiling heights are not excessive and are around the standard of many Cottesloe homes.

Undercroft Height

This application seeks variations for both residences in respect to the Scheme clause 5.1.1 where:

Council will not regard as a storey undercroft space used for lift shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles 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 ceiling level of the undercroft of the eastern residence is approximately 1.8m above the natural ground level at the front boundary. While this arguably addresses the street as a three-storey dwelling, the levels do rise towards the rear of the block by approximately 2.3m, which results in the undercroft level being below the natural ground level at the rear of the lot. The proposal could be supported, as requiring the garage to be submerged an additional 0.8m would result in additional excavation works.

In regards to the western residence, the ceiling level of the undercroft is approximately 1.65m above the natural ground level at the front boundary. While this arguably addresses the street as a three-storey dwelling, the levels do rise towards the rear of the block by approximately 2.7m which results in the undercroft floor being below the natural ground level at the rear of the lot. The proposal could be supported, as requiring the garage to be submerged an additional 0.65m would result in additional excavation works.

The applicant has also made mention that the large 23m distance of both units from the road minimises the visual impact.

All of the proposed rooms on the undercroft floor do not constitute as a storey as per Scheme Clause 5.1.1.

Side Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the Acceptable Development Standards of the RDC. The variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) and 3.3.2 (P2) of the RDC, which are:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Upper east Wall	All (eastern unit)	6.4m	27m	N	3.0m	1.7-2.4m
Upper west Wall	All (western unit)	6m	27m	N	2.8m	1.7-2.4m

3.3.1 – Buildings Set back from the Boundary

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

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

The upper east wall of the eastern residence is setback 1.7m for the lift, 2m for the dining, 2.4m for the powder, bed 1 and ensuite, and living room. The wall setback is required to be setback 3.0m.

In addressing the RDC performance criteria, the building will still provide adequate sun and ventilation to the building and to the adjoining eastern property. The proposal does not significantly affect the building bulk to the eastern property, due to the indents in the wall which visually break-up the wall, and a nil setback on the western wall reduces potential bulk to the eastern neighbour. No major openings are located from the upper floor, which assists privacy. Therefore, this setback variation is recommended.

The upper west wall of the western residence is setback 1.7m for the lift, 2m for the dining, 2.4m for the powder, bed 1 and ensuite, and living room. The wall setback is required to be setback 2.8m.

In addressing the RDC performance criteria, the building will still provide adequate sun and ventilation to the building and to the adjoining property western property. The proposal does not significantly affect the building bulk to the western property, due to the indents in the wall, and a nil setback on the western wall reduces potential bulk to the eastern neighbour (as it shifts floor space away from this neighbour). It should also be noted the existing dwelling proposed for demolition is three storeys high on the western side. No major openings are located from the upper floor, which assists privacy. Therefore, this setback variation is recommended.

Parapet Walls

A shared two-storey parapet wall between the two dwellings meets the Performance Criteria of the RDC and this feature is not unusual for Cottesloe. The porches of both residences are proposing 2.445m long parapets walls to just protrude above the shared fence line. They are a design feature which provides a small, sheltered entry and are considered acceptable.

Other Aspects

The application meets the Acceptable Development provisions of the RDC for privacy and open space. A neighbour raised a concern regarding overshadowing. The RDC assess overshadowing on a north-south basis at noon on the Winter solstice. The overshadowing to the eastern neighbour at this time of day is 0%, which complies with the Acceptable Development provisions of the RDC. The overshadowing to the

southern neighbour from this development is proposed to be 75m² of a 434m² lot or 17.3%. This also meets the Acceptable Development provisions of the RDC.

A neighbour also commented on the retention of a tree on the property and an advice note is applicable in this respect.

In regards to comments on potential noise from the location of air-conditioning and spa motor units, a standard condition will be imposed. Also, **objections** on the location of a proposed laundry cannot be sustained as the setback meets the Acceptable Development provision of the RDC.

In regards to a comment received in respect to the front balconies, screens to 1650mm above floor level are proposed for each property and this meets the Acceptable Development provision of the RDC for privacy.

CONCLUSION

The proposed variation to wall height for the eastern residence is ameliorated by the wide verge and importantly the application meets the overall building height requirements. Whilst the proposed front setback variations do not affect the amenity of neighbouring properties, it cannot be recommended that the protrusion into the front setback is necessary. It is recommended that the application be approved subject to conditions removing the terraces and outdoor living areas in front of the 6m front setback line for both residences.

The objections regarding overshadowing, room positioning and tree preservation cannot be sustained whilst the location of air-conditioning and spa motor equipment can be managed by a condition of approval.

It is also proposed that the planning approval of this two by two storey grouped dwelling is subject to the certificate of title being issued for the proposed lots prior to the issue of a building licence.

VOTING

Simple Majority

COMMITTEE COMMENT

Applicant addressed the meeting and advised that only a portion of the terrace is proposed to be set forward of the 6m front setback, the bulk of the building is setback 6m. The proposed increase in wall height on one of the residences is required due to the fall of the land and is needed to still maintain the high ceilings that is expected in a Cottesloe residence. However the overall height of the residences comply with the 8.5m height limit.

Committee agreed that the concessions were reasonable but would like the applicant to consider a shared crossover so that the large street verge is maintained for a more attractive streetscape.

Committee resolved to add the following additional words to condition (h):

(h) ..., including consideration of the opportunity for a shared crossover.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of two x two- storey grouped dwellings at No, 21 Salvado Street, Cottesloe, in accordance with the revised plans submitted on 21st September 2006, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment and spa motor equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The finish and colour of the boundary walls facing the neighbours being to the satisfaction of the Manager Development Services.
 - (g) 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.
 - (h) The applicant applying to the Town of Cottesloe for approval to construct a crossover for each residence, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (i) The existing redundant crossover in Salvado Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
 - (j) Finalisation of subdivision into two green title lots and new certificates of title being issued before Building Licences can be issued for two single dwellings.
 - (k) 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.
 - (l) Revised plans being submitted for approval by the Manager Development Services at Building Licence stage showing all balconies and outdoor entertaining areas on the ground and upper levels being

setback a minimum of 6m from the front boundary to comply with Council's resolution in this respect.

- (2) Advise submitters of the decision.

Advice Note: In the interests of sustainability and amenity the applicant is encouraged to retain as many established trees and as much mature vegetation on site as is possible.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development of two x two- storey grouped dwellings at No, 21 Salvado Street, Cottesloe, in accordance with the revised plans submitted on 21st September 2006, subject to the following conditions:**
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment and spa motor equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The finish and colour of the boundary walls facing the neighbours being to the satisfaction of the Manager Development Services.
 - (g) 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.
 - (h) The applicant applying to the Town of Cottesloe for approval to construct a crossover for each residence, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer, including consideration of the opportunity for a shared crossover.

- (i) The existing redundant crossover in Salvado Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
 - (j) Finalisation of subdivision into two green title lots and new certificates of title being issued before Building Licences can be issued for two single dwellings.
 - (k) 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.
 - (l) Revised plans being submitted for approval by the Manager Development Services at Building Licence stage showing all balconies and outdoor entertaining areas on the ground and upper levels being setback a minimum of 6m from the front boundary to comply with Council's resolution in this respect.
- (2) Advise submitters of the decision.

Advice Note: In the interests of sustainability and amenity the applicant is encouraged to retain as many established trees and as much mature vegetation on site as is possible.

Carried 7/2

11.1.2 NO. 24 (LOT 32) KATHLEEN STREET – ALTERATIONS & ADDITIONS TO RESIDENCE, BELOW-GROUND SWIMMING POOL, GARAGE & FRONT FENCE

File No:	24 Kathleen
Author:	Stacey Towne
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Photos
Report Date:	4 October 2006
Senior Officer:	Andrew Jackson
Property Owner:	Adrian Burt Homes & Parkstone
Applicant:	Adrian Burt Homes
Date of Application:	4 October, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	491m²
M.R.S. Reservation:	N/A

SUMMARY

It is proposed to construct additions (including a second storey) to the existing single storey brick and tile residence at 24 Kathleen Street. The proposal also involves replacement of the existing carport with a garage, which is located within the front setback area, a new below-ground swimming pool and front fence.

The alterations and additions will result in conversion of the existing house to a contemporary styled two storey dwelling. The proposal for the most part, complies with the Acceptable Development Standards of the Residential Design Codes in terms of open space and overshadowing, however, variations are proposed to side building setbacks and visual privacy setbacks.

Also, the conversion of the carport to a garage does not comply with the 4.5m front setback requirement of Council's Policy TPSP 003 – Garages and Carports within the Front Setback Area and the front fence does not fully comply with Council's Fencing Local Law.

Given the assessment that has been undertaken, the recommendation is to approve the application, subject to amended plans showing a reduction in the finished level of the pool and surrounds and changes to the front fence on the north and south sides of the pool.

PROPOSAL

- New below-ground swimming pool in the front setback.
- New entry.

- Kitchen addition on the ground floor.
- Enclosure of the front porch for the new stairwell.
- Replacement of the carport (open on three sides) with a garage (enclosed on three sides).
- Other minor alterations on the ground floor.
- Fencing within the 6m front setback.
- New second storey comprising of a bedroom with walk-in robe and ensuite, powder room, living room and front balcony.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes
- Town of Cottesloe Fencing Local Law

POLICY IMPLICATIONS

TPSP 003 – Garages and Carports in the Front Setback Area

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policies

Policy	Required	Provided
TPSP 003 – Garages and Carports in Front Setback Area	Front setback for garage may be reduced to 4.5m.	Front setback to garage 3.76m (existing)

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Ground floor wall to be set back 1.5m from southern boundary.	Ground floor set back 0-1.5m from southern boundary.	Clause 3.3.2 – P1
No 3 – Boundary Setbacks	Ground floor wall to be set back 1.6m from northern boundary.	Ground floor wall set back 1.5m from northern boundary.	Clause 3.3.2 – P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Upper floor wall to be set back 1.8m from northern boundary.	Upper floor wall set back 1.5-2m from northern boundary.	Clause 3.3.2 – P1
No. 8 – Visual Privacy	Setback from the kitchen window to the north side 6m.	1.5m to the north side.	Clause 3.8.1 – P1
No. 8 – Visual Privacy	Setback from the rear balcony window to the north and south sides 7.5m.	2.5m to the north side, 6m to the south side.	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION**REFERRAL****Internal**

- Building
- Health

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 5 letters sent out. No submissions were received.

BACKGROUND

A single storey brick and tile residence exists on the subject property. A brick pier and galvanised roof carport is attached to the front of the house, set back approximately 3.7m from the front boundary.

The land slopes upwards from the west to the east (front to rear) with a difference in levels of approximately 3m overall.

STAFF COMMENT

Front Setback

The main part of the dwelling is to remain at the current front setback of 9.45m. A new porch with balcony over is proposed in front of the existing building, being set back at 7.5m. This exceeds Council's general 6m front setback preference.

The proposal to replace the existing carport with a garage, however, has implications on front setback requirements and does not comply with Council's policy relating to garages and carports within the front setback area.

Council's Policy TPSP 003 – Garages and Carports in the Front Setback Area may allow for the construction of garages and carports up to 4.5m of the street alignment where vehicles are parked at right angles to the street and 1.5m where vehicles are parked parallel to the street. Carports may be allowed to locate up to the street alignment.

The proposed garage is to be set back 3.76m from the front boundary, which falls short of the 4.5m front setback general policy requirement by 0.74m. Council's policy sets out the following performance criteria to be addressed where variations to the policy are proposed:

- *Materials, design and appearance to be in character with the residence on the site and in harmony with the surrounding streetscape.*
- *The location of the building shall not significantly affect view lines of adjacent properties.*
- *Adequate manoeuvring space shall be maintained for safe ingress and egress of motor vehicles.*
- *Consideration should be given to setback objectives of the Codes.*
- *Regard to the amenity of any adjoining lot.*
- *Consideration of existing and potential future use and development of any adjoining lots.*
- *Consideration of existing front setbacks in the immediate locality.*

In addition, the applicant has provided the following justification (summarised) in support of the proposed reduced front setback to the garage:

- *It is a conversion of an existing carport.*
- *Offers security to vehicles.*
- *Retains existing dwelling behind.*
- *Provides for parking two vehicles as per Codes.*
- *Garage door width complies with Acceptable Development Standards of the Codes.*
- *Provides for a seamless integration with the overall street elevation of the proposed additions (consistency of design).*
- *Complies with the Performance Criteria of the Codes regarding front setback generally. It contributes towards an attractive streetscape and security for*

occupants and passers by, ensures adequate privacy and open space for occupants and provides an attractive setting for the building.

- *Complies with the Performance Criteria of the Codes regarding front setbacks for garages and carports. The garage is set back so as not to detract from the streetscape or the appearance of the dwelling and does not obstruct views of the dwelling from the street and vice versa.*
- *The proposal contributes towards an interesting mix of architectural building stock within the suburb.*

The proposed garage is attached to the residence and is to be constructed in a similar style and of similar materials to the residence. The location of the garage will not affect view lines of adjacent properties as the building structure already exists, albeit without sides and a door. The garage is more than 6m from the neighbour's property to the north and the view from the neighbouring property to the south is already screened by planting adjacent to the proposed southern garage wall. The garage would be set back well within the requirements for sight lines for safe vehicle ingress and egress.

In close proximity of the subject site, development is setback at a variety of distances. There are at least three other properties in the street in the near vicinity with structures forward of the 4.5m front setback line. The proposed garage will not adversely affect neighbours in terms of overshadowing (no further overshadowing than the existing carport) or privacy, which are both matters identified within the Codes and Council's amenity clause for which due regard must be taken.

Therefore, the proposal complies with the objectives of the Residential Codes in relation to front setbacks in general and is considered to meet the performance criteria of Council's Policy 003.

Given the above assessment the proposed setback variation is supported by Planning Staff.

Side Setbacks

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

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Ground North Wall	Entire side	4m	16m	Nil	1.6m	1.5m
Ground South Wall	Entire side	3.5m	24m	Nil	1.5m	0-1.5m
Upper North Wall	Entire side	6.7m	12.5m	Nil	1.8m	1.5-2m

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 RDC 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 proposed setback variations are minor, with exception to the portion of the southern ground floor wall, which is located on the boundary with a nil setback. This section of the wall is to the side of the garage. (The rest of the house on the southern side is set back at between 1.22-1.5m).

With regard to the variations other than the setback to the garage wall, all comply with the performance criteria of the Codes in terms of access to sunlight, protection of privacy and impact of building bulk and are, therefore, supported as proposed.

With regard to the side setback for the southern side of the garage, this has some other implications because the wall is situated forward of the usual 4.5m front setback requirement of Council's policy relating to garages and carports within the front setback area.

The parapet to the garage is 6m long and between 2.8-3.3m high. As the garage is to be set back 3.76m from the front boundary, a 0.74m section of the side wall is located within the 4.5m setback area. In addition, if this proposal was for a fence instead of a garage wall, Council's Fencing Local Law would only allow for a fence to a height of 1.8m within the 6m front setback area and it would only be allowed to be solid to 0.9m in height, with the remaining fence above being of "open aspect" construction.

With this in mind, the proposal is in effect asking for a high solid wall on the common boundary for a length of 2.24m where only a 1.8m high fence of "open aspect" construction would usually be expected to exist. As such, the amenity of the streetscape and the neighbouring property requires particular assessment in relation to the southern side garage wall.

It is not considered that the wall will adversely affect the neighbouring property to a greater effect than the existing open sided carport, for a number of reasons. There is presently planting on the adjoining property boundary at No. 22 Kathleen Street which performs an enclosed screening effect, blocking off views through the carport structure. The construction of a solid wall would likewise be screened accordingly. The new wall would also be adjacent to the driveway and carport of the adjoining neighbouring property. The adjoining residence is well set back from the front of the lot at approximately 14m, so the garage will have no direct impact on the amenity of the dwelling. This is further supported by the absence of a submission from the adjoining property owners during the advertising period for this proposal.

With regard to streetscape, the garage is not considered to have any more detrimental effects than the existing carport structure. The proposed front porch and

upper storey addition will provide a balance of building form and will blend in with the rest of the development on site. The relationship of the carport to the surrounding residences is not considered to have any adverse effects.

The proposed variation to the garage side setback variation is supported accordingly.

Visual Privacy

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

Room	Required	Provided
Kitchen	6m from north side boundary	1.5m
Balcony	7.5m from north and south side boundaries	6m south.

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 kitchen is located on the ground floor of the residence, however, as the finished floor level is raised more than 0.5m above natural ground level (NGL), the privacy setbacks apply. The privacy setback only applies to a 1m section of the window, as only part of the floor level is 0.5m above NGL. A 2.2m high fence on the common property to the north provides screening to a height of approximately 1.55m. The non-complying section of the kitchen window only overlooks a blank wall section of the neighbouring residence and does not look onto active habitable spaces or outdoor living areas. No submissions have been received from adjoining neighbours in regard to this matter. The variation to the privacy setback for the kitchen window complies with the performance criteria of the Codes and is supported.

The privacy setback from the balcony to the southern side setback is 6m instead of the required 7.5m. Overlooking from the balcony mostly includes the front garden and carport roof of the adjoining property at No. 22 Kathleen Street. The overlooking is minor and areas viewed are also visible from the street. The proposed variations satisfy the performance criteria of the Codes and, in the absence of submissions, is supported.

Height

The roof line of the proposed development is a contemporary combination of styles including a skillion pitch, hip and flat roof. The various roof and wall heights comply with Council's scheme requirements, with the overall height of the development being a maximum of 20.018m AHD (approximately 8.22m high).

The pitched roof on one side of the building allows for sustainability with highlight windows providing more natural light into the upper storey.

Overshadow

The Acceptable Development Standards of the Codes allow for a maximum of 25% overshadowing of an adjoining property.

Due to the east–west orientation of the subject lot, the proposed second storey addition will result in an increase in shadow over the property to the south at No. 22 Kathleen Street. The total amount of overshadow, however, is only 23.6% of the adjoining property and complies with the requirements of the Codes.

Fence within Front Setback

A 4.2m length of open style fencing is proposed along the front of the property set back at approximately 1.2m with a planter in front, which complies with Council's Local Law. This fence is in front of the proposed pool which is located forward of the house.

A solid fence is proposed to continue around the pool on the northern side boundary, up to a height of 2.5m. On the southern side of the pool, next to the walkway to the front porch, an open aspect fence of up to 2.15m in height is proposed. Parts of the open aspect fence are solid above 0.9m. Both of these sections of the front fence around the pool do not comply with the Local Law. Fencing within the 6m front setback should only be a maximum of 1.8m high, with that part of the fence over 0.9m in height being of "open aspect" construction.

A brick fence, staggering in height from 1.75-2.3m, already exists on the inside boundary of the adjoining property at No. 26 Kathleen Street within the 6m front setback. The new wall on the northern side of the subject property and the wall on the southern side of the pool further exceed this height by up to 0.4m. The walls are proposed at this height because the level of the pool is to be raised between 1-1.2m above ground level.

The fencing height and raised pool level is considered to be unnecessary and excessive. It is recommended that the pool level be lowered and that the new fencing along the northern side of the pool be reduced to be no higher than the existing fence on the common boundary with No. 26 Kathleen Street. In addition, the fence on the southern side of the pool should be amended to comply with the requirements of the Local Law terms of height and solidity (i.e. lowered to a maximum overall height of 1.8m, with infill panels above 0.9m in height being of "open aspect" construction).

This will benefit the streetscape given the forward garage concession, to ameliorate overall bulk and scale.

CONCLUSION

The existing single storey dwelling is of a basic design and the proposed additions will provide for a contemporary architecturally designed residence which will generally improve and add interest to the streetscape.

The proposed variations to building side setbacks and privacy setbacks comply with the performance criteria of the Residential Design Codes and in the absence of objections received from neighbours are supported.

The 3.76m front setback to the garage is also supported as it meets the performance criteria of Council's Policy TPSP 003 – Garages and Carports in the front Setback Area.

The raised level of the pool and the fencing on the northern and southern sides of the pool are not supported as proposed. It is recommended that the pool level be lowered such that the fence height on the northern boundary does not need to exceed the height of the existing solid wall on the common boundary at No. 26 Kathleen Street, and the fence on the southern side of the pool is lowered to a maximum height of 1.8m. In addition, the fence on the southern side of the pool should be amend to fully comply with Council's Local Law in relation to "open aspect" infill panels where the fence is greater than 0.9m in height.

VOTING

Simple Majority

11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Alterations and Two Storey Addition to Existing Residence, New Below-Ground Swimming Pool, Garage and Front Fence at No 24 (Lot 32) Kathleen Street, Cottesloe, in accordance with the revised plans submitted on 4 October, 2006, 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) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (6) 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.
- (7) Revised plans being submitted for approval by the Manager Development Services at Building Licence stage showing:
 - (a) the fence on the northern side of the proposed pool within the 6m front setback area shall not exceed the height of the existing fence at No. 26 Kathleen Street.
 - (b) the fence on the southern side of the pool being modified to comply with Council's Fencing Local Law; that is, the fence shall be solid to a maximum height of 900mm and the infill panels shall be to a maximum height of 1.8m (RL 12.7m) and have an "open- aspect" in that the palings shall be spaced to ensure 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, and the piers shall not exceed 2.1m in height from Natural Ground Level.
 - (c) the finished level of the pool and immediate surrounds being lowered to a maximum height of RL11.5m so that the permitted fence heights comply with the minimum 1.2m height requirement for swimming pool barriers as required by AS1926.1.
- (8) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
- (9) The pool pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (10) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
- (11) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

Advice Note to Applicant: As indicated on the submitted plans, the applicant is encouraged to retain as many existing trees on site as is possible, in order to contribute to the amenity of the property and locality.

Carried 9/0

11.1.3 NO. 46 (LOT 36) GRANT STREET – TWO-STOREY RESIDENCE

File No:	46 Grant Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant Plans Photo
Report Date:	26 September 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Gavin & Beverley Hartley
Applicant:	Residential Attitudes
Date of Application:	14 August 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	529m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two-storey residence.

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

PROPOSAL

On the ground floor a garage, store and home theatre are toward the front of the house. The house steps down to a kitchen, living, dining and alfresco area toward the rear of the lot. A front courtyard is also proposed which is partially concealed from the street by a low wall.

On the upper floor are three bedrooms, two bathrooms and a WIR. This level is also stepped down to partially accommodate the changing levels.

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 Heights	6m maximum wall height. 8.5m maximum building height.	6.598m wall height. 8.632m maximum building height.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	1.5m setback, ground east wall	1-1.5m	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	1m setback, garage wall	nil	Clause 3.3.2 – P2
No 3 – Boundary Setbacks	1.5m setback, ground west wall	1-1.5m	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	1.5m setback, upper east wall	2.2m	Clause 3.3.1 – P1
No 8 – Privacy	4.5m setback from bedroom 2	2.5m	Clause 3.8.1 – P1

Town of Cottesloe Local Laws

Local Law	Required	Provided
Fencing Local Law	Maximum solid section of fence to 900mm above natural ground level, open aspect between 900mm and 1800mm above natural ground level within front setback area. Retaining walls are usually required to be within the 900mm solid section of fencing.	Solid section of fence is 600mm above retaining walls up to 1.2m in height or equivalent to 1.8m solid fence height. Open aspect fence above solid section.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. No submissions were received.

BACKGROUND

A well-established single storey residence exists and is proposed to be demolished. Three previous applications have been approved under delegated authority in the past two and a half years for a new two-storey residence.

STAFF COMMENTBuilding Height

The natural ground level at the centre of the site is determined to be RL 9.6 and the proposed maximum wall height is 6.598m at RL 16.198. This is 0.598m above the Scheme limit (RL 15.6) as per Clause 5.1.1. The lot slopes approximately 2.5m from the front boundary at Grant Street down to the rear north-eastern corner. The wall height is taken from the natural ground level at the centre of the site, however, this central location is at a lower level to where the front portion of the residence is to be built, hence exaggerating the wall height for that portion.

The proposed maximum building height at RL 18.232 is 0.132m above the 8.5m building height at RL 18.1.

The design attempts to conform to the building and wall height requirements and the house is stepped down in accordance with the slope of the site. The wall height for the bathroom and bedroom 3 at the front of the lot is a maximum of 6.6m above natural ground level at the boundary as well as 6.6m above NGL at the centre of the site, and the remainder of the upper floor is proposing a maximum wall height of 6.4m from the side boundary or 6.088m from NGL at the centre of the site.

It is assessed that the height variations are justified due to the topography.

Boundary Setbacks

The following side boundary setbacks don't comply with the acceptable development standards of the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground east wall	living room to theatre	3.5m	10m	yes	1.5m	1-1.5m
Ground east wall	Garage	3.6m average, 3.9m max	8.6m	no	1m	nil
Ground west wall	All	3.5m	21m	yes	1.5m	1-1.5m
Upper east wall	All	6.6m max	15.5m	no	2.2m	1.5-2.7m

The setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) and 3.3.2 (P2) 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.*

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.*

This proposal is to have a nil setback to the eastern side boundary for a garage. This is usually required to be setback 1m from the boundary as it does not meet Clause 3.3.2 A2ii of the RDC: *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.* This is because the height of the garage averages 3.6m from natural ground level. The garage partially meets the Performance Criteria of the RDC as it makes an effective use of space, and it does not have an adverse effect on the amenity of the adjoining property. The proposal restricts direct sun to openings of habitable rooms on the adjoining property, however, this also occurs from the current single storey residence.

The proposal is to have a 1 to 1.5m setback to the eastern side boundary for the ground floor home theatre to living room wall. This is usually required to be setback 1.5m from the boundary and the variation only occurs because of the small recess

area in the living room wall. The wall meets the Performance Criteria of the RDC as it ensures adequate direct sun and ventilation being available to adjoining properties. It assists in ameliorating the impacts of building bulk on adjoining properties and assists in protecting privacy between adjoining properties. This setback is supported.

This proposal is to have a 1 to 1.5m setback to the side boundary for the western ground floor wall. This is usually required to be setback 1.5m from the boundary. The wall meets the Performance Criteria of the RDC as it ensures adequate direct sun and ventilation being available to adjoining properties. It assists in ameliorating the impacts of building bulk on adjoining properties and assists in protecting privacy between adjoining properties. This setback is supported.

This proposal is to have a 1.5 to 2.7m setback to the side boundary for the western upper floor wall. This is usually required to be setback 2.2m from the boundary. The wall meets the Performance Criteria of the RDC as it ensures adequate direct sun and ventilation being available to adjoining properties. It assists in ameliorating the impacts of building bulk on adjoining properties and as there are no major openings, protects privacy between adjoining properties. This setback is supported.

Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC, hence the setback variations are 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
Bedroom 2	4.5m setback	2.5m setback

The proposal asks for a variation to the bedroom 2's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as it does not overlook directly onto the neighbouring property. This is because the window faces north but the cone of vision extends to the eastern neighbouring property. The positioning of windows also captures northerly light for the room and it should be noted the neighbours did not object to this minor variation.

Front fencing

The fencing in the front setback area is proposed to be open aspect above the proposed retaining. The solid section will generally be a maximum of 600mm above retaining walls with open aspect sections of between 600mm and 1800mm in height above any retaining walls. This translates to approximately RL 13.80 at the top of the fencing on the front elevation.

The retaining walls is a maximum of 1.2m in height above natural ground level in a small section at the corner of the front elevation and driveway and the lot falls away sharply within the front setback from the street to the dwelling. Any retaining is usually calculated toward the solid section of the fence and from a streetscape aspect the proposed fencing cannot be recommended due to the large height of the solid sections of fencing.

It is recommended revised plans showing all front setback fencing having a maximum of 1.2m solid height above NGL at each respective boundary inclusive of any retaining walls. This 1.2m would be recommended in lieu of the maximum 900mm solid requirement as required by the Fencing Local Law as a 1.2m retaining level would allow for a flat fence line on the front boundary and would still afford the owners some privacy.

Other Aspects

The application is compliant with all open space and overshadowing requirements of the RDC.

CONCLUSION

The application does not strictly adhere to building height requirements but it makes a fair attempt to step the house down in accordance with the natural ground levels of the site. A large majority of the wall heights are 6m or less in height above the natural ground level at the spot levels where these walls will be located.

In assessing streetscape considerations, Council has approved several modern two-storey residences in this section of the street and it is likely that the streetscape will continue to evolve. The wall height variation at the front of the residence will give the property some street appeal as the lot is well below street level. It is recommended that the application be approved subject to conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee commended the proposal given the difficulties with the site.

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development of a two-storey residence at No. 46 Grant Street, Cottesloe, in accordance with the plans submitted on 14 August 2006 and the revised elevation plans and front screen wall plans dated 12 October 2006, 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, 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.
- (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) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (6) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
- (7) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (8) 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.
- (9) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the fence to be solid to a maximum height of 1200mm and the infill panels shall have an “open aspect” in that the palings shall be spaced to ensure 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, and the maximum height of the fence shall not exceed 1.8m from Natural Ground Level except for any piers which shall not exceed 2.1m in height from Natural Ground Level.

Carried 9/0

**11.1.4 PROPOSED AMENDMENT NO. 43 TO TOWN PLANNING SCHEME NO. 2 –
NO. 36 (LOT 50) ERIC STREET – LOCAL SHOPPING CENTRE MIXED-USE
COMMERCIAL/RESIDENTIAL REDEVELOPMENT**

File No:	Amendment 43
Author:	Mr Andrew Jackson
Attachments:	Scheme Amendment Document Appendix 2 Traffic Study Plans
Author Disclosure of Interest:	Nil
Report Date:	12 October, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

- The Eric Street shopping centre on the corner of Chamberlain Street is an established local centre serving the needs of the neighbourhood and greater Cottesloe. While well-used, the centre dates from the 1970s and is ageing, poorly-designed and lacking in amenity by today's standards in terms of practicality, aesthetics and serving the community and visitors.
- The owner has undertaken to rejuvenate the centre with a redevelopment of the existing building to retain the shops at ground level and create apartments at the upper level. Consultants for the owner have liaised with the Town to formulate a conceptual development and prepare an amendment proposal for Council's consideration.
- This report presents and assesses the requested amendment and recommends advertising of the proposal, subject to some minor modifications.

STATUTORY ENVIRONMENT

- The Planning & Development Act 2005 empowers amending 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 are controlled and which is able to be amended.

POLICY IMPLICATIONS

- The amendment proposal does not relate to any planning policy regarding the shopping centre.

STRATEGIC IMPLICATIONS

- Functional, attractive local shopping centres is included amongst Council's aims for the district and TPS2 seeks to foster this end and draft TPS3 shares this outlook.
- Local centres often have multiple owners whereby they may not be well-maintained and sometimes the council has to fund an urban design project to enhance the amenity of a centre to its neighbourhood. For the Eric Street shops the sole owner is proposing to undertake a comprehensive redevelopment to improve the centre, which is an opportunity that rarely arises.
- In terms of modern town planning, the principles of mixed-use, liveable neighbourhoods, walkable local centres, good urban design, housing choice and

residential amenity are all consistent with the conceptual proposal that the amendment intends to facilitate, which is also in keeping with regional planning strategies for diverse and sustainable urban development.

FINANCIAL IMPLICATIONS

- The amendment proposal does not represent a cost to Council.
- The future redevelopment may include improvements to the public domain such as footpaths, verge landscaping and minor road works by the developer at no cost to Council.

BACKGROUND

Formulation of Proposal

- Initially the team of consultants for the owner (town planner, urban designer, architect and builder/project manager) liaised with officers regarding the general intentions and ideas to explore options and issues.
- From this a conceptual redevelopment was devised taking into account the viability of the shopping centre, planning parameters, project feasibilities, architectural style and amenity aspects.
- This scoped the design approach and development requirements and concluded that a scheme amendment would be appropriate.
- The concept was then firmed-up and presented to the Design Advisory Panel together with interested Councillors and officers, to further explain and test the proposal.
- Given that feedback, a more detailed design was completed and a draft amendment prepared, including a traffic report.
- This material was previewed by officers for additional feedback, leading to refinement and lodgement of the formal amendment request and documentation.
- The officer advice has been qualified as *without prejudice* to assessment and determination of the proposal but has helped to ensure that the basic format of the amendment is in order.

Design Advisory Panel

Presentation Points

- The presenters in turn provided an overview of the concept in terms of:
 - The opportunity to rejuvenate the local shopping centre for mixed commercial / residential use and in keeping with the architecture of Cottesloe, for a centre which is also viable.
 - A context analysis of the walkable neighbourhood and the social benefits of mixed-use and meeting places.
 - The need to improve the dysfunctional elements of the present shopping centre development, its mix of local retail / service uses, and its amenity and aesthetics – a contemporary architectural style is intended drawing on the emerging vernacular.
 - Particular attention has been paid to pedestrian access, an alfresco area, the internal mall and vehicular circulation and parking.

- Appreciation of the building envelope and built form, and comparison with the various parameters under the existing and proposed town planning schemes, including floorspace, plot ratio, parking and height.

Panel Discussion

- Panel members and Councillors commented as follows:
 - The proposal to upgrade the shopping centre was welcomed, with an emphasis on the need to improve parking and to ensure convenience attractor shops such as a newsagent and café; plus a suggestion that residents / customers could even be surveyed to help ascertain desired shops and services.
 - It was considered important to clearly separate the basement parking areas for shoppers and residents and it was noted that the latter would be secure.
 - The Panel supported in-principle the opportunity to improve the amenity of the shopping centre overall and to contribute to the locality generally.
 - There was some discussion about setting-back the upper levels, including even whether a further level could be added.
 - Attention to privacy / overlooking, the sense of scale and the interfaces with the adjoining properties and public domain were emphasised as important.
 - It was felt that the proposal appeared quite feasible from a mixed-use and commercial point of view, and that even live-work / upstairs-downstairs type premises may be appropriate.
 - Vehicular access via the lane was considered to be somewhat difficult and in need of improvement for legible and easy ingress and egress.
 - The location of any café / alfresco area could take into account visibility, orientation and amenity in relation to the patrons as well as surrounding housing.
 - The size and number of bedrooms per apartment was queried with some preference for larger apartments suggested.
 - In terms of built form / bulk and scale, the alternative to lower-rise built to the boundary would be a taller building but with the upper levels set-back or stepped-back.
 - The presence and appearance of the proposed development in relation to the neighbourhood is considered important, particularly the north and west elevations to adjacent housing.

ASSESSMENT

Draft Documentation

- A justification report and information package supports the amendment request and includes:
 - The official Amendment Text describing the changes to the Scheme provisions.
 - An Amendment Report discussing the existing centre, intended redevelopment, necessary standards, Indicative Development Plan, implications and the actual amendment.
 - Report appendices comprising a set of detailed plans, elevations and perspectives and the traffic study.
 - This complete document would be advertised for public information to fully describe and illustrate the amendment proposal and redevelopment.

- This documentation is thorough and high quality – subject to some refinements it is assessed as suitable for advertising.

Amendment Methodology

- This amendment is proposed to introduce specific standards for the site because the proposal is to retain and add to the existing development.
- The degree of change required for this to occur and due process suggest that a scheme amendment is required, as the current TPS2 provisions for the centre are not very prescriptive, but greater detail and control are necessary for a proposal such as this.
- An amendment under current TPS2 can be entertained, as draft TPS3 is some way off and has no statutory standing at this time and its content cannot be sufficiently relied upon or applied.

Implications of Amendment

Current Scheme Provisions

- The amendment expands the Scheme provisions applicable to this local centre. At present there is a limited primary clause as follows:

3.4.3 Business Zone

The intent of the Business Zone is to provide for the wide range of uses permissible in a manner compatible with surrounding development. The maximum permissible plot ratio shall be 0.8 and in considering development applications, Council will be guided by the height of buildings in the adjoining areas and the amenity and parking provisions of Part V - General Provisions of the Scheme.

- This is a broad provision which encourages varied land use, specifies plot ratio as the single development standard particular to the zone, and otherwise guides Council generally only, indicating that discretion may be exercised.
- When the Scheme was created in 1988 this was considered adequate, however, it did not anticipate changes nearly 20 years later.
- Nor did it distinguish between the two local centres, which are quite different in terms of their lots, land uses, built form, character and localities.
- The amendment proposes to keep the above clause and apply it to the Railway Street local centre, and to add to the clause for the Eric Street local centre.
- In this way the structure of the Scheme stays the same and the development requirements are elaborated.

Zoning and Land Use

- The amendment retains the current Business Zone classification which applies to the existing local centres.
- The land use permissibilities contained in the Zoning Table remain unchanged, as these already cater for the mixed-use commercial and residential activities – Shops are a permitted use and Multiple Dwellings are a discretionary use.

- In this way the amendment accords with the intent of the Business Zone to enable a wide range of compatible uses.
- Clause 5.4 of the Scheme goes on to make it clear that Council may allow mixed-use development and to outline the components of the Scheme that will apply to each in the normal manner, as follows.

5.4 Combined Residential / Business Development

Council may approve combined residential / business developments on sites subject to the following conditions:

- (a) the residential component of the building shall be built in accordance with the Residential Design Codes, the Development Guide Map and the Zoning Provisions of Part III and General Provisions of Part V of this Scheme as they apply;*
 - (b) the business component of the development shall be built in accordance with the Development Guide Map, the Zoning Provisions of Part III and the General Provisions of Part V of this Scheme.*
- This is an enabling clause rather than prescribing standards and Council has no Scheme Planning Policy which elaborates.
 - The Residential Design Codes include a section on mixed-use development standards which apply via and provides for flexibility in the requirements – it is explained that to accommodate a residential component, mixed-use development standards should not be too strict and are likely to rely on performance criteria rather than acceptable development standards, whilst still achieving amenity.

Residential Density

- The Scheme does not contain a specific residential density coding for this existing commercial site, however, the R-Codes provide that for mixed use developments a density coding of R60 applies to the residential component.
- On this basis the site could qualify for up to twelve multiple dwellings, while nine are proposed, representing a density of approx. R44.
- Therefore the proposal complies in terms of residential density, and the fewer dwellings require less parking.
- Given that the proposal is to essentially retain the existing building envelope, the actual density is not so important in this case.

Development Parameters

- The key aspect of the amendment is to introduce specific development standards for this local centre, to allow redevelopment in accordance with those standards (as well as other relevant Scheme provisions)
- They are plot ratio, site cover, setbacks, height and parking; and each is explained below:

Maximum Plot Ratio proposed – 0.7 for commercial and as per R-Codes for residential

- Under TPS2 a plot ratio standard of 0.8 is prescribed for the Business zone.
- Under the R-Codes, for mixed-use development the residential component is prescribed a plot ratio 0.7, which is similar to the Scheme standard. The R-Codes go on to indicate that a similar plot ratio should be applied to the non-residential component, however, they also indicate that as an incentive for mixed-use proposals ground floor plot ratio may be exempted.
- The existing as-built plot ratio of the shopping centre (which pre-dates TPS2) is 1.01.
- For the redevelopment, the reduced commercial floorspace amounts to a reduced plot ratio of 0.7 for that component, while the as-to-be-built residential plot ratio of 0.6 complies with the R-Code standard of 0.7, and the standards are included in the proposed amendment for clarity and certainty.
- It is noted that traditionally plot ratio has influenced floorspace and building height, but where height is controlled as under TPS2 plot ratio becomes less important, whereby it is a by-product rather than a driver of the design.
- In this case the proposal to build upon the existing situation rationalises plot ratio and the effect of the technical and actual plot ratios is not considered significant in terms of built form or impacts.

Maximum Site Coverage proposed – 92%

- Extensive site cover is common to commercial development, which typically builds to street frontages or other boundaries and with access and service areas to the side or rear, as in this case.
- The redevelopment retains the footprint of the existing building and the northern driveway is not built over, as it provides necessary access and a desirable setback from the adjacent dwelling.
- This equates to a site cover of 92%.
- It is noted that the Scheme does not specify a site cover standard for the Business zone or for residential or mixed-use development and that the R-Codes do not specify a direct site cover standard for dwellings or for the residential component of mixed-use development.
- However, for clarity and certainty in this case, the amendment proposes to specify the site cover in accordance with the redevelopment concept to retain but not exceed the existing building footprint.

Minimum Setbacks proposed – nil to streets and ROW and driveway setback retained

- Under TPS2 for commercial development nil setbacks are allowed to street frontages and the proposal retains this form – the current street-faces are built to the boundary, while the western face is on the boundary but separated by the ROW, and the northern face is setback by the driveway between the building and adjacent residential property.
- The R-Codes apply to setbacks for the residential component and while the existing upper level is a given, the extension for the apartments require assessment. Under the codes street setbacks of nil are allowed and other

boundary setbacks are assessed against the acceptable and performance standards. In this respect the driveway is an established setback and the ROW is recognised as providing a separation distance.

- On the above basis the amendment proposes to specify a nil setback to the ROW and a 3m setback to the northern boundary, reflecting the existing situation.
- The amendment report observes that the existing pattern of setbacks is proposed to be retained and that overlooking is ameliorated by the flats to the west and boundary wall to the north, but that screening is proposed to ensure adequate privacy. The detail of the residential setbacks and privacy controls would be assessed in a development application, however, as mentioned the R-Codes support some discretion and flexibility in relation to mixed-use developments and where a building exists as in this case the status quo is maintained.

Maximum Height proposed – 2 storey and 9.0 metres

- Under TPS2 a general two-storey height limit applies and basements may be discounted as a storey. The Scheme prescribes basic wall and roof heights for two-storey development at 6m and 8.5m respectively. The Scheme also provides for variations at Council's discretion having regard to topography and extensions to existing buildings – both criteria of which may be considered applicable in this case. The height measures presume sloping roofs and do not account for parapet walls, flat roofs or curved roofs which have become more common in Cottesloe. Neither is there any provision for adaptation of existing buildings or mixed-use developments.
- These height parameters are applicable to the proposal as the Scheme prevails over the R-Codes in respect of height (and which relate only to residential development).
- The existing shopping centre is essentially two storeys with an undercroft/basement carpark. At this scale it sits comfortably on its sloping site in relation to the two street frontages and surrounding development, which includes three storey flats to the west and two storey dwellings to the north and in the vicinity.
- Based on a natural ground level determined by the Town, the existing height is 8.1m and the proposed height increases in part to 9m. In this context the proposed height largely respects the existing built form and represents a relatively marginal increase, having regard to the Scheme criteria of being guided by other buildings in the area and amenity considerations. The predominant two-storey with undercroft form will remain, with the addition of the apartments on the western side.

Required Car Parking proposed –

Retail: 1 bay per 30sqm gross leasable area

Multiple Dwellings: as per Residential Design Codes

- Under TPS2 the current parking standard of 1 space per 12sqm gross leasable area was introduced well after the shopping centre was built and would require some 169 bays for the existing shops. This may be considered excessive and to stultify redevelopment of the site. Even the proposed reduced retail floorspace would require 112 bays.
- Notwithstanding, like many local centres this one has been able to provide

largely on-site parking by virtue of the basement, as well as some on-street parking; and undercover parking is a bonus in a local centre, usually found only in major centres.

- While this alleviates Eric and Chamberlain Streets from parking impacts, the access and layout are less than ideal, resulting in underutilisation of the basement and heavier use of the street-side convenience parking.
- Nonetheless, this supply of parking supports rejuvenation of the commercial uses as well as providing for secure undercover parking for the proposed residential component.
- Currently there are a total of 80 shopper bays comprising basement (72), Eric Street frontage (7) and on-street in front of adjacent flats, although not strictly belonging to the shopping centre (8).
- The proposed parking comprises 46 basement bays for shoppers, 18 basement bays exclusively for residents/visitors, 12 Eric Street frontage bays and 3 Chamberlain Street frontage bays, totalling 79 bays.
- In this respect it should be noted that the amount of retail floor space is proposed to decrease some 643sqm and that the equivalent of two bays per apartment is to be provided (with two designated for visitors).
- In terms of residential parking the R-Codes would allow only one bay per dwelling and a minimum of two visitor bays. The codes also recognise reciprocal parking for visitors in mixed-use developments, which can be expected to occur in this case.
- Based on the traffic study and design, the amendment proposes an on-site commercial parking provision of 1 bay per 30sqm gross leasable area. Compared to the existing provision of 1 bay per 33sqm this is a slight increase.
- A summary of the existing and proposed parking regimes is presented in the table below (to avoid distortion the 8 bays at the adjacent flats and the three current short-term bays on Chamberlain Street are ignored).
- Also below is a summary of the traffic study, which elaborates on this aspect.

Summary of Parking Changes

<i>Location</i>	<i>Existing</i>	<i>Proposed</i>
Basement:		
Shopper	65	46
Resident	-	18
<i>Sub-total</i>	<i>65</i>	<i>64</i>
Eric Street frontage	7	12
At adjacent flats	(8 – not counted)	(8 – not counted)
Chamberlain Street	(short-term – not counted)	3
<i>Total</i>	<i>72</i>	<i>79</i>

- Total basement bays reduced by one.
- Total shopper bays reduced by 11.
- Total overall bays increased by 7.
- Basement more accessible and street-front bays increased by 5.
- Additional 8 bays potentially available adjacent for shoppers or visitors.

Traffic Report

- The proponents have carried out a traffic study in order to test the feasibility of their concept and to demonstrate the functionality of the centre as proposed.
- The number of vehicles per day is not great and tends to be spread out, with little congestion, relatively easy access and ample parking.
- A rejuvenated centre albeit with less commercial floorspace may be expected to attract marginally more traffic, while the proposed residential component would generate another pattern of trips for the nine apartments yet well within capacity.
- While the existing local centre is known to cope in terms of the amount of traffic and parking, it is apparent that access and parking arrangements could be significantly improved for the benefit of users and the amenity of the locality.
- Hence the traffic study has concentrated on the traffic and parking design for the centre.
- The redevelopment aims to improve vehicular and pedestrian access and circulation and the detailed design would also take into account cycle and disabled access and facilities.
- The Manager Engineering Services has reviewed the traffic study, confirmed the traffic feasibility of the proposal and advised that:
 - The proposed parking layout to the Eric Street frontage is an improvement as the bays face towards the shops and not the street.
 - Drainage will be required to be contained on site with no unsightly drains located on the verges/streets, which will be addressed in the development application stage.
 - Landscaping and paving detail will also be addressed at development application stage.
 - Standard engineering conditions will be placed on any planning approval.
 - All road/verge works required by an approval would be at the applicant's cost to the specification and satisfaction of the Town. Any necessary upgrading of the ROW may also be a development contribution.

Indicative Development Plan

- The amendment incorporates the Indicative Development Plan into the Scheme, by listing it in the Schedule on Special Provisions.
- Clause 3.4.11 Special Development Standards and Requirements of the Scheme provided for listing special controls in Schedule 5.
- This technique has been applied in other amendments, most recently the Clive Road residential redevelopment, and its value is that it gives clarity and certainty about the intent of the amendment for the proponents, Council and community.
- In this case Schedule 5 will identify the Indicative Development Plan as a guide to Council, but it will not prescribe any specific development standards or requirements, which will exist in clause 3.4.3 and other parts of the Scheme.
- The advantage of this approach is that while Council will not be held to the Indicative Development Plan, as a separate development application and approval process must take place, the Indicative Development Plan serves to scope the nature and extent of development that may be achieved under the Scheme provisions and standards – it flags that a proposal along those lines may be considered, subject to compliance with relevant requirements and conditions that Council may impose.

- In this regard the wording of the amendment requires some minor technical improvement: firstly the serial number needs to be not SP4 but SP5; and secondly the text to avoid ambiguity should be restructured as shown below:

SP4	5	No. 36 (Lot 50) Eric Street, Cottesloe	<p><u>Change this:</u></p> <p><i>Council will be guided by any Indicative Development Plan for the site that it has supported 'in-principle' when considering an application for development that is in accordance with the standards set out in clause 3.4.3 of the Scheme.</i></p> <p><u>To this:</u></p> <p><i>Council, when considering an application for development that is in accordance with the standards set out in clause 3.4.3 of the Scheme, will be guided by any Indicative Development Plan for the site that it has supported 'in-principle'.</i></p>
SP5			

While this statement does not mean that Council must approve a redevelopment in accordance with the Indicative Development Plan, it flags that a proposal along those lines may be considered, subject to a development application, compliance with all relevant standards and requirements and any conditions that Council may impose.

CONCLUSION

- The basic objective of rejuvenating the local centre is desirable to Council and the community and a rare opportunity for overall improvement.
- The amendment proposal in itself is fairly straightforward and follows a conventional methodology similar to other amendments.
- The conceptual redevelopment has been formulated in detail in order to fully demonstrate the proposal and facilitate a meaningful amendment being prescribed as a necessary first step.
- The normal development approval phase will still apply as a complete second step whereby the ultimate redevelopment may be further evolved and controlled by Council.
- The purpose of advertising an amendment is to inform the community and gauge feedback to determine the future of the proposal and, if supported by Council, to help formulate the final amendment.
- It is concluded that the amendment proposal merits advertising consent to call for public submissions then further review the detail of the redevelopment proposal in light of comments received.
- The amendment is not a rezoning to impose new land use on a locality, as the intended mixed-uses can be allowed already.
- Rather, the amendment is a Scheme Text change to set particular standards for the redevelopment and to identify the Indicative Development Plan which reflects those standards.

- Hence while from a technical point of view the amendment is relatively minor, from a planning point of view it is to support a comprehensive redevelopment proposal.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee agreed that the shopping centre is in need up an upgrade. This proposal will make the centre more viable and vibrant without affecting the amenity of the surrounding residents.

Car parking has been increased and feel that this will be sufficient to provide for the needs of the shops/residences proposed.

11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

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 text by:

- (a) Amending Clause 3.4.3 to read as follows:

The intent of the Business Zone is to provide for the wide range of uses permissible in a manner compatible with surrounding development.

- (i) The maximum permissible plot ratio shall be 0.8 and in considering development applications, Council will be guided by the height of buildings in the adjoining areas and the amenity and parking provisions of Part V - General Provisions of the Scheme.
- (ii) For the Eric Street local centre, the following development requirements shall be applicable, subject to Council approval:

Maximum Plot Ratio	Ground Floor: 0.7:1 First Floor Residential: As per Residential Design Codes
Maximum Site Coverage	92%
Minimum Boundary Setbacks	Western boundary: nil Northern boundary: 3m
Maximum Height	2 storey and 9.0 metres
Required Car Parking	Retail: 1 bay per 30m ² gross leasable area Multiple Dwellings: as per Residential Design Codes

- (b) Including specific concessions/exemptions relating to future subdivision and development of the site into Schedule 5 of the Scheme as follows.

		COLUMN 1 PARTICULARS OF LAND	COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL
SP5	5	No. 36 (Lot 50) Eric Street, Cottesloe	Council, when considering an application for development that is in accordance with the standards set out in clause 3.4.3 of the Scheme, will be guided by any Indicative Development Plan for the site that it has supported 'in-principle'.

- (3) Upon payment of the Scheme Amendment fee by the applicant and preparation of the Scheme Amendment documents to the satisfaction of the Manager Development Services, the Chief Executive Officer shall adopt and endorse the Scheme Amendment documents on behalf of the Council.
- (4) Refer the proposed amendment to the Department of Environment for clearance prior to advertising pursuant to section 81 of the Planning and Development Act 2005.
- (5) Advertise the proposed Town Planning Scheme amendment for public comment for a period of 42 days by:
- (a) Placing a copy of the notice:
 - (i) in The Post newspaper;
 - (ii) on the Council notice boards at the Council Offices and the Town Centre; and
 - (iii) in the Library.
 - (b) Placing a copy of the proposed amendment on display at the:
 - (i) Council Offices; and
 - (ii) Library.
 - (c) Notifying nearby landowners by letter as determined by the Manager Development Services.
 - (d) Undertaking additional advertising activities on a needs basis as determined by the Manager Development Services depending on public response, such as an item in the Civic Centre News, display at the shopping centre and community forum, including participation by the applicant as appropriate.
- (6) Provide the Western Australian Planning Commission with a copy of proposed Town Planning Scheme Amendment No. 43.

Carried 9/0

11.1.5 CURTIN AVENUE IN COTTESLOE – COUNCIL RESOLUTION

File No: E17.10.24
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 11 October 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

- This report presents a Council Resolution to facilitate solving the alignment of Curtin Avenue through Cottesloe.
- It is recommended that Council adopts the resolution in order to progress the matter.

BACKGROUND

- The future of Curtin Avenue through Cottesloe is a long-standing matter and one which Council is keen to resolve.
- Council's work on the Scheme Review, including the Town Centre Study, and the recent release of the draft Leighton Oceanside Landscape Masterplan (separate report to Council refers) have focussed attention on the need to settle the alignment and design for Curtin Avenue, so that a range of land use planning, regional and local transport and recreational opportunities can be pursued, rather than continue to be constrained by uncertainty about the road.
- To this end, Council has taken the initiative and collaborated with the Department of Planning and Infrastructure (DPI) towards in-principle agreement on a preferred alignment, which can then lead to more detailed planning and implementation through the statutory process.
- This has been achieved by a series of workshops involving Council, the DPI and transport consultants Maunsell, to explore the issues, options and implications.
- Subsequently the DPI has advanced the proposition internally and in liaison with Main Roads WA, with a view to consideration of a Metropolitan Region Scheme (MRS) amendment to define the route.
- In the interim, Council and the Western Australian Planning Commission (WAPC) in considering the development application for the upgrade of the Western Power sub-station have recognised the need to protect the prospective route for Curtin Avenue.
- The DPI is in the process of reporting to the Sustainable Transport Committee of the WAPC on the progress made in this matter. Main Roads WA is a member of that committee and it is understood that they have given qualified support in-principle to the suggested outcome so far.
- To assist this process, the DPI has requested that Council, too, indicate to the WAPC its support to resolve the matter, and a draft recommendation for Council to adopt has been prepared in liaison with the Town.

STATUTORY ENVIRONMENT

- The current MRS Primary Regional Road reservation for Curtin Avenue represents a major constraint to planning for the district and land use and development in the vicinity of the route.

- The uncertainty and potential impacts are impediments to solving regional and local traffic movements and providing for a Town Centre activity node consistent with the State Government's Network City planning strategy.
- In this respect Council's Scheme Review is under an expectation of responding to regional requirements yet this statutory instrument is likewise affected by the future of Curtin Avenue.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

- Curtin Avenue is probably the key strategic issue facing the district, which for several decades has remained uncertain, contributing to local traffic problems, urban blight and loss of amenity.
- The growth of Perth has increased pressures on the regional road network and resultant impacts on local communities.
- A responsible approach is needed to finalise a preferred alignment and design for Curtin Avenue through Cottesloe.
- The Scheme Review and Leighton development add to this impetus.

FINANCIAL IMPLICATIONS

- This report does not create any immediate costs for Council.
- Construction of a realigned Curtin Avenue would be a Main Roads WA cost.
- Council will incur future costs in addressing the related local road system and land use planning for the surrounding area.

CONCLUSION

- It is timely to address the future of Curtin Avenue for all parties concerned.
- At little cost to date, Council and the DPI have worked cooperatively to scope and test a preferred, realistic solution which will balance regional and local considerations.
- This is now sufficient to move forward for endorsement in-principle by the WAPC via the Sustainable Transport Committee, and a similar endorsement by Council would lend valuable support to this endeavour.
- The next phase would entail a detailed design exercise leading to a proposed MRS amendment to define the route and the associated full public consultation phase.
- Overall, it is vital that the efforts of Council and the DPI are continued so that Curtin Avenue as it affects Cottesloe is resolved as a priority; and in a way which ensures that an efficient and safe road system is put in place which also respects the character and amenity of the district.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council informs the WAPC Sustainable Transport Committee that it:

- (1) Supports resolution of the regional road reservation issue in order to assist with planning for the whole of Cottesloe, but in particular the Town Centre and surplus Government-agency lands;
- (2) Supports in-principle the establishment of a north-south regional road reservation through Cottesloe immediately west of the railway, provided that overall it is of no more than 23m in width;
- (3) Supports the concept of a regional road that has connections to the local road system at Eric Street and at Wellington Street, but not at Jarrad Street or at Salvado Street, in order to manage traffic and improve east-west links;
- (4) Accepts that it is the current policy of Main Roads WA that the new regional road should be capable of accommodating over-dimensional vehicles and that this will necessarily influence the road design; and
- (5) Seeks a comprehensive solution that will successfully integrate land use and transport (for all modes), including the opportunity in time for transit-oriented development around the Cottesloe Town Centre, consistent with ensuring the orderly and proper planning and the amenity of the area.

AMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

That items (2), (3) and (4) be amended to read:

- (2) Supports in-principle the establishment of a north-south regional road reservation through Cottesloe immediately west of the railway, provided that overall it is of no more than 23m in width and lowered;
- (3) Supports the concept of a regional road that has connections to the local road system at Eric Street and at Wellington Street, but not at Jarrad Street or at Salvado Street, which shall remain connected over the lower regional road in order to manage traffic and improve east-west links;
- (4) Accepts that it is the current policy of Main Roads WA that the new regional road should be capable of accommodating over-dimensional vehicles and that this will necessarily influence the road design to achieve the above outcomes. Unless this is agreed, over-dimensional loads should use other routes; and

Carried 8/1

11.1.5 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Mayor Morgan

That Council informs the WAPC Sustainable Transport Committee that it:

- (1) Supports resolution of the regional road reservation issue in order to assist with planning for the whole of Cottesloe, but in particular the Town Centre and surplus Government-agency lands;**
- (2) Supports in-principle the establishment of a north-south regional road reservation through Cottesloe immediately west of the railway, provided that overall it is of no more than 23m in width and lowered;**
- (3) Supports the concept of a regional road that has connections to the local road system at Eric Street and at Wellington Street, but not at Jarrad Street or at Salvado Street, which shall remain connected over the lower regional road in order to manage traffic and improve east-west links;**
- (4) Accepts that it is the current policy of Main Roads WA that the new regional road should be capable of accommodating over-dimensional vehicles and that this will necessarily influence the road design to achieve the above outcomes. Unless this is agreed, over-dimensional loads should use other routes; and**
- (5) Seeks a comprehensive solution that will successfully integrate land use and transport (for all modes), including the opportunity in time for transit-oriented development around the Cottesloe Town Centre, consistent with ensuring the orderly and proper planning and the amenity of the area.**

Carried 9/0

11.1.6 FORESHORE VISION – OPTIONS REPORT

File No: 4.14.1
Author: Ms Delia Neglie / Mr Andrew Jackson
Attachments: 1. Foreshore Vision Plan
Author Disclosure of Interest: Nil
Report Date: 3 October 2006
Senior Officer: Mr Andrew Jackson

SUMMARY

This report presents the draft Foreshore Vision master plan in greater detail, the purpose being to explore the opportunities and constraints more thoroughly to facilitate Council's outlook on the matter. Attachment 1 is the Vision plan.

Analysis of the Vision master plan has required, firstly, consideration of the plan as a whole to set out a possible implementation process and, secondly, preliminary consideration of issues for each of the proposals or components of the Vision. Each of the components has the potential to be developed independently or in groups. A number are dependent on each other.

Costs would include planning and concept plan formulation, detailed plans and construction/works, project management and ongoing maintenance. Funding could be from different sources such as Council (revenue/loans/grants), State government or even developer contributions as appropriate for different projects.

The Vision has been cross-referenced against Council's Strategic Plan and other guiding instruments. As a whole it relates well to the town planning and environment elements of the Strategic Plan. Most of the components are in line with Council's goals and strategies and some are related to 2006/7 action plan priorities.

It is recommended that Council consider the required process and issues relating to each component with a view to choosing which elements it may wish to pursue and prioritise. Alternatively, Council may wish to utilise the Vision as a basis for more detailed planning, consultation and feasibility studies. This would involve the Development Services and Works Committees and Council or a working group could be set up. Any future commitment to implementation would also require arrangements for management and actual works.

It is recommended that a working group be established to assist in the coordination of proposals relating to the foreshore and beachfront areas.

BACKGROUND

- Late last year Council was presented with a privately-produced master plan of a vision for the possible future development of the Cottesloe foreshore.
- Council subsequently agreed to disseminate the vision with a view to gauging the level of community support and assessing comments made.
- This was facilitated by the Scheme Review process and the vision was advertised for the duration of January 2006.
- A total of 102 submissions were received.

- Submissions provided positive and negative general comments in almost equal number.
- Many commented on the specific components of the plan, the most critiqued aspects being the underground parking, rugby park, beach pool, jetty and traffic and parking generally.
- At its 22 May 2006 meeting Council considered submissions received regarding the proposed Foreshore Vision and resolved:

That Council:

(1) Note the community feedback on the vision and the appraisal outlined in this report;

(2) Request staff to prepare a report, within the next six months, recommending how Council might wish to utilise the vision as part of its planning for the area, involving the community and other stakeholders in exploring the merits of the various proposals, their feasibility and realisation, including how preferred opportunities and priorities may be actioned; [ie the focus of this report]

(3) Inform the community of the preferred approach Council wishes to pursue; and

(4) Write to Mr Forrest and Mr Jones in appreciation of their proposal and providing them with a summary of the community feedback.

STATUTORY ENVIRONMENT

- The Vision master plan is informal only with no statutory status.
- A range of statutory and administrative processes would be required to translate the various components of the concept into formally-intended proposals and to manage their implementation.
- Environmental and coastal agencies would also become involved in proposals affecting the foreshore.
- Public consultation would be a part of town planning and other statutory processes in the required manner, and would further influence the outcomes.
- Most of the land subject of the Vision master plan is vested in Council and some parcels are leased to various bodies, such as the tennis club and golf course.
- Most of this land is reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS) including the beach, foreshore and Marine Parade road reserve as well as the Napier Street car park, John Black Dune Park, tennis club and golf course/playing fields.
- The one exception is the Grant Street Marine Park which is subject to Council's existing Town Planning Scheme No 2 as a local Parks and Recreation reserve.
- It is possible that implementation of some proposals may require amendments to the MRS and TPS – the Napier Street car park is such a case where the Parks and Recreation reserve is not entirely consistent with its use as a car park or potential for beachfront development. These are lengthy procedures including public consultation.
- Proposals that project into the water such as a jetty or lookout would be subject to statutory processes required by other relevant authorities.

Scheme Review

- The Scheme Review includes a focus on the beachfront and foreshore areas whereby the draft Scheme, Local Planning Strategy and Beachfront Policy, plus the built-form and parking studies, are all connected to the future of the foreshore.
- The Local Planning Strategy outlines Council's strategic direction for the district, including:
 - Identification of the beachfront precinct as the defining feature of Cottesloe and its primary local and regional recreational role.
 - The State, regional and local planning contexts and frameworks relating to the beachfront.
 - The function of the beachfront in terms of the environment, recreation and open space, and commercial and entertainment activity.
 - Providing the rationale for zones and other provisions of the draft Scheme.
- The draft Scheme implements the strategic intent of the local planning strategy through its provisions to control land use and development and statutory procedures.
- The Commission and Minister are likely to be interested in the draft Scheme land use and development control provisions for the beachfront precinct in relation to the concept of a recreational / tourism activity node.

POLICY IMPLICATIONS

- Similarly, the Vision if acted on would influence the operation of existing policies or the creation of new ones to enable and guide land use, development and management.
- This may entail both regional and local level policies for coastal matters, coastal management plans and more specific land use planning or development control aspects.
- The State Coastal Policy exists to manage coastal processes and height of development, while the intended Perth Coastal Planning Strategy being prepared by the DPI / WAPC will become the regional planning framework for Council's consideration of the Vision or other proposals.
- Council's draft Beachfront Policy will supplement the Local Planning Strategy and draft Scheme provisions and includes the associated Beachfront Development Objectives (Attachment 2). These are a set of principles to help guide the consideration of planning and development proposals affecting the beachfront precinct. They address beachfront land use and development aspects for both private land and the public domain. Of note is the objective to *encourage the innovative re-use of existing structures on the beachfront while not permitting any further built structures for commercial use (west of Marine Parade)*.
- Council's Parking Study (*Cottesloe Foreshore Centre, Swanbourne and Eric Street Business Centres Area Parking Study*) was undertaken as part of the scheme review and gives consideration to foreshore parking. This Study looked at the existing and future supply of and demand for parking in key activity centres of the district, including the beachfront, and scopes options for the rationalisation and potential expansion of beachfront parking.
- Council's Streetscape Policy and technical manual is a guide to the selection, installation and maintenance of street furniture and paving in the district's public open spaces – streets, parks and beachfront.

Leighton Oceanside Landscape Masterplan

The *Leighton Oceanside Parklands Landscape Masterplan* is currently being advertised for public comment. While not a part of the Cottesloe Foreshore Vision it is a useful comparison of how such a landscape masterplan may be progressed and implemented.

Following the decision to prepare a foreshore management and landscape plan, landscape architects were commissioned by Landcorp on behalf of the WAPC to prepare the plan. Landcorp managed the project and appointed a project management group for the whole redevelopment including the residential, commercial and landscape areas.

A project team headed by the landscape architects was formed for the design process and included surveyors, planners, traffic engineers, heritage architects, irrigation consultants, aboriginal heritage consultants and an access auditor.

The project was overseen by a steering committee appointed by the Minister. and a community stakeholder reference group provided more detailed community input and reported to the steering committee. The design process included:

- *familiarisation and background research,*
- *assessment of site conditions,*
- *analysis of opportunities and constraints,*
- *community consultation – public community forum,*
- *participation in a comprehensive consultation program with the community stakeholder reference group (three meetings),*
- *developing and testing a broad range of design solutions with the reference group,*
- *fine-tuning the draft landscape masterplan through further targeted consultation with key stakeholders,*
- *presentation of the draft landscape masterplan report for endorsement by the steering committee,*
- *presentation of the draft landscape masterplan report for WAPC and Minister for Planning and Infrastructure approval to release,*
- *public advertising of the draft landscape masterplan for comment.*

The draft masterplan includes some preliminary *probable* costs and proposes implementation in five stages.

It is feasible for implementation of the Vision or other significant foreshore proposals to include the selection of a project team overseen by a project manager and/or a steering committee, and for a similar design process as above to be followed including community consultation and further public advertising. Council could consider the options and preferred arrangements for formulation, consideration and determination of proposals in this manner.

STRATEGIC IMPLICATIONS

The Vision as a whole relates to the town planning and environment elements of Council's strategic plan which are as follows:

Table 1 – Elements of Strategic Plan relating to Foreshore Vision

Town Planning	
Precincts	Define, enhance and preserve the following precincts: Marine Parade (commercial and residential); Napoleon Street and Town Centre; Heritage; Recreational and Residential.
Environment	

Beach Precinct	A clean, safe beach precinct which is sustainably managed with no new development west of Marine Parade and proactive conservation of the dune and marine environs.
Parks and Reserves	Maximum use of available reserve land for a balance of public recreation and re-vegetation with local species. Provide clean, safe, sustainably managed areas using “user pays” principles.
Streetscape	Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

A number of priority actions included in Council's 2006/7 Strategic Action Plan relate specifically to a number of the proposed components of the Vision and these are set out in Table 2 below. Others relate to the Vision in general terms as follows:

- Goal 1: Corporate Governance (To effectively govern and manage the functions and resources of the Council in an efficient and responsive manner)
- Strategy 1.6 Examine the utilisation of Council's assets and rationalise where socially and commercially appropriate.
- Action 1.6.6 Foreshore Vision
- Prepare an options report on how to utilise Vision in planning for the area (ie essentially this report).
 - Inform community of preferred option.
- Goal 3: Environmental Management (To maintain and enhance the Town's unique, natural and built environment)
- Strategy 3.3 Develop TPS 3 policies
- Action 3.3.4 Further consideration of key policies in light of WAPC/Minister/Council feedback
- Beachfront
 - Parking etc
- Goal 4: Infrastructure (To effectively manage, maintain and enhance the Town's physical assets)
- Strategy 4.2 Enhance streetscape
- Action 4.2.2 Review relevant documents relating to Cottesloe Beach/Marine Parade, including:
- Beach Policies
 - Community Services Survey
 - Streetscape Policy & Manual.
 - Street Tree Manual.
 - Street Tree Species List.
 - Cottesloe Urban Design Study Policies & Proposals for the Marine Parade Foreshore Precinct.
 - Cottesloe Beach Development.
 - Feasibility Landscape Design Cottesloe Beach.
 - Suggested Local Street Improvements Town of Cottesloe.
 - South Cottesloe Foreshore Management Plan

- Action 4.2.3 Conduct a comparative analysis between beachfront workshop outcomes and desktop audit of documentation:
- Footpaths/dual use footpaths
 - Gardens
 - Road pavement
 - Parking
 - Cyclists/Bike Paths
 - Visual pollution/ Signage
 - Street trees
 - Street lighting
 - Street furniture
 - Public Toilets

In terms of Council's overall strategic planning, the Vision relates to a range of core activities and programs, to the interfaces between public and private land, and to passive and active areas of the foreshore/beachfront. A coordinated, consultative and staged approach

FINANCIAL IMPLICATIONS

- It is apparent that the Vision has extremely large financial implications in terms of the scope and scale of works, the environmental and engineering exercises entailed, the detailed planning and phase and the project management dimension.
- While land costs would basically not arise and public-agency administrative costs could in the main be absorbed, design, approval and construction would generate considerable costs and most likely require a number of specialist consultants.
- Council's five year programs provide for a strategic view of asset management funding, that includes preservation or improvements of existing, as well as development of new, assets, but do not envisage major new unfunded development.
- Identifying projects in this timeframe allows the Town to seek significant funding and grants from Government sources, potentially reducing the financial burden on the Town.
- There may also be some opportunity for private landowner/developer contributions towards betterment of the public foreshore.
- Ongoing management and maintenance of infrastructure and facilities would be an added cost.

STAFF COMMENT

The Vision master plan and community feedback constitute very useful information as a basis for considering how the foreshore could develop. While Council did not initiate the Vision and has no obligation to pursue the plan, it is an opportunity to build upon the ideas and opinions as a foundation for formulating improvements for the foreshore and beachfront area.

Analysis of the Vision has firstly required consideration of the Plan as a whole to set out a possible implementation process and secondly the consideration of issues for each of the proposals or components of the Vision to assist Council with setting priorities.

Indicative Implementation Process

Many components of the Vision would be able to be implemented on an individual basis or in groups. It would therefore be able to be staged, which would enable funding from different sources and in different time frames. A certain process would be required to be followed for each component or groups of components as outlined in the table below (Table 2), with minor variations to suit the specific requirements of each component.

A project manager to oversee the process and ensure that milestones are achieved within proposed time frames would be desirable.

Costs would include planning and concept plan formulation, detailed plans and construction (capital) as outlined in the Table 2. Project management and on-going maintenance would also incur costs.

Funding could be from different sources such as Council (revenue/loans/grants), State government or even developer contributions as appropriate for different projects.

Table 2 – Indicative Procedure for each individual component

Procedure	Approval Authorities	Consultation
1. Concept plan formulation.		
2. Council adopts concept in-principle. <ul style="list-style-type: none"> • Informal consultation. • Preliminary consultation with approval agencies to scope issues. 	<ul style="list-style-type: none"> • DPI/WAPC • EPA • DLI (Crown Land) • HCWA • Dept of Fisheries • Dept of Indigenous Affairs • Dept of Environment and Conservation 	<ul style="list-style-type: none"> • Cottesloe Coast Care • Cottesloe Surf Life Saving Club • North Cottesloe Surf Life Saving Club • Beach Pool Action Group • Beachfront Enterprises (La Barchetta) • Blue Duck • Cottesloe Tennis Club • Cottesloe Rugby Union Club • Indiana Tea House • Seaview Golf Club • Cottesloe Fish Habitat Protection Group • Cottesloe Board Riders Association
3. Draft Plan formulation.		
4. Funding. <ul style="list-style-type: none"> • Preliminary costing. • Identify potential funding options/sources. • 5 year works program. 		

Procedure	Approval Authorities	Consultation
5. Council adopts draft plan.		
6. Public consultation.		<ul style="list-style-type: none"> • Adjacent landowners/residents. • Local community. • Regional community (beach users). • Stakeholders: <ul style="list-style-type: none"> ○ Cottesloe Coast Care. ○ Cottesloe Surf Life Saving Club. ○ North Cottesloe Surf Life Saving Club. ○ SOS. ○ Beach Pool Action Group. ○ Beachfront Enterprises (La Barchetta). ○ Blue Duck. ○ Cottesloe Tennis Club. ○ Cottesloe Rugby Union Club. ○ Indiana Tea House. ○ Seaview Golf Club. ○ Cottesloe Fish Habitat Protection Group. ○ Cottesloe Board Riders Association.
7. Final plan and costing prepared.		
8. Final plan adopted by Council – agreement to obtain necessary approvals and funding.		
9. Approvals process and funding applications.	<ul style="list-style-type: none"> • Town of Cottesloe. • DPI/WAPC. • EPA. • DLI (Crown Land). • HCWA. • Dept Fisheries. • Dept Indigenous Affairs. • Dept of Environment and 	

Procedure	Approval Authorities	Consultation
	Conservation.	
10. Specification plans prepared.		
11. Construction.		

Each of the proposed components may be developed independently or in groups. A number are dependent on each other as indicated in the table below (Table 3). Most of the components are in line with Council's Strategic Plan, goals, strategies and action plans although many need to be measured against Council's Environmental Management Goal and Natural Asset Management Plan.

The public submissions received in January 2006 indicated that the following proposals may be the most controversial:

- 13. Underground parking – whilst there was agreement to this proposal, a substantial number also disagreed.
- 14. Rugby Park – there was significant disagreement to this proposal – comments mainly questioned the need to move the location of the existing rugby club.
- 18. Beach Pool – whilst there was agreement to this proposal, a substantial number also disagreed – comments and questions mainly regarding its viability and location.
- 41. Jetty – whilst there was significant disagreement to this proposal, a number also agreed with the proposal.
- General traffic and car parking issues were raised.

The following Table 3 indicates the issues involved with each of the proposals to assist Council with consideration of which items they may wish to pursue. The components are grouped into sections as set out in the Master Plan.

Table 3 – Issues regarding individual components

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
Sector: Protected Dunal System			
1. Grant Marine Park Rehabilitated dunes and dunal vegetation, controlled pedestrian access, parking facilities and views to beach, lawn areas for recreation, dog exercise.	Coastal management and community facilities (park) and car park.	<ul style="list-style-type: none"> Existing facility. Environmental impact of car park and parkland on dunes. Provision of car park for North Cottesloe Beach. 	<ul style="list-style-type: none"> Goal 3 – Environmental Management. Strategy 3.4 – Adopt Natural Asset Management Plan. Action Plan 3.4.5 – Create 5 year plan based on consultant report (Management Plan).
2. Grant Marine Park Picnic Area Beach-themed adventure play area with picnic facilities, lawn and shade trees overlooking beach.	Community facilities (park and playground).	<ul style="list-style-type: none"> Existing facility. Environmental impact of car park and parkland. 	As above.
3. Dunal System – Grant St Protected and rehabilitated dunal system with interpretive signs, controlled pedestrian access and protective fencing.	Coastal management.	<ul style="list-style-type: none"> Existing. Protection of dunes. Degree of access. 	As above.
4. Grant St Beach Access Direct stair and ramp pedestrian access to beach from Grant St.	Coastal management and access.	<ul style="list-style-type: none"> Environmental impact on dunes. Minor works but may have significant environmental impacts. Engineering standards. Access requirements to beach. 	As above.
Sector: Eric St Beachside Plaza			
5. Blue Duck Café Important beachside facilities retained and incorporated into beachside plaza, amenity lighting and Eric Street view	Urban design; community facility; commercial	<ul style="list-style-type: none"> Plaza constitutes minor work. Impact on Surf Club activities (particularly as they relate to beach 	<ul style="list-style-type: none"> As above. Goal 4 – Infrastructure.

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
corridor.	enterprise.	safety).	<ul style="list-style-type: none"> Strategy 4.2 – Enhance Streetscape. Action Plan 4.2.2 Review relevant documents relating to Cottesloe Beach/Marine Parade.
6. Eric St Beachside Plaza Pedestrian-oriented landscape plaza space with amenity lighting, street furniture and direct ramp access to beach from Eric St, local materials with a high level of detail design.		<ul style="list-style-type: none"> Environmental impact of plaza and new building. Relocation of La Barchetta. 	
7. Proposed Development Eric St Additional commercial / retail / café development proposed on west side of Marine Parade to frame views down Eric St.		<ul style="list-style-type: none"> Development of new building – how integral is this to plaza proposal? Development of new building. 	
8. Family Friendly Plaza Beach Zone Family beach zone adjacent to Eric St plaza, to include shade structures, beach lighting and beach play facilities.		<ul style="list-style-type: none"> Urban plaza could still be implemented with existing buildings layout and beach access. 	
9. Ocean Beach Hotel	n/a	Relationship of any future development to the proposed beachside plaza.	n/a
Sector: Passive Recreation Dune Park			
10. Multiple Use Cycle Corridor Main multiple use cycle / rollerblade / walking path connecting east Cottesloe directly with the Cottesloe foreshore and multiple use path.	Community facility and access.	<ul style="list-style-type: none"> Minor works – widening of existing path. Impact on adjoining residents. Impact on Tennis Club. 	As per Goal 4 above.
11. Tennis Club	Local / district community facility.	<ul style="list-style-type: none"> Compatibility of two facilities. Agreement between two clubs. Minor work required (internal fit out). 	Goal 2 – community enrichment.
12. Sports Facility Communal building / facility accessible to both tennis and rugby.			
13. Underground Car Park Facility Major public parking facility to be located underground with	Regional car park.	<ul style="list-style-type: none"> Major works required. Access. 	Goal 1 – Corporate Governance. Strategy 1.6 – Utilisation of Council's

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
amenity lighting and John Black Dune Park / rugby facilities above.		<ul style="list-style-type: none"> • Security. • Parking strategy implications. • Crown land status/MRS Recreation reserve. • Reduction and change to John Dune Park. • Environmental impact of proposed Marine Parade realignment. • Underground car park can be implemented without Rugby Park or realignment of Marine Parade. It is possible to develop different options for car park design (with different impacts on John Black Dune Park). 	<p>assets.</p> <p>Action 1.6.4 – Napier St car park – strategic direction required.</p>
14. Rugby Park Rugby playing field and facilities relocated from Broome St, grassed field to sit above underground parking facility.	Local / district Community facility.	<ul style="list-style-type: none"> • Major works required. • Crown land status / MRS Parks & Recreation reserve. • Reduction and change to John Black Dune Park. • Environmental impact of proposed Marine Pde realignment. • Desire / agreement of Rugby Club to relocate. 	As above.
15. John Black Dune Park			
16. Viewing Gallery			
17. Cottesloe Beach Park			
18. Cottesloe Beach Pool	Regional / local community facility.	<ul style="list-style-type: none"> • Major works required. • Environmental impact. • Ongoing maintenance / cost. 	None.

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
		<ul style="list-style-type: none"> Location. Engineering considerations. 	
Sector: Cottesloe Promenade			
19. Cottesloe Civic Centre	n/a	n/a	n/a
20. de Bernales Walk	n/a	n/a	n/a
21. Spanish Steps Major stair Access from Cottesloe Civic Centre to Overton Gardens and Cottesloe Promenade.	Urban design and access.	<ul style="list-style-type: none"> Impact on adjoining residents. Impact on heritage significance. Access feasibility. 	<ul style="list-style-type: none"> Goal 2 – Community Enrichment. Strategy 2.3 - Promote the community's use of the Civic Centre.
22. Cottesloe Beaches Café	n/a	n/a	n/a
23. Surf Shop / retail			
24. Newsagency / deli			
25. Blue Waters Café			
26. Cottesloe Beach Hotel			
27. Seapines Holiday Chalets			
28. La Tropicana Café			
29. Napier St Beach Access Direct stair access to beach from Napier St.	Access.	<ul style="list-style-type: none"> Part existing. Impact on dunes. Minor works but may have significant environment impacts. Engineering standards. 	<ul style="list-style-type: none"> Goal 3– Environmental Management. Strategy 3.4 – Adopt Natural Asset Management Plan. Action Plan 3.4.5 - Create 5 year plan based on consultant report (Management Plan).
30. Cottesloe Promenade	Urban design; access; parking.	<ul style="list-style-type: none"> Major works. 	<ul style="list-style-type: none"> Goal 4 – Infrastructure.

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
Active pedestrian-orientated plaza space, open and expansive in character with a high level of detailed design. Public facilities with unobstructed, elevated ocean views, Casuarina street trees to characterise promenade space, 25 short-term car parking bays for morning and evening use only.		<ul style="list-style-type: none"> • Realignment of Marine Pde (westward and widening footpaths). • Removal of existing 150 bay car park and replacing with 25 short-term bays. • Removal of car park dependent on new Napier St car park. 	<ul style="list-style-type: none"> • Strategy 4.2 Enhance streetscape.
<p>31. Grass Terraces & Play Space</p> <p>Grass terraces offer unobstructed ocean views, accommodate passive recreation and effectively maintain the highly pedestrian character of the Cottesloe Promenade. Grass play space, level with Marine Pde activates the Promenade space.</p>	Community facility; parks and recreation.	<ul style="list-style-type: none"> • Major works. • Removal of existing 150 bay car park and replacing with 25 short-term bays. • Environmental impact of additional grass terraces and lookout structure. • Engineering standards. • Access requirements to beach. • Lookout could be constructed independently of extension of terraces or removal of car park / realignment of Marine Pde. 	<ul style="list-style-type: none"> • Goal 3 – Environmental Management. • Strategy 3.4 – Adopt Natural Asset Management Plan. • Action Plan 3.4.5 – Create 5 year plan based on consultant report (Management Plan).
<p>32. Performance Space / Lookout</p> <p>A lookout structure located at the centre of the Promenade. Visual axis provides views of ocean and Rottnest and is able to function as a performance space for entertainment and community events.</p>			
33. Indiana Teahouse	n/a	n/a	n/a
<p>34. Beachside Recreation</p> <p>Active beach recreation zone adjacent to Cottesloe Promenade and Indiana Teahouse; volleyball and sport facilities, grass terraces for spectators.</p>	Parks and recreation	Existing facility.	n/a
<p>35. Forrest St Beach Access</p> <p>Direct stair access to beach from Forrest St.</p>	Access	<ul style="list-style-type: none"> • Purpose of proposed new building? 	None.

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
		<ul style="list-style-type: none"> Environmental impact. Impact on Surf Life Saving operations. Need for current vehicular access way. Engineering standards. 	
Sector: Environmental Buffer			
36. Street Parking Public parking to run the length of Forrest St on the golf course verge – Norfolk Island Pines to provide shade.	Parking	<ul style="list-style-type: none"> Access. Parking strategy implications. Impact on adjacent residences. Impact on golf club. 	None.
37. Grass Terraces Grass terraces with shade trees for passive recreation.	Parks and recreation.	Existing facility.	None.
38. Cottesloe Surf Lifesaving Club	n/a	n/a	n/a
39. Dunal Conservation Zone High level of protection to existing dunal landscape, biodiversity conservation, limited and controlled access, Mudurup Rocks for snorkelling and recreation, interpretive signs and art work.	Environmental; access	Environmental impact of new paths.	<ul style="list-style-type: none"> Goal 3 – Environmental Management. Strategy 3.4 – Adopt Natural Asset Management Plan. Action Plan 3.4.5 - Create 5 year plan based on consultant report (Management Plan).
40. Cottesloe Groyne Groyne structure used for recreational activities, eg fishing.	Environmental; recreation.	Existing facility.	None.
41. Cottesloe Jetty – including kiosk	Environmental; recreation;	<ul style="list-style-type: none"> Engineering standards. 	None.

Master Plan Components	Focus	Issues	Relationship to Strategic Plan
Large timber and steel jetty extending into the ocean from Cottesloe groyne; provides views to Rottnest and universal access to ocean/water with kiosk at end of jetty.	commercial.	<ul style="list-style-type: none"> Commercial viability. Environmental impact. 	
Sector: Unique Dunal Conservation Zone			
<p>42. Transition Buffer</p> <p>Transition vegetation planting between Golf course, Marine Pde and conservation zone – endemic species only, amenity lighting.</p>	Environmental; urban design; community facility; access.	<ul style="list-style-type: none"> Major works. Dependent on relocation of Rugby Club. Agreement of Seaview Golf Club required. Crown Land. Realignment of Marine Pde. Relocation of car park – environmental impact, size, location. Vehicular access to Cottesloe Surf club. 	<ul style="list-style-type: none"> Goal 3– Environmental Management. Strategy 3.4 – Adopt Natural Asset Management Plan. Action Plan 3.4.5 – create 5 year plan based on consultant report (Management Plan). Goal 4 – Infrastructure. Strategy 4.2 – Enhance streetscape.
<p>43. Grass Parkland</p> <p>Open grass areas overlooking Mudurup Rocks and Cottesloe Beach with shade trees, gazebos, barbeques, interpretive signs and art works, multiple use cycle path winding through grassed park spaces.</p>			
<p>44. Public Car Park</p> <p>Car park provides controlled pedestrian access to the grass parklands, dunal conservation zone and Cottesloe jetty.</p>			
<p>45. Multiple Use Cycle Corridor</p> <p>Multiple use cycle and walk trail along Cottesloe foreshore, continues all the way to Port Beach, North Fremantle.</p>	Access.	Existing.	None.
<p>46. Dunal Observation Deck</p> <p>Timber and steel lookout structure projecting over ocean provides views of Garden Island and observation of Mudurup Rocks and Dunal Conservation zone. Interpretive signs and art works provide information on biodiversity conservation.</p>	Community facility.	<ul style="list-style-type: none"> Engineering standards Environmental impact. 	<ul style="list-style-type: none"> Goal 3 – Environmental Management. Strategy 3.4 – Adopt Natural Asset Management Plan. Action Plan 3.4.5 – Create 5 year plan based on consultant report (Management Plan).

CONCLUSION

- The Foreshore Vision is a concept only and not owned or being driven by any particular entity. It is visionary in its scope, unconstrained by budget considerations and has the potential to transform the foreshore.
- The Vision is not an end-state plan or even the ideal, yet it serves to show the nature and scale of changes that could be contemplated. Given the multiplicity of stakeholders and processes involved, it may not be possible to implement in its entirety and represents a long term proposition.
- Also, undertaking works for the Vision would involve major disruption to the beach, foreshore, beachfront development and road system, whereby it would be likely to attract public opposition as much as support.
- Further, transformation of the area would in turn attract more visitors, placing increased demands on parking, facilities, the natural environment and the overall locality, so the implications of the changes would need to be assessed and anticipated.
- What the Vision does do is demonstrate that a range of innovations or improvements may be identified, tested, selected and prioritised to be carried out.
- On the one hand, these may include relatively minor and low key improvements such as the recent Marine Parade road works, landscape beautification or other urban design enhancements; the combined effect of which can subtly yet significantly enhance amenity as modest works and expenditure.
- On the other hand, they may entail more major new initiatives and infrastructure requiring detailed planning, approvals, budgeting/funding, and programming.
- Overall, it would be necessary for the Vision or any components to be pursued in connection with all other governing mechanisms, to be coordinated with related strategic initiatives and to be integrated into allied policies, plans and works
- In conclusion, the Vision may be used as a starting point for a Council-endorsed exercise to, in consultation with all stakeholders, formulate any additional proposals and programs to manage and improve the Cottesloe coastal area. Given the related matters bearing on the foreshore and beachfront, it would be timely for Council to consider establishing a working group to help coordinate the planning and implementation of proposals affecting the area, as recommended below.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee recommended that another member of Council be added to the working group in particular a female Councillor to add another aspect to the input given to this working party.

Committee moved that the group includes other members of Council, staff, Design Advisory Panel, and other agencies.

OFFICER RECOMMENDATION

That Council establish a working group to prepare a concept plan for the coordination of proposals for the foreshore and beachfront areas; the group comprising:

- Mayor
- Chair Development Services Committee
- Chair Works & Corporate Services Committee
- Chief Executive Officer
- Manager Development Services
- Manager Engineering Services

The group to co-opt the involvement of other staff or councillors and consult with other agencies, the community, owners/occupiers or consultants as need be.

Note: The concept plan is to focus on the central and north Cottesloe areas initially and may be expanded to address the south Cottesloe area. The concept plan is to be an ongoing working document and is to have regard to the Strategic Plan, Foreshore Vision master plan, the Scheme Review and associated studies, Leighton Oceanside Parklands Masterplan, regional and local policies, coastal conservation plans, land usage in the coastal reserve, private development proposals, Council works and any other relevant matter. The concept plan initially is to include (but is not limited to) the following:

- Groyne reconstruction
- Beach pool
- Surf clubs
- Restaurants/cafes
- Change-rooms/toilets
- All forms of beach access, including disabled
- Coastal conservation
- Grassed areas, playgrounds, exercise areas, sculptures
- John Black Dune Park and Grant Marine Park
- Nos 1 and 2 car parks
- Forrest Street car parking
- Marine Parade car parking
- Parking for coaches and weddings
- Traffic calming and boulevard/promenade treatments for Marine Parade
- Landscaping, fencing, signage and public domain furniture
- Beachfront development

The concept plan is to coordinate and integrate the various proposals and to assist in the setting of planning priorities and works programs. The concept plan is to be

periodically reported on via the abovementioned committees to Council for information, direction and adoption of aspects to be actioned.

DECLARATION OF INTEREST

Cr Furlong and Cr Carmichael made declarations of proximity interest and left the meeting at 7.33pm and did not participate in the debate or vote.

COMMITTEE RECOMMENDATION

- (1) That Council establish a working group to prepare a concept plan for the coordination of proposals for the foreshore and beachfront areas; the group comprising:
 - Mayor
 - Chair Development Services Committee
 - Chair Works & Corporate Services Committee
 - Member of Council (Female)
 - Chief Executive Officer
 - Manager Development Services
 - Manager Engineering Services
- (2) The group to co-opt the involvement of other staff or councillors, Design Advisory Panel members and consult with other agencies, the community, owners/occupiers or consultants as need be.

Note: The concept plan is to focus on the central and north Cottesloe areas initially and may be expanded to address the south Cottesloe area. The concept plan is to be an ongoing working document and is to have regard to the Strategic Plan, Foreshore Vision master plan, the Scheme Review and associated studies, Leighton Oceanside Parklands Masterplan, regional and local policies, coastal conservation plans, land usage in the coastal reserve, private development proposals, Council works and any other relevant matter. The concept plan initially is to include (but is not limited to) the following:

- Groyne reconstruction
- Beach pool
- Surf clubs
- Restaurants/cafes
- Change-rooms/toilets
- All forms of beach access, including disabled
- Coastal conservation
- Grassed areas, playgrounds, exercise areas, sculptures
- John Black Dune Park and Grant Marine Park
- Nos 1 and 2 car parks
- Forrest Street car parking
- Marine Parade car parking
- Parking for coaches and weddings
- Traffic calming and boulevard/promenade treatments for Marine Parade
- Landscaping, fencing, signage and public domain furniture
- Beachfront development

The concept plan is to coordinate and integrate the various proposals and to assist in the setting of planning priorities and works programs. The concept plan is to be periodically reported on via the abovementioned committees to Council for information, direction and adoption of aspects to be actioned.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That Item (1) and (2) be amended to:

- (1) That Council establish a working group to prepare a concept plan for the coordination of proposals for the foreshore and beachfront areas; the group comprising:
 - Mayor
 - Chair Strategic Planning Committee
 - Chair Works & Corporate Services Committee
 - Cr J Dawkins
 - Chief Executive Officer
 - Manager Development Services
 - Manager Engineering Services
- (2) The group to co-opt the involvement of other staff or councillors, Design Advisory Panel members or other suitably qualified experts and consult with other agencies, the community, owners/occupiers or consultants as need be.

Carried 6/1

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That Council seek registrations of expression of interest from community members to join the working group.

Lost 1/6

11.1.6 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

- (1) **That Council establish a working group to prepare a concept plan for the coordination of proposals for the foreshore and beachfront areas; the group comprising:**
 - **Mayor**
 - **Chair Strategic Planning Committee**
 - **Chair Works & Corporate Services Committee**
 - **Cr J Dawkins**
 - **Chief Executive Officer**
 - **Manager Development Services**
 - **Manager Engineering Services**

- (2) The group to co-opt the involvement of other staff or councillors, Design Advisory Panel members or other suitably qualified experts and consult with other agencies, the community, owners/occupiers or consultants as need be.

Note: The concept plan is to focus on the central and north Cottesloe areas initially and may be expanded to address the south Cottesloe area. The concept plan is to be an ongoing working document and is to have regard to the Strategic Plan, Foreshore Vision master plan, the Scheme Review and associated studies, Leighton Oceanside Parklands Masterplan, regional and local policies, coastal conservation plans, land usage in the coastal reserve, private development proposals, Council works and any other relevant matter. The concept plan initially is to include (but is not limited to) the following:

- Groyne reconstruction
- Beach pool
- Surf clubs
- Restaurants/cafes
- Change-rooms/toilets
- All forms of beach access, including disabled
- Coastal conservation
- Grassed areas, playgrounds, exercise areas, sculptures
- John Black Dune Park and Grant Marine Park
- Nos 1 and 2 car parks
- Forrest Street car parking
- Marine Parade car parking
- Parking for coaches and weddings
- Traffic calming and boulevard/promenade treatments for Marine Parade
- Landscaping, fencing, signage and public domain furniture
- Beachfront development

The concept plan is to coordinate and integrate the various proposals and to assist in the setting of planning priorities and works programs. The concept plan is to be periodically reported on via the abovementioned committees to Council for information, direction and adoption of aspects to be actioned.

Carried 6/1

Cr Furlong and Cr Carmichael returned to the meeting at 7.46pm.

11.2 GENERAL

11.2.1 DRAFT LEIGHTON OCEANSIDE LANDSCAPE MASTERPLAN – FOR COUNCIL COMMENT

File No:	D4.6
Author:	Ms Delia Neglie / Mr Andrew Jackson
Attachments:	Draft Report Plans
Author Disclosure of Interest:	Nil
Report Date:	4 October 2006
Senior Officer:	Mr Andrew Jackson

SUMMARY

The State Government's draft *Leighton Oceanside Parklands Landscape Masterplan* is now open for public comment closing on 13 November 2006, hence this report to Council to make a submission in time.

The masterplan is the result of a consultative exercise in response to the Leighton urban development and community concern about the future of the beach and hinterland. The masterplan proposes the expenditure of \$25m over four years on a five-stage landscape masterplan. Stage 5 involves the Town of Cottesloe as follows:

- A northern node of passive recreational facilities in the Vlamingh Memorial area opposite the McCall Centre.
- A possible option to re-route Curtin Avenue behind the McCall Centre – the design team was asked to give this consideration but does not recommend its implementation as the benefits are seen to be outweighed by constraints.

This report outlines the masterplan in relation to Cottesloe and suggests comments for a submission by Council. A copy of the masterplan report is attached.

STATUTORY ENVIRONMENT

Under the Metropolitan Region Scheme the Cottesloe coastal land is reserved *Parks and Recreation* and the McCall Centre is reserved *Public Purposes - Special Use*. These reservations are repeated in Town Planning Scheme No 2 and development control is the responsibility of the Western Australian Planning Commission (WAPC) with input from the Town.

Council is responsible for the day-to-day management of the coastal strip.

POLICY IMPLICATIONS

The *State Coastal Policy* exists to manage coastal processes and height of development, while the *Perth Coastal Planning Strategy* being prepared by the WAPC will become the regional planning framework for Council's consideration of the master plan proposals.

Detailed planning will involve the Town and other agencies.

STRATEGIC IMPLICATIONS

Under Council's Strategic Plan 2003-6 the relevant Goal and Strategies to be addressed is *Goal 3: Environmental Management - to maintain and enhance the Town's unique natural and built environment*, with Strategies 3.4 *Adopt natural asset management plan* and 3.7 *Adopt water resources management plan* being the most relevant.

FINANCIAL IMPLICATIONS

Any capital costs for proposals under the masterplan would be funded as presently committed for that purpose or require future additional funding – further comment below refers.

Long term maintenance costs would be born by Council and as the masterplan report states: *Each local government has existing budgets for the maintenance of their respective foreshore areas. However, these costs will not cover the cost of maintaining the new facilities and additional resources will be required.*

BACKGROUND**Masterplan project**

Landscape architects Blackwell & Associates were commissioned by Landcorp on behalf of the WAPC to prepare the masterplan. Landcorp appointed a project management group for the whole redevelopment including the residential, commercial and landscape areas.

A project team, headed by Blackwell and Associates was formed for the design process and included surveyors, planners, traffic engineers, heritage architects, irrigation consultants, aboriginal heritage consultants and an access auditor.

The project was overseen by a steering committee appointed by the Minister for Planning & Infrastructure and a community stakeholder reference group (CSRG) provided more detailed community input and reported to the steering committee. The design process included:

- *familiarisation and background research,*
- *assessment of site conditions,*
- *analysis of opportunities and constraints,*
- *community consultation – public community forum,*
- *participation in a comprehensive consultation program with the community stakeholder reference group (three meetings),*
- *developing and testing a broad range of design solutions with the reference group,*
- *fine-tuning the draft landscape masterplan through further targeted consultation with key stakeholders,*
- *presentation of the draft landscape masterplan report for endorsement by the steering committee,*
- *presentation of the draft landscape masterplan report for WAPC and Minister for Planning & Infrastructure approval to release,*
- *public advertising of the draft landscape masterplan for comment.*

As part of the process the Manager Development Services and Manager Engineering Services were involved in discussions with the project team and landscape architects.

Masterplan proposals in Cottesloe

The draft masterplan proposes implementation in five stages. It also includes some probable costs, with funding available for Stage 1 at Leighton Beach.

Cottesloe falls within Stage 5. This area around the Vlamingh Memorial is considered to offer: *a considerable amount of protection from prevailing winds as well as areas that offer expansive ocean views. Due to existing safety concerns, it is proposed to improve opportunities for passive surveillance from the road by removing some of the understorey. In addition, the draft landscape masterplan proposes seating, boardwalks and improved pathway systems.*

Stage 5 overall includes:

- *traffic calming to beach access road,*
- *upgrading of car parks,*
- *upgrading of Vlamingh Memorial,*
- *installation of pedestrian crossing,*
- *installation of lighting,*
- *upgrading of existing picnic shelters,*
- *installation of pathways,*
- *installation of turf and planting,*
- *installation of irrigation,*
- *installation and upgrading of beach access tracks and dune fencing,*
- *installation of beach showers, drinking fountains, bins and street furniture.*

In addition, the CSRG, which included two Cottesloe residents, requested that consideration be given to re-routing Curtin Avenue behind the McCall Centre and Beehive Montessori School. The masterplan does not recommend this option, but includes it in Appendix 3, as the design group concluded that the benefits are outweighed by significant constraints, and it is suggested that the cost involved would be better used for other parts of the masterplan.

STAFF COMMENT

The masterplan has been discussed amongst senior staff as well as with the two Cottesloe resident representatives, and at least one Councillor has raised some points. The following observations are made:

<u>Overall appreciation</u>
<ul style="list-style-type: none">• The draft masterplan reflects a good example of a comprehensive, consultative landscape masterplan exercise and is useful reference in considering furtherance of a vision for the Cottesloe foreshore.• The focus of the masterplan is an optimum landscape concept, meaning that the gamut of environmental, planning, transport, engineering, financial and procedural considerations remain to be addressed in detail for the implementation phases.• The value of the plan is that it presents ideas for each sector which can be

pursued over time – in the case of Cottesloe being in stage 5 affords the opportunity for closer examination prior to adoption and implementation of detailed proposals.

- With this in mind, future representation of the Town of Cottesloe and participation by the community for Stage 5 could be reviewed having regard to appropriate officers, elected member and interest groups to ensure that the Town becomes more directly involved.
- From a regional perspective, enhancement of the Leighton foreshore is a positive in spreading the demand for beach access and facilities, which will increase recreational opportunities and should take some pressure off Cottesloe.

Secondary Development Node

- The masterplan identifies the northern end of the outer project area as containing a secondary development node comprising the Towns of Cottesloe and Mosman Park areas.
- The proposal is to intensify use and development of this area, which in Cottesloe is currently the quieter, southern end of the coastal strip. This would provide more recreational variety for south Cottesloe residents, including the availability of cafes.
- It is noted that the McCall Centre and Beehive Montessori School are to continue.
- The principle of a more active node here can be supported, to help disperse recreational use and provide more choice; however, the aspects of environmental protection and increased maintenance would need to be considered through more detailed planning – water supply/consumption, for example, is an important factor, which the masterplan report recognises.
- In this respect, proposals such as a leased café/restaurant and other possibilities such as hire outlets could generate income for the Town.
- Cr Utting has commented that the old cable station and cable remnants are important historically and could be considered for conversion to a museum – this is consistent with the masterplan report recognition of heritage and suggestion of a museum of natural history. This slant provides a special theme to this part of the Cottesloe coast.
- Public transport access to a more active node would be important, which could include TransPerth bus services/stops and extension of the Cott Catt. Re-opening of Leighton train station would lessen dependence on road transport.

Mosman Park

- The proposals in the Town of Mosman Park include a restaurant/café favoured by that council under its management responsibility. This may compete with that suggested for the Cottesloe area and could generate impacts such as litter or antisocial behaviour. However, there is probably untapped demand for facilities and management aspects can be addressed cooperatively between the two towns.

Costs

- Probable costs estimate Stage 5 landscaping works in the order of \$2.5M

and maintenance costs ranging from approx. \$79K in year one reducing to approx. \$45K in year 5.

- The masterplan report acknowledges that extra expenditure for maintenance would be required of the local governments and that income-producing uses would help to offset this cost – however, uses should not be chosen simply because they provide income, as they may also be cause impacts and require maintenance.

Curtin Avenue possible re-routing

- Although the landscape masterplan was not a road planning study, the CSRG saw the potential for the Port Beach Road/Curtin Avenue link to be re-routed from west to east of the McCall Centre. While this prospect was explored, due to overriding constraints and unknowns it was not adopted by the design team. However, the matter was set out in Appendix 3 for the record and any feedback.
- This reveals that the notion of re-routing the road and conversion of the McCall Centre to public use arose from the early Leighton community action, but that when tested there are many factors that would need to be addressed and resolved before a decision could be taken. Fundamentally, the affected land is outside the study brief/project area and this proposal would add considerable costs to realisation of the node in this fashion.
- Ideally, any road re-structuring should not be viewed simply in terms of a recreation / landscape concept masterplan, but needs to be fully considered in relation to land use and transport planning for the district. In this respect, the implications for resolution of Curtin Avenue through Cottesloe and ensuring that Marine Parade does not incur undue traffic are important considerations.

Alternative solution for Curtin Avenue

- A more strategic approach to the solution for Curtin Avenue would seek to promote construction of the route as provided for by the alignment of the Metropolitan Region Scheme (MRS) reservation.
- This would clearly separate coastal recreational traffic from regional traffic, complete the route from the Leighton end and correlate with Council's proposal to resolve Curtin Avenue through Cottesloe (which is being worked on in collaboration with the Department of Planning and Infrastructure).
- The masterplan report explains that Curtin Avenue at the eastern end will be re-routed by Landcorp around the urban development to separate residential, recreational and regional traffic. However, from there north the existing situation will continue, which combines recreational and regional traffic along Port Beach Road/Curtin Avenue.
- This appears short-sighted and inequitable, and it is contended that income from the Leighton project derived by the State Government ought to be directed towards completion of the Curtin Avenue reconstruction along the MRS reservation alignment.
- This approach would be in accordance with the State Government's *Fremantle to Cottesloe Transport Plan* and *MRS Amendment No. 1074/33 Leighton Beach and Environs* of 2004.
- It is only upon realignment and reconstruction of Curtin Avenue in its

entirety that the full potential of the coastal recreational resource and the proposals contained in the Leighton Oceanside Landscape Masterplan can be realised.

VOTING

Simple Majority

CONCLUSION

The draft masterplan is an example of responsible, comprehensive landscape planning on a sub-regional basis, which has avoided arbitrary boundaries and aims to coordinate and integrate a recreation and conservation vision for this section of the coast.

The initiative is a catalyst to consider the issues and options for more detailed planning and implementation. Insofar as Cottesloe is concerned, this is an opportunity to consider enhancement of the southern end of the Town's coastal recreation land.

COMMITTEE COMMENT

Manager Development Services advised Council that Coastcare will be submitting a detail submission for the vegetation and water for the area.

Committee would like to see the Cable Station be converted to a café or restaurant.

OFFICER & COMMITTEE RECOMMENDATION

That Council notes the public release of the *Leighton Oceanside Landscape Masterplan* and makes the following submission:

- (1) Council welcomes the masterplan as an opportunity to plan for improving the provision of coastal recreational facilities.
- (2) Council supports *in-principle* the broad masterplan concept for the Cottesloe portion, however, Council is concerned that the extent of proposed lawn and other vegetation would not be sustainable in terms of water supply and consumption.
- (3) Council wishes to be more closely involved in the detailed planning and implementation of proposals for Stage 5 of the masterplan, including land uses and buildings, access and parking, specific recreational facilities, landscaping design and works, long-term management and maintenance, and costs and funding.
- (4) Council advocates that a more strategic approach to the solution for Curtin Avenue would be to construct the route as provided for by the alignment of the Metropolitan Region Scheme (MRS) reservation. This would clearly separate coastal recreational traffic from regional traffic, complete the route from the Leighton end and correlate with the proposal to resolve Curtin Avenue through Cottesloe (which is being worked on by Council in collaboration with the Department of Planning and Infrastructure). The masterplan report explains

that Curtin Avenue at the southern end will be re-routed by Landcorp around the urban development to separate residential, recreational and regional traffic. However, from the north the existing situation will continue, which combines recreational and regional traffic along Port Beach Road/Curtin Avenue. This appears short-sighted and inequitable, and it is contended that income from the Leighton project derived by the State Government ought to be directed towards completion of the Curtin Avenue reconstruction along the MRS reservation alignment. This approach would be in accordance with the State Government's *Fremantle to Cottesloe Transport Plan* and *MRS Amendment No. 1074/33 Leighton Beach and Environs* of 2004. It is only upon realignment and reconstruction of Curtin Avenue in its entirety that the full potential of the coastal recreational resource and the proposals contained in the Leighton Oceanside Landscape Masterplan can be realised.

AMENDMENT

Moved Cr Utting, seconded Cr Carmichael

That Council support the consideration of the old cable station being converted into a museum.

Lost 2/7

Cr Utting left the meeting at 9.05pm.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

- (5) Whilst the above are comments on the draft landscape masterplan, Council believes that the aspects of; environment, planning, transport, engineering, financial and procedural considerations remain to be addressed in detail before the implementation stages. Therefore Council expects to be consulted further over these matters.

Carried 8/0

11.2.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council notes the public release of the *Leighton Oceanside Landscape Masterplan* and makes the following submission:

- (1) Council welcomes the masterplan as an opportunity to plan for improving the provision of coastal recreational facilities.**
- (2) Council supports *in-principle* the broad masterplan concept for the Cottesloe portion, however, Council is concerned that the extent of proposed lawn and other vegetation would not be sustainable in terms of water supply and consumption.**

- (3) Council wishes to be more closely involved in the detailed planning and implementation of proposals for Stage 5 of the masterplan, including land uses and buildings, access and parking, specific recreational facilities, landscaping design and works, long-term management and maintenance, and costs and funding.
- (4) Council advocates that a more strategic approach to the solution for Curtin Avenue would be to construct the route as provided for by the alignment of the Metropolitan Region Scheme (MRS) reservation. This would clearly separate coastal recreational traffic from regional traffic, complete the route from the Leighton end and correlate with the proposal to resolve Curtin Avenue through Cottesloe (which is being worked on by Council in collaboration with the Department of Planning and Infrastructure). The masterplan report explains that Curtin Avenue at the southern end will be re-routed by Landcorp around the urban development to separate residential, recreational and regional traffic. However, from there north the existing situation will continue, which combines recreational and regional traffic along Port Beach Road/Curtin Avenue. This appears short-sighted and inequitable, and it is contended that income from the Leighton project derived by the State Government ought to be directed towards completion of the Curtin Avenue reconstruction along the MRS reservation alignment. This approach would be in accordance with the State Government's *Fremantle to Cottesloe Transport Plan* and *MRS Amendment No. 1074/33 Leighton Beach and Environs* of 2004. It is only upon realignment and reconstruction of Curtin Avenue in its entirety that the full potential of the coastal recreational resource and the proposals contained in the Leighton Oceanside Landscape Masterplan can be realised.
- (5) Whilst the above are comments on the draft landscape masterplan, Council believes that the aspects of; environment, planning, transport, engineering, financial and procedural considerations remain to be addressed in detail before the implementation stages. Therefore Council expects to be consulted further over these matters.

Carried 8/0

Cr Utting returned to the meeting at 9.10pm.

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 17 OCTOBER 2006

Moved Cr Miller, seconded Cr Strzina

That items 12.1.2, 12.1.3, 12.1.5, 12.1.6, 12.1.7, 12.2.2, 12.2.3, 12.2.4 be withdrawn from en-bloc voting.

Carried 9/0

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

12.1 ADMINISTRATION**12.1.1 PROCOTT INCORPORATED - PAYMENT OF 2006/07 RATE MONIES**

File No:	X 5. 2
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	26 September, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to pay out 2006/07 specified area rate monies collected on behalf of ProCott Incorporated to ProCott Incorporated.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The amount of the specified area rate monies collected on behalf of ProCott Incorporated, to date, is \$47,266.95.

BACKGROUND

The relevant clauses of the *Specified Area Rate Agreement* with ProCott Incorporated are as follows:

3. PROGRAMME FOR 2004/2005 AND SUBSEQUENT YEARS**3.1 Association to prepare programme**

In the case of:

(1) *the financial year 2005/2006 on and before the 30th September 2005, and*

- (2) *each subsequent financial year, on or before 15th April of the preceding financial year,*

the Association shall prepare and deliver to the Town a programme for the next financial year which programme:

- (a) is within the objects of the Association;*
- (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.*

3.2 Application of clauses

- (1) *Clauses 3.3, 3.4 and 3.5 shall only apply if the Council resolves:*

- (a) to adopt a Specified Area Rate for that financial year; and*
- (b) to pay to the Association an amount of money raised by the Specified Area Rate.*

- (2) *If the Council does not resolve in terms of subclause (1) then this Agreement shall be at an end on 31st August of the financial year and the Association shall thereupon pay to the Town any unexpended portion of the monies paid to it under this Agreement.*

3.3 Consideration by Council

- (1) *When, or as soon as practicable after, the Council has adopted a Specified Area Rate for that financial year, the Council will consider the programme for that year delivered to it under clause 3.1.*

- (2) *The Town agrees with the Association that:*

- (a) in considering the programme for each financial year, it will be concerned with matters of principle; and*
- (b) the expenditure of the Association in carrying out the programme may include a reasonable amount for administrative expenses incidental to carrying out the programme.*

3.4 Payment by Town

If the Council resolves to:

- (a) adopt a Specified Area Rate for that financial year; and*
- (b) pay to the Association an amount of money raised by the Specified Area Rate,*

then, subject to the Association performing and observing the Association's obligations under this Agreement, the Town will pay to the Association that amount to be used by the Association in accordance with this Agreement.

3.5 Payment of Funds

The amount of money referred to in clause 3.4 shall be payable in one lump sum on 15 October of that financial year.

CONSULTATION

Nil.

STAFF COMMENT

ProCott Incorporated presented its programme for the 2006/07 financial year to Council in June of this year. A copy of the programme is attached.

After considering the programme in its budget deliberations, Council resolved to adopt a specified area rate for the 2006/07 financial year.

In accordance with subclause 3.4(b) of the *Specified Area Rate Agreement* a Council resolution is now required to "...pay to the Association an amount of money raised by the Specified Area Rate."

ProCott Incorporated has fulfilled its obligations under the agreement which includes:

4.3 Delivery of annual accounts

The Association shall deliver to the Town true and fair accounts of and relating to the Specified Area Rate received by it for each year ending on 30th June no later than 30th September next following accompanied by a certificate of a registered company auditor reporting on such accounts.

A copy of the annual accounts appears as an attachment to this report.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council pay out 2006/07 specified area rate monies collected on behalf of ProCott Incorporated to ProCott Incorporated.

Carried 8/0

12.1.2 COTTESLOE CIVIC CENTRE CONCERT

File No: D8.5
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 10 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to present a proposal for a Regulation 18 concert on the main lawn of the Cottesloe Civic Centre on Sunday, 24 January, 2007. It is recommended that the application be approved in principle.

STATUTORY ENVIRONMENT

The *Health (Public Building) Regulations 1992* require that the event be assessed for public safety compliance and issued with a Certificate of Approval.

The *Environmental Protection (Noise) Regulations 1997* specify permissible noise levels and monitoring requirements.

The *Health (Food Hygiene) Regulations 1993* contain provisions for food preparation and service and food storage.

The *Liquor Licensing Act 1988* contains provisions for licensing and the sale and service of alcohol.

POLICY IMPLICATIONS

The Town of Cottesloe Policy *Outdoor Concerts and Large Public Events* applies, specifically Clauses (4) (b) and (c):

Clause (4) Policy:

- (b) *all outdoor concerts and major public events shall comply with the Town's 'Guide to Outdoor Concerts and Large Public Events'.*
- (c) *The Town will support up to two outdoor concerts only at any venue within a 12 month period.*

The *Guide to Outdoor Concerts and Large Public Events* specifies that:

8.12.8 The liquor licence is to be for the same or lesser period than the event. Applications for liquor licences of more than 8 hours will not be supported.

8.13.5 The Town will not approve "non complying" events that exceed 8 hours.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with the schedule of fees for the hire of the Civic Centre the fee for a category 9 concert is between \$7,000 and \$10,000 with a bond of \$3,000.

BACKGROUND

An application to hold a concert on the Cottesloe Civic Centre main lawn has been received from Brad Mellen of Mellen Events Pty Ltd. The event, 'Sanchez by the Sea' is proposed to be held on Sunday, 28 January, 2007 from 12.00 noon to 9.00pm. The proposal is for a concert that will attract an age group of 25 - 45 years. A crowd of 2500 patrons is anticipated to attend.

The proposed style of music is 'house' music perhaps better known as nightclub, dance music but not hard-core dance party music.

CONSULTATION

Nil

STAFF COMMENT

The *Guide to Outdoor Concerts and Large Public Events* requires that a proposal is submitted 90 days prior to the event to seek the in principle support of the Council. Clause 5.2 of the guidelines states that:

In assessing applications the Council will take into consideration the following:

- *cultural benefit to the community;*
- *likely impact on residents and the environment;*
- *reputation of the Promoter;*
- *day, time and duration of the event;*
- *the number of similar events held at the venue or nearby venues within the past 12 month period;*
- *the style of music;*
- *participation of community groups and families in the event; and*
- *the presence or absence of alcohol.*

Council's policy for *Outdoor Concerts and Large Public Events* refers to the Town's commitment to:

- *preserving the reasonable amenity of residents and businesses surrounding a venue for the purpose of staging outdoor concerts and large public events, and*
- *to ensuring that the reasonable community/society expectations to be entertained are met.*

The proposal is similar to the style of concert held in the Civic Centre grounds on last New Year's Eve. Patrons attending the event may consider there is a cultural benefit to the community but it is unlikely that this is the sort of cultural benefit that Council intended when adopting the policy. However, it does represent a desirable style of entertainment to a portion of the community.

It is proposed that food and alcohol will be sold at the event. Mustard Catering will be providing all catering requirements for the event. Mustard has a special caterer's licence which permits the sale of alcohol at catered events.

There will be an impact on residents as a result of the number of patrons, noise, the time and duration of the concert and the proposed sale of alcohol. The duration of the concert is proposed to be 9 hours on Sunday from 12.00 noon to 9.00pm.

However, the Guide to Outdoor Concerts and Large Public Events specifies that the Town will not approve “non complying” events that exceed 8 hours. Should the Council support the application it is recommended that the start time be 1.00pm. The reason for suggesting a later start rather than an early finish time is to avoid the heat of the day as much as possible.

All other impacts can be managed to minimise the impact on the community.

The promoter has established a reputation for the successful staging of numerous major events in Perth. These include Nora Jones, Joe Cocker, Missy Higgins, George Benson, A Day on the Green and possibly the most similar of events, Summadayze held annually in the Supreme Court Gardens.

The proposed ‘Sanchez by the Sea’ concert is classified as a category 9 concert event in the *Guide to Outdoor Concerts and Large Public Events*. There has not been another ‘large public event’ held in the Civic Centre grounds within the past 12 month period. The last large public event was the New Year’s Eve concert of 2005/2006 which falls outside this period.

This event will be a Regulation 18 event as it will exceed permissible noise levels and will be subject to stringent noise management. Regulation 18 enables the Town to maintain control of noise levels and monitoring of the event by setting conditions such as permissible noise levels at certain locations, monitoring requirements and complaint procedure. The applicant is also required to submit a Noise Management Plan. An acoustic consultant is required to be present to monitor noise levels throughout the event and will provide a noise report to the Town following the event.

In addition to the requirements outlined above, the applicant will be required to comply with the Town of Cottesloe’s *Guide to Outdoor Concerts and Large Public Events*. The guide which has been adopted by Council, addresses all aspects of concert management. Should the application be supported in principle, approval is dependent on the applicant achieving compliance to the satisfaction of the Chief Executive Officer.

It is recommended that the application for the ‘Sanchez by the Sea’ concert is supported in principle.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee discussed the noise levels and Ms Levett explained the process of survey and monitoring by the acoustic engineer prior to and during the event.

Ms Levett also advised that it is a requirement of the event coordinator to supply bus transport to convey people from the event to the nearest point of transport (as per Council’s *Outdoor Concerts and Large Public Events* Guidelines).

OFFICER & COMMITTEE RECOMMENDATION

That Council supports in principle the application from Mellen Events Pty Ltd to hold a 'Sanchez by the Sea' Regulation 18 concert on the main lawn of the Cottesloe Civic Centre on Sunday, 28 January, 2007 from 1.00pm to 9.00pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.

AMENDMENT

Moved Cr Utting, seconded Cr Carmichael

That Council use its policy of *Community Consultation* prior to authorising this event.

Lost 4/5

12.1.2 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council supports in principle the application from Mellen Events Pty Ltd to hold a 'Sanchez by the Sea' Regulation 18 concert on the main lawn of the Cottesloe Civic Centre on Sunday, 28 January, 2007 from 1.00pm to 9.00pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.

Lost 4/5

The vote was recorded:

<i>For:</i>	<i>Against:</i>
Cr Cunningham	Mayor Morgan
Cr Furlong	Cr Carmichael
Cr Miller	Cr Jeanes
Cr Strzina	Cr Utting
	Cr Woodhill

12.1.3 SHADY CHARACTERS - BEACH HIRE

File No: C 2. 1
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made not to allow Shady Characters Beach Hire access to trade on Cottesloe Beach.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law:

Division 2, Section 5 – Quiet Amenity

In order to protect the quiet and amenity of the defined area, no person shall:

5.10 hire, or offer for hire, any vehicle, bicycle, watercraft, kite or other item of equipment for sport, entertainment, or amusement except with the written permission of council;

POLICY IMPLICATIONS

Section 7 (Strategies) of the *Beach* policy applies:

- n. Other*
(ii) Commercial Activity
In general, commercial activity on the beach is permitted only at the fixed facilities. Any other commercial activity may only be undertaken with the approval of Town of Cottesloe.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

John Hughes, the proprietor of 'Shady Characters Beach Hire', sent in a submission to trade on Cottesloe Beach. The business would operate from a portable stall dispensing a variety of goods and services.

CONSULTATION

I discussed the matter with our Senior Ranger who doesn't support the proposal.

STAFF COMMENT

There are a number of concerns that I have with this proposal. The area already is well serviced with existing facilities and we are endeavouring to reduce, rather than increase, the amount of clutter on the beach. Some of the areas he highlighted as

being necessary for his operations appear to have a negative impact on the dunes. He stated that he had support from the local surf club but didn't include anything that substantiated his claims.

The goods and services proposed are either duplicates of those provided by the life savers (beach safety, sunscreen/cancer awareness) or local businesses (toys, towels, thongs). There is no specific area mentioned rather a number of sites, at least one that appears to encroach on the dunes.

The new lessee of Indiana Tea House is also keen to maximise utilisation of the facility and this could extend to servicing the broad needs of beach goers through the cafeteria. The approval of John Hughes proposal would result in an unnecessary intrusion on the beach and complicate negotiations with the new lessee of Indiana's.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council reject the application of John Hughes 'Shady Characters Beach Hire'.

AMENDMENT

Moved Cr Furlong, seconded Cr Cunnigham

That the matter be adjourned and dealt with at the November round of meetings.

Carried 9/0

12.1.3 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Cunningham

That the matter be adjourned for consideration at the November round of meetings.

Carried 9/0

12.1.4 COTTESLOE TENNIS CLUB AND COTTESLOE RUGBY CLUB LEASE RENEWAL

File No: E10.11& E10.8
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 11 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to authorise the Mayor and CEO to sign a lease agreement between the Town of Cottesloe and the Cottesloe Tennis Club (Inc.) and between the Town of Cottesloe and the Cottesloe Rugby Club (Inc.)

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act applies.

3.58. Disposing of property

(1) In this section -

dispose ~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property ~ includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to -

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -

(a) it gives local public notice of the proposed disposition -

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include -

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to -

(a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

Regulation 30 of the Local Government (Functions and General) Regulations 1996 says;

30. Dispositions of property to which section 3.58 of Act does not apply

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if -

(a) the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**~) and -

(i) its market value is less than \$5 000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

(b) the land is disposed of to a body, whether incorporated or not -

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

(c) the land is disposed of to -

(i) the Crown in right of the State or the Commonwealth;

(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

(iii) another local government or a regional local government;

(d) it is the leasing of land to an employee of the local government for use as the employee's residence;

(e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;

(f) it is the leasing of land to a medical practitioner (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or

(g) it is the leasing of residential property to a person.

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been

(a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;

(b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or

(c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including

(i) the names of all other parties concerned;

(ii) the consideration to be received by the local government for the disposition; and

(iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

(2b) Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.

(3) A disposition of property other than land is an exempt disposition if

(a) its market value is less than \$20 000; or

(b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

In accordance with Regulation 30 (2) (b) Council may deal directly with the Cottesloe Tennis Club on this matter without the restrictions of Section 3.58 of the Local Government Act.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Chief Executive Officer wanted to initiate leases based on rate payments rather than rent for our sporting clubs. This would result in a simple and objective basis for increases in income over time that would require minimal argument and justification from time to time. The rate amounts proposed were to be, at worst, approximately the same as the previous lease amounts to ensure that the clubs are not financially disadvantaged.

CONSULTATION

I had meetings with Matthew McFarlane, Secretary of the Cottesloe Tennis Club and Michael Tudori, President of the Cottesloe Rugby Club. I also contacted several other local governments including Mosman Park, Peppermint Grove, Claremont, Subiaco, Cambridge and Vincent to determine how they treated their tennis and other sporting club leases.

STAFF COMMENT

The application of full rates to the tennis club was going to result in a significant increase (approximately 500%). The tennis club was understandably distressed at this increase. After reviewing the alternative treatments from the other councils a compromise was determined. The tennis club will be charged full rates with an 80% rebate. This results in the council receiving approximately the same income as the previous agreement (there is a discrepancy of around \$150 due to the ESL).

The application of full rates to the rugby club would result in a decrease from \$4,600 pa to \$1,657.67 (including ESL of \$269.80) for 2005/2006.

It is important to note that other councils in the region treat individual clubs based on their unique circumstances. The best example is the Town of Vincent where each club has a negotiated arrangement based on a combination of the level of council financial involvement in ground maintenance, historical agreements and type of premises.

The respective committees of both the tennis and rugby club are satisfied with the proposed leases as they provide long term security and do not have an adverse impact on the finances of the clubs. The council is also seen to continue to support long established sporting clubs that service the local community. The term of the leases has been set at 21 years.

The respective committees of both the tennis and rugby club are satisfied with the proposed leases as they provide long term security of tenure and do not have an adverse impact on their finances.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Utting stated concern about fees for local clubs going up.

Mr Tindale tabled a map showing the area that is proposed to be leased to the Rugby Club. It may be prudent to keep the lease at 5 or 10 years so Council can retain flexibility over the freehold land into the future. Propose that the lease is for the club house and car park and that a separate fee be charged for ground hire.

Concern was raised in relation to the different clause wording between the two leases. It was requested that staff check with McLeods the reason for this.

Cr Strzina stated that the clubs shouldn't be paying less than the previous rent, the status quo should be maintained.

There was general agreement that this item be deferred to allow time for Council to consider:

- Consistency of clauses,
- Reduced term and area for the Rugby Club,
- Ground rental for the Rugby Club,
- Exemption for sporting clubs from FESA Levy,
- Council to view the financial statements of both clubs on an annual basis.

OFFICER RECOMMENDATION

That Council authorise the Mayor and CEO to sign a lease agreements between the Town of Cottesloe and the Cottesloe Tennis Club (Inc.) and the Town of Cottesloe and the Cottesloe Rugby Club (Inc.)

12.1.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That this item be deferred to allow staff to consider and report back on:

- (1) The consistency of clauses within both leases;**
- (2) A reduced term and area for the Rugby Club;**
- (3) A ground rental for the Rugby Club;**
- (4) An exemption for sporting clubs from FESA Levy; and**
- (5) The inclusion of a requirement within the leases requiring the clubs to provide Council with a copy of their annual audited financial statements.**

Carried 8/0

12.1.5 INDIANA TEA HOUSE & BARCHETTA - TOILET CLEANING

File No: 91 Marine Parade
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to approve additional cleaning of the public toilets at the Indiana Tea House and Barchetta Restaurant for Summer 2006/2007.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Beach policy, section (c) of 'Secondary Objectives' applies:

To provide a level of essential amenity on the beach reserves which meets the expectations of the residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The quote received from Charles Service Cleaning Company (CSC) is \$30,940.00 (GST exclusive) – this has not been provided in the budget.

BACKGROUND

The cleanliness of the toilets at the Indiana Tea House in particular, has been an ongoing cause of complaints. The lease agreement requires that the lessee cleans the toilets daily. This has resulted in the toilets being cleaned once a day, usually first thing in the morning. During summer this has proven to be inadequate. The combination of additional usage of the facilities by local patrons, petty vandalism and unusual ablution practices of tourists mean that by mid-morning the change rooms are a mess.

Council requested a quote be obtained to determine the feasibility of additional cleaning.

CONSULTATION

The report is predicated on the numerous complaints received by the Council and its officers during summer.

STAFF COMMENT

I started at the end of last summer and received approximately two calls a day complaining about the conditions of the toilets at Indiana Tea House. I contacted our cleaning company to get the quote for the additional cleaning of the toilets. The quote from CSC of \$30,940 covers two additional cleaning services seven days a week at the change rooms at Indiana Tea House and Barchetta Restaurant for the six months from November, 2006 to April, 2007.

The new lessee assumes control over the Indiana Tea House in November, 2006. I recommend that the cleaning be approved for this summer as a goodwill gesture from the council. Future arrangements can be negotiated with the new lessee as part of a holistic approach to the facility.

VOTING

Absolute Majority

COMMITTEE COMMENT

Committee requested the Manager Corporate Services to obtain an additional 2 quotes.

Clarification is required of who supplies the toilet paper and paper towels.

Cr Miller asked whether consideration can be made for employment of additional staff to undertake the beach and toilet cleaning.

OFFICER RECOMMENDATION

That Council approve the additional toilet cleaning at Indiana Tea House and Barchetta Restaurant for summer 2006/2007.

12.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That two additional quotes be obtained and a report be provided on an alternative proposal to employ a person to undertake beach and toilet cleaning.

Carried by Absolute Majority 9/0

12.1.6 COTTESLOE, PEPPERMINT GROVE & MOSMAN PARK LIBRARY

File No: C11. 1
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

This report is provided for the interest of council.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Council has not included an allocation in its 2006/2007 Budget for the Library Redevelopment Project. Funding for this project is being drawn from the library infrastructure reserve.

BACKGROUND

The issue of the Library Redevelopment and funding for the proposal has received minimal discussion prior to a costing being established however the Shire of Peppermint Grove at its Ordinary Meeting held in June 2006 resolved its position in respect to the funding issues surrounding the various components of the Library Redevelopment Project.

The Shire position has been presented to the Library Redevelopment Committee and the Library Committee. There was a subsequent meeting of council officers from Peppermint Grove, Mosman Park and Cottesloe where the majority of the cost sharing principles were agreed.

A meeting with the Officer's and the Mayors from the Council's is due to discuss the remaining issues of cost sharing of the project. This is being organised by staff at Peppermint Grove for the next week or so.

STAFF COMMENT

The correspondence from Peppermint Grove is attached and their position is summarised below:

1. Site preparation work completed to date:

- | | | |
|------|--|-------------|
| i) | Erection of metal boundary fence | \$1,750.00 |
| | Bowling Club building demolished | \$72,837.66 |
| | Shire Depot demolished | - |
| | Old concrete footings from earlier buildings demolished | \$5,280.00 |
| | Re-establish electricity to the site | \$3,245.00 |
| | Stabilisation treatment of earth bank on demolition site | \$400.00 |
| ii) | Valuable land, noting there is no initial capital investment. | |
| iii) | Existing bore and reticulation system. | |
| iv) | Staff management time including project management work that is not part of the library operating contract. | |
| v) | Perimeter fencing for construction security. | |
| vi) | On going site monitoring during construction. | |
| vii) | Ongoing community consultation that is, receiving and processing community enquiries and complaints during construction. | |

2. The many variable components of the total project should be funded on the following basis:

- i) Library Construction – as for the library operating ratio.
- ii) Shire office – Peppermint Grove to fund.
- iii) Community Component – as for library operating ratio.
- iv) Car parking – The Shire needs twelve (12) car parking spaces to accommodate staff and the public. The library has not determined the number of bays it needs but all general parking will be under the building, therefore costs can be allocated on a need ratio.
Parking issues to be resolved are where to place disabled bays, loading bays, book drop off bays and bicycle rack.
- v) Shared space in the building – ratio would be 50/50 for common uses, for example IT room and cleaner's room.
- vi) Landscaping – construction and maintenance to be shared on the floor area ratio of office space as compared to library space.
- vii) Professional Fees – the payment of all architectural and consultant fees (e.g. electrical, engineering) should be based on the floor area ratio.
- viii) Drainage sump reconstruction – the drainage sump is required to service a catchment area on both sides of Stirling Highway but its need for relocation and reconstruction is a direct result of the library project, therefore should be a project cost.
- ix) Demolition Costs – it is considered that the demolition cost for the office and library should be a library project cost.
- x) External Lighting – should be part of the parking and/or landscaping cost sharing ratio.

3. The following outstanding site preparation tasks should be the cost of the library project:

- i) Concrete floor pads, bitumen hardstand to be removed (depot site).
- ii) Brick fencing (depot site) and metal fence (Bowling Green site) to be removed.
- iii) Storm water drains to be removed.
- iv) Unknown underground items.
- v) Removal of Bowling Club infrastructure.

There are several areas of this position that require negotiation and I will separate them by the categories:

Section 1 - Site Preparation

The classification of site preparation works is erroneous and not relevant to the project. The demolition of the Bowling Club had to be carried out due to the unsafe nature of the building.

Any costs associated should not be considered part of the overall redevelopment project and are the responsibility of the Shire.

The land is predominately crown land with the exception of an area owned by the Shire of Peppermint Grove. The Shire proposes to sell their freehold land to assist their contribution to the project.

As crown land while the land may be valuable there is no associated realisable value attributable to the Shire and in fact if the project does not proceed this land, if the Shire of Peppermint Grove maintains the vesting will be a burden on the resources of the Shire.

The issue of staff time being allocated to the project has been discussed by the Library Redevelopment Committee and while there will be some involvement, this should kept to a minimum and include in the overall contract.

The existing bore and reticulation is an asset however the reticulation system will have to be reinstated as the project develops and the older buildings are demolished.

The perimeter fence will be inclusive of the construction costs.

All Council's involved with the project will receive enquiries in regards to the project and undoubtedly the Shire will receive a large number however I would anticipate that the Town's of Cottesloe and Mosman Park due to their significantly greater populations may receive a number of enquiries in regards to the library as well.

Section 2 – Costing

The variable components mentioned in section two of the Shire position are the crucial components of the project and I will detail each point:

Library Construction

This ratio is as per the current agreement and is calculated on a population ratio on an annual basis. The ratio for the 2006/07 year is as follows:

Shire of Peppermint Grove 10.13%
Town of Mosman Park 45.00%
Town of Cottesloe 44.87%

Dependant upon the method of financing this project the establishment of the contribution ratios on an annual basis could be discussed. It may be in the best interests of the Town of Cottesloe to separately source loan funds for the project as there are differing opinions on how to proceed with this approach.

Shire Office

Agreed. Shire of Peppermint Grove to fully fund.

Community Component

The community component has not yet been finalised, however the Town's of Cottesloe and Mosman Park have community facilities that are available to their residents. The Shire of Peppermint Grove has no community facilities and as such it is difficult to anticipate what the demand for a facility would be.

It has been indicated that the West Coast Community Group would utilise these facilities which provide services for the three Council's. It would be a far more equitable basis to have the construction of this facility, if it proceeds, and any subsequent maintenance costs allocated on an equal share basis.

Car Parking

The car parking issue has been resolved by including a car park under the administration centre. The agreed ratio is based on the number of bays specifically set aside for PG, that is: 12/49 = Shire of Peppermint Grove, 37/49 = existing library cost sharing ratio

Shared Space in the Building

The shared ratio of 50/50 is equitable.

Landscaping- Construction and Maintenance.

This item needs to be discussed at length as there is minimal precedent in the Library Agreement that addresses landscaping or the ongoing maintenance.

While the initial landscaping will enhance the building, in my opinion this would be the responsibility of the Shire of Peppermint Grove if the project did not proceed.

The extent of landscaping would, once the project is complete be solely at the discretion of the Shire of Peppermint Grove.

The Shire of Peppermint Grove has while the land is vested in the Council, a responsibility to maintain the area to the standard that the residents of the Shire expect.

To ask the Town's of Cottesloe and Mosman Park to significantly contribute towards the ongoing maintenance of the areas remaining when the project is completed sets a precedent that could be applied to the beaches, parks and river foreshore that are part of all of the contributing Council's.

Contributing to a reserve that is common in all the local authorities could be seen as negating the need for individual Council's and lend itself to the support the argument of amalgamation.

The library is a specific facility of which usage by the participating Council's residents can be defined quite easily. The reserve is available for the general public to utilise and the expense of maintenance is a responsibility of the Council who the area is vested in.

Professional Fees

Agreed. Based on floor ratio area.

Viii) Drainage Sump Reconstruction

The reconstruction and relocation of the drainage sump is being moved to accommodate the landscaping of the piazza.

There has been a meeting regarding this issue with the Chief Executive and Manager Finance from the Shire of Peppermint Grove and the Chief Executive, Manager of Engineering Services and Manager Corporate Services from the Town of Cottesloe. Mr Trigg has commenced negotiations with the Main Roads Dept to determine the availability of funding assistance for these works.

The contribution towards the relocation and reconstruction of the sump could be based on a equal share basis or a agreed percentage taking into consideration the primary purpose of the sump.

ix) Demolition Costs

The demolition cost of the office and the library should be shared on the floor area principle.

External Lighting

This would be limited to the external lighting that is directly attributable to the library.

Section 3 – Site Preparation

The site preparation costs should be the responsibility of the Shire of Peppermint Grove. This was one of the criteria that was discussed by the Library Committee when the Shire advised that there could be an opportunity to expand into the Bowling Club site.

The Shire of Peppermint Grove, as their level of contribution to the project is significantly less than the other two participants, should provide a site that is suitable for the development to proceed without the need for additional site preparation.

The issue of the removal of the Bowling Club and Depot Site infrastructure should be addressed prior to any agreement towards funding levels being reached.

There are a number of areas that require further negotiation to establish a position that may be agreeable to the participants. Some of the components of the proposal may, in the overall cost of the project, be considered minimal and concessions may be considered.

This negotiation can only be finalised once an indicative cost of the overall project and the individual components has been established. An indicative costing was presented to the Library Redevelopment Committee at a meeting held on 20 September, 2006.

When the meeting between the Mayors, Chief Executives and other officers is held and final arrangements made on cost sharing principles it will be possible to determine the cost of the project for each council. This meeting is due in the next fortnight.

This costing will enable the proposal to be put out to public comment and then advise the residents of the commitment from each Council.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Cunningham asked if there was any way that the sump can be saved and be incorporated into the landscape?

Mr Trigg advised that the capacity of the sump can be retained at the existing site. A variety of structures could be installed underground with landscaping or structures above ground.

OFFICER & COMMITTEE RECOMMENDATION

That Council note:

- (1) The correspondence from the Shire of Peppermint Grove indicating their position in relation to the costs associated with the proposed redevelopment of the library building; and
- (2) The Manager Corporate Services Report on the Library Redevelopment Cost Sharing Proposal dated 9 October, 2006.

AMENDMENT

Moved Cr Utting, seconded Cr Woodhill

That Council:

- (1) Request staff to carry out a cost analysis for a two storey building as compared with the proposed single storey structure; and
- (2) Instruct staff to lift the veto on the supply of information to a Councillor.

Lost 3/6

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council note:

- (1) The correspondence from the Shire of Peppermint Grove indicating their position in relation to the costs associated with the proposed redevelopment of the library building; and**
- (2) The Manager Corporate Services Report on the Library Redevelopment Cost Sharing Proposal dated 9 October, 2006.**

Carried 8/0

Cr Utting left the meeting at 9.29pm, prior to the vote being taken.

12.1.7 COMMUNITY SAFETY & CRIME PREVENTION COMMITTEE

File No: C5.6
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 11 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to endorse the approach proposed by the Community Safety and Crime Prevention Committee.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Community Safety and Crime Prevention Committee has received a grant from the Office of Crime Prevention for \$20,000. The proposed actions will be funded from these funds.

BACKGROUND

The Community Safety and Crime Prevention Committee produced a 'Community Safety and Crime Prevention Plan' in conjunction with consultants and consultation with the community that identified 4 major areas of concern:

1. Anti-social behaviour arising from beachfront hotels
2. Speeding, careless driving and general hooning in vehicles within the suburb
3. Graffiti
4. Home burglaries

The Community Safety and Crime Prevention Committee were aware that \$20,000 in grant funding was available from the Office of Crime Prevention to assist in addressing these concerns.

It was acknowledged that this was not going to be sufficient to address all concerns so a decision was made to focus on anti-social behaviour arising from beachfront hotels as some of the other issues arise from this problem area.

CONSULTATION

The Community Safety and Crime Prevention Committee have had input from police officers involved with Central Metro Crime Prevention and Community Safety Unit,

members from Pro-Cott, as well as Rangers and the Environmental Health Officer from the Town of Cottesloe.

STAFF COMMENT

I visited Eric Romato, Assistant Director of Liquor Licensing at the Department of Racing, Gaming and Liquor, to identify an appropriate approach to attempt to either reduce the trading hours or number of patrons of the beachfront hotels on Sundays. Eric said that an s117 appeal (through the Liquor Licensing Court) was the most likely avenue to proceed. I was informed that evidence needed to be gathered that clearly demonstrated that residents around the venues were suffering undue interference to the enjoyment of their residency. He discussed successful appeals regarding Steve's Hotel in Nedlands and the Balmoral Hotel in Vic Park where this approach had been adopted.

He added that it was important that the information be obtained from a variety of sources and stressed that getting details from residents only was unlikely to be effective.

This information was presented to the Community Safety and Crime Prevention Committee and additional input was provided by police officers involved with Central Metro Crime Prevention and Community Safety Unit.

The following approach was proposed to raise public awareness of avenues to express concerns and a strategic approach to capture information related to anti-social behaviour arising from beachfront hotels for the upcoming summer:

- Send letter to all residents informing them of the proper process for reporting incidents of anti-social behaviour arising from beachfront hotels and encouraging them to take action
- Advertise in the local paper and obtain editorial support for the campaign
- Organise a Town Meeting to discuss the issue
- Request the Rangers to prepare a weekly report summarising the anti-social behaviour witnessed arising from beachfront hotels. (Note: this has commenced with the rangers getting video, photographic and anecdotal evidence)
- Request the local police to provide a weekly report summarising incidents the anti-social behaviour witnessed arising from beachfront hotels
- File the data captured into one location
- Review the data at the end of March 2007 and decide if an s117 appeal is warranted.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council endorse the following approach:

- (1) Send letter to all residents informing them of the proper process for reporting incidents of anti-social behaviour arising from beachfront hotels and encouraging them to take action;**
- (2) Advertise in the local paper and obtain editorial support for the campaign;**
- (3) Organise a Town Meeting to discuss the issue;**
- (4) Request the Rangers to prepare a weekly report summarising the anti-social behaviour witnessed arising from beachfront hotels. (Note: this has commenced with the rangers getting video, photographic and anecdotal evidence);**
- (5) Request the local police to provide a weekly report summarising incidents the anti-social behaviour witnessed arising from beachfront hotels;**
- (6) File the data captured into one location; and**
- (7) Review the data at the end of March, 2007 and decide if an s117 appeal is warranted.**

Carried 8/0

12.1.8 PURCHASE ORDERS

File No: x4.11
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 11 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to add the accountant to the list of approved officers to sign purchase orders on the related policy.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Purchase Orders policy applies:

PURCHASE ORDERS

- (1) **OBJECTIVE**
To maintain control over expenditure.
- (2) **PRINCIPLE**
Procedures for the authorisation of and payment of accounts are required to ensure there is effective security for, and properly authorised use of, local purchase orders.
- (3) **ISSUES**
Authority to sign purchase orders is limited to officers occupying nominated management positions. Officers acting in a nominated management position are authorised to sign orders.

Orders for goods and services can only be issued if;
 - (i) provision has been made for the purchase in the annual budget, or
 - (ii) the expenditure must be incurred in a financial year before the adoption of the annual budget, or
 - (iii) the expenditure is authorised in advance by resolution of an absolute majority of the Council where the expenditure is unbudgeted, or
 - (iv) the expenditure is authorised in advance by the Mayor in an emergency where the expenditure is unbudgeted.
- (4) **POLICY**
Officers holding the following positions are authorised to sign official Council Orders:
 - Chief Executive Officer; no limit.
 - Manager, Corporate Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
 - Manager, Engineering Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
 - Manager, Development Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
 - Works Supervisor: limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
 - Principal Environmental Health Officer limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
 - Executive Assistant: limited to a maximum of \$2,000 per purchase order;

- GIS Officer: limited to a maximum of \$500 per purchase order within departmental expenditure areas; and
- Assistant Works Supervisor: limited to a maximum of \$500 per purchase order within departmental expenditure areas.

RESOLUTION NO: 12.1.4
ADOPTION: April 2006
REVIEW: Apr 2014

(Replaces 12.1.3, May 2004)

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The accountant for the Town of Cottesloe is not on the list of officers authorised to sign official Council Orders. This omission causes unnecessary delays.

CONSULTATION

Nil

STAFF COMMENT

This appears to be an oversight given the seniority of the position in relation to some of the other officers currently on the list. The accountant oversees many of the day-to-day operations within the administration area and provides backup to the Manager of Corporate Services.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council approve the addition to the Purchase Order policy of the Accountant, with a limit of \$2,000 per purchase order, to the list of approved officers authorised to sign official Council Orders.

Carried 8/0

12.1.9 WA LOCAL GOVERNMENT ASSOCIATION - PROPORTIONAL REPRESENTATION

File No: X6.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 11 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to write to all local Members of State Parliament seeking their support in opposing a proposed change to legislation which will alter the system of voting in local government elections from first-past-the-post to proportional representation.

STATUTORY ENVIRONMENT

Schedule 4.1 of the *Local Government Act 1995* currently reads as follows.

Schedule 4.1 ³/₄ How to count votes and ascertain the result of an election

[Section 4.74]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

The Local Government Amendment Bill 2006 proposes that Schedule 4.1 be altered to read as follows:

Schedule 4.1 ³/₄ How to count votes and ascertain the result of an election

[Section 4.74]

1. Legislative Council electoral system to be used
 - (1) In this clause —

“commencement day” means the day on which the *Local Government Amendment Act 2006* section 16 comes into operation;

“election in a region” has the meaning given to that term in the *Electoral Act 1907* section 4(3).
 - (2) The system to be used for counting votes in, and ascertaining the result of, an election is to be based on the method that, at the commencement day, the *Electoral Act 1907* provides for an election in a region.
2. Details of system
The details of the system are to be as described in regulations.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

A change in the method of voting from first-past-the-post to proportional representation will increase the expense of Council elections.

BACKGROUND

The CEO of the WA Local government Association has written to Council as follows:

I wish to seek your cooperation in encouraging Elected Members to oppose the proposed change to the Local Government election system which I believe has the potential to have a severely detrimental impact on the good management of Councils.

As you may be aware, the State Government last week introduced legislation to amend the *Local Government Act 1995* to replace the existing first-past-the-post election system with a proportional preferential system of voting without consideration or consultation with the sector.

Association President Cr Bill Mitchell has written to all Mayors and Presidents to request they lobby their Local Members of Parliament to oppose the proposed change as such a system:

Encourages the use of factions and consequently party politics in Local Government
Is less understood by voters and as such more open to manipulation by candidates
Involves listing candidates rather than voters aligning with one candidate
Results in higher error rates in completing voting cards thereby increasing the capacity for invalid votes
Potentially increases the cost of administering the voting system.

I am certain you are able to envisage the potential implications for the effective management of Local Government processes under a voting system that is far more complex and facilitates greater involvement of party politics.

Consequently, I again request that you encourage representation by your Council to Local Members of Parliament to assist in opposing the proposed amendment and ensuring the independence of Local Government in Western Australia is protected.

CONSULTATION

Nil.

STAFF COMMENT

As previously reported, with little or no consultation with local governments, the Minister for Local Government has put before State Parliament a bill that seeks to change the method of voting for local government elections from first-past-the-post voting to proportional representation.

Elected members will recall that the Local Government Advisory Board (LGAB) was asked to enquire into the method of voting for local government elections. Their discussion paper on the matter had this to say on proportional representation.

The voting system for local government elections was changed from preferential voting to first past the post voting in the Local Government Act 1995. The other system that had been under consideration was proportional representation, which is used to elect Western Australia's Legislative Council. In the 'first past the post' system, the candidate with the most number of votes wins the election. This is in contrast with the preferential voting systems used in the State and Federal lower houses. Proportional representation systems are another alternative (there are a number of PR systems in place). These are used in Western Australia's Legislative Council and the Federal Senate, as well as for some local government elections in other states.

Within the context of the LGAB's recent enquiry into electoral reform, it is readily apparent that little of any substance was put to local government that advocated a change to proportional representation system of voting. In fact it was left to the WA Local Government Association to advise us that:-

No information has been provided to date as to how proportional representation might be applied to local government elections in WA. Proportional representation is based on a quota system whereby candidates must achieve a certain quota or proportion of votes in order to gain election. It is the voting method used in South Australian local government elections and is generally acknowledged as enabling groups, political parties and individuals to be elected in proportion to the votes received. South Australia's quotas are determined by the following formula;

$$Q = \frac{\{\text{formal votes received}\}}{\{\text{No. of vacancies} + 1\}} + 1$$

The final report of the LGAB on Electoral Reform confirmed the methodology but had little else to say in relation to proportional representation.

What little discussion there was (pages 172 -175 of the report);

- failed to properly articulate the differences between preferential voting with proportional representation,
- failed to make plain any argument for and against preferential voting as opposed to proportional representation,
- argued that both systems did not "waste" votes as was the case for first-past-the-post voting,
- obliquely suggested that a proportional representation voting system would cost more to implement,
- cited the use of both systems by Australian upper and lower houses of parliament, and
- said that both systems were difficult for voters to understand.

Despite the muddled argument, the LGAB went on to recommend that the first-past-the-post voting system should be retained and by Council resolution (November 2005) this is the position that the Town of Cottesloe supports.

For some reason however, the Minister has chosen to ignore the LGAB's recommendation and we have been left none the wiser for the reasons for the change except perhaps that "...it will bring greater uniformity in the method of voting for State, Commonwealth and local government elections."

It appears that the proposed legislative change is more about improving the electoral chances of groups and political parties rather than making things easier for the voter to understand.

In the interim, Mayor Kevin Morgan has written to the Minister protesting at the proposed changes. A copy of his correspondence has been sent to other Members of Parliament and elected members.

Implications of Proportional Representation for Cottesloe

The following web page link shows how proportional representation vote counting works in local government in South Australia.

<http://www.seo.sa.gov.au/flash.htm>

The web page sets out the advantages and disadvantage of different electoral systems which elected members are encouraged to explore but will not be repeated here.

However at its simplest level, proportional representation is a slightly more complicated form of the preferential voting system that applied to Western Australian local governments prior to 1996 when first-past-the post voting was first introduced.

As indicated in a previous MINUTES item, preferential voting tends to ensure that the 'least disliked' candidate gets elected. As a result, those candidates who are able to structure an inoffensive or more conservative election campaign (even to the point of focussing on the trivial rather than important issues) tend to be elected first. The above only tends to hold true where deals amongst candidates are absent – which has generally been the case for most local government elections.

Unlike preferential voting systems, first-past-the-post voting encourages rather than dampens political debate. With vigorous debate, greater rather than less civic involvement is likely to occur and in a voluntary voting system, that is not necessarily a bad thing.

While for the most part local government politics is devoid of any machinations between candidates aimed at ensuring that certain candidates "get up" or others are "knocked out", both preferential voting and proportional representation voting systems tend to encourage the brokering of deals amongst candidates. These deals are usually done to ensure that certain candidates have no chance of winning an election. It is usually most evident in those situations where candidates with the highest number of primary votes are quickly knocked out with the first round allocation of preferential votes.

In doing a deal, it is not unknown for the successful candidate to owe a political favour to a supportive but losing candidate by way of support for a certain political issue or issues that may come before the Council at a later date. This sort of deal

making is generally abhorred by local communities in Western Australia where the expectation is that issues will be determined on their relative merits rather than on political allegiances.

In a small local government such as Cottesloe, such allegiances tend to be more easily discovered and redressed through the ballot box where appropriate. In larger local governments, the sheer weight of elector numbers and their general remoteness from civic affairs encourages candidates to organise amongst themselves without any real fear of close public scrutiny – and this is probably what lies at the heart of the Minister's preference for proportional representation.

Having being used to and accepting political deal making and lobbying in pre-selections and Legislative Council elections, the Minister's frame of reference is entirely different to that of most local government elected members. Deal making and lobbying is probably seen as a natural thing by the Minister and he is probably at a loss to understand why local governments should take such offence at it. In his eyes, proportional representation probably holds no fears at all.

However, if a proportional representation voting system becomes the basis for local government elections, then one could expect that in larger local governments – particularly those with multiple vacancies for individual vacant wards - deal making and the politicisation of local government will indeed become the norm.

As far as the State Parliament is concerned that may not be such a bad thing. Local government will then serve a useful purpose as an incubator for those aspiring to one form or another of State political office.

However it is difficult to see Cottesloe becoming a hot bed of political intrigue under a proportional representation voting system. All wards (with the exception of the North Ward) of the Town of Cottesloe only offer a single vacancy at election time and there is not much to be gained in any direct political sense by exchanging preferences – as only one candidate will ever get up. Nonetheless there is still room for collusion amongst candidates in ensuring that certain candidates do not get up by the exchange of preferences.

In the North Ward, where two vacancies arise every election, it is possible that certain groups will organise themselves to ensure that their candidates get up – but based on past experience that seems unlikely.

Where things would become really interesting is if the Minister decided to abandon the ward system of representation in, say, cities and towns. If this came to pass, then local governments would be even more closely aligned with the Legislative Council's electoral system and we could witness the emergence of majority and minority political groupings on Council.

Given the Minister's cavalier approach in introducing legislative change, such a development is not beyond the realms of possibility.

On the assumption that nobody wants to see a local government system that is highly politicised, a recommendation is therefore made that supports the status quo.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER RECOMMENDATION

That Council write to all local Members of State Parliament seeking their support in opposing a proposed change to legislation which will alter the system of voting in local government elections from first-past-the-post to proportional representation.

12.1.9 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council write to all Members of State Parliament seeking their support in opposing a proposed change to legislation which will alter the system of voting in local government elections from first-past-the-post to proportional representation.

Carried 8/0

12.2 ENGINEERING**12.2.1 LANE STREET/EDWARDS STREET, COTTESLOE - PETITION REQUESTING SOLUTION TO DANGEROUS INTERSECTION**

File No: E17.10.27 & E17.10.55
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

This matter is in relation to the 90° intersection of Lane Street and Edward Street and the need to improve intersection safety.

The recommendation is that Council:

- (1) Install appropriate signs indicating the location and danger of the right angled intersection of Lane Street and Edward Street, plus a mirror at the intersection to improve the corner sight clearance problem; and
- (2) Inform all residents who were involved in the previous correspondence of Council's actions in this matter, with an explanation of the traffic count information.

STATUTORY ENVIRONMENT

The *Local Government Act, 1995* vests local government with the responsibilities of care, control and maintenance of vested road reserves within each municipality. This includes road intersections.

However, any closure to vehicles on an indefinite basis beyond four weeks, under Section 3.50 of the *Local Government Act, 1995* will require an objection period after advertising and a Council consideration of the results of that advertising.

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

The *Traffic Management* policy applies.

STRATEGIC IMPLICATIONS

No particular aspects of Council's Strategic Plan deal with this matter.

FINANCIAL IMPLICATIONS

No funding is included in the 2006/07 budget for works to modify or close existing road intersections, including this proposal.

Funds (\$4,800) have been included for an in-situ concrete footpath along Lane Street.

BACKGROUND

Traffic counts have been completed to define the timing, speed, volume and composition of traffic using streets in this area of Cottesloe.

Council's policy on *Traffic Management* includes, under Schedule 3, Intervention Guidelines, which state, in part:

(2) *Collect sufficient data to determine that the intervention values have been exceeded, and where they do not, the study lapses. Data will be collected on the following intervention values:*

- *the 85th percentile speed, in a particular section of the street, must exceed 5km/hr above the regulation speed, and/or more than 5% of vehicles exceeding 10km/hr above the regulation speed;*
- *vehicle volumes on access roads must exceed 100 vehicles/day;*
- *the number of heavy vehicles must exceed 10% of all vehicles/day, with more than 3% exceeding Class 4 Austroads '94 Classification;*
- *where the recorded crashes exceed 4 in number or at a cost to the community of \$100,000 over a 5 year period.*

These guidelines seek to establish threshold values to be met prior to intervention in order to achieve consistency in dealing with complaints about traffic.

These counts also included the Boreham Street and Gordon Street route because any closure on Lane Street/Edwards Street may affect that route.

A letter was sent to the Department of Land Information (DLI) regarding the legality of the Wentworth Street and Perth Street closures, but at the time of this report being written, no answer had been received.

CONSULTATION

No Council consultation has been formally undertaken on this matter.

STAFF COMMENT

The data of the traffic counts have indicated that none of the Intervention Guidelines under the policy have been reached. Heavy vehicles and recorded crashes are not a factor. Volume of vehicles is about one quarter of the 1,000 vehicle/day intervention level.

The speed zoning is 50kph. The 85% speed is below the posted 50kph zone speed. Less than 5% of vehicles exceed 10% above 50kph.

Because counts occurred during school hours and also during weekends and school holidays, the counts tend to show a higher volume of use during the normal school week. This would be due to parents driving their children to and from school, using this route.

Alternatives already suggested by a local resident, to a road closure, are worthy of consideration:

1. Yellow lined cross hatch pattern on road surface – Main Roads WA do not approve and will not install such lines in residential streets.
2. Mirror on corner – this can be installed without reference to Main Roads WA.
3. 'Slow Down' signs – such signs can be installed as public advice signs to road users, by Council.

4. 'Local Traffic Only' signs – these signs have no mandatory functions. They are advice only and no fines can be levied against non-local traffic.
5. Creating 'One Way' situation – in this location, a one way direction would allow a speeding driver the assurance that no vehicle will be driving in the opposite direction, hence, speed may increase.
6. Traffic calming – Lane Street has a 10 metre and Edward Street a 20 metre road reserve width. Any of the main traffic calming types (speed humps/plateaux, mid block half closures, angled diversions etc) will all create extra noise, which will have a very high potential (eg Broome Street) to have the installations removed.

The same group of suggestions from this resident included the comment that access by emergency vehicles and delivery trucks would be compromised if a closure took place.

Any answers from DLI will be provided to Councillors when available.

Because the policy 'threshold values' have not been met and because the problem concerns a right angled corner/intersection with limited vision, rather than a road section carrying heavy traffic, high numbers or speed, it is not proposed that Council proceed with any form of road closure.

It is recommended that appropriate signage be installed, warning of the limited vision right angled intersection/bend plus a mirror to be positioned to improve the sight issue.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Install appropriate signs indicating the location and danger of the right angled intersection of Lane Street and Edward Street, plus a mirror at the intersection to improve the corner sight clearance problem; and**
- (2) Inform all residents who were involved in the previous correspondence of Council's actions in this matter, with an explanation of the traffic count information.**

Carried 8/0

12.2.2 PARKING - EAST SIDE OF MARINE PARADE - NORTH STREET TO VERA VIEW

File No: E17.10.64
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in August, 2006 Council resolved:

That Council invite all property owners of properties fronting the east side of Marine Parade (from Vera View to North Street) to make submissions on three options being considered by the Council namely;

- (1) The removal of the areas of asphalt currently marked as "No Parking", the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops.*
- (2) The reintroduction of parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the 'through' lanes.*
- (3) That the status quo remain and existing embayments be red asphalt and lanes black asphalt.*

This report presents the results of public consultation and recommends that Council:

- (1) Arrange for the removal of the areas of asphalt currently marked as "No Parking", the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops; and
- (2) Inform all respondents of Council's decision on this matter and thank them for their contribution.

STATUTORY ENVIRONMENT

Marine Parade is a Council built and maintained street on a road reserve vested in Council. Council has the legal control and responsibility to set and maintain parking restrictions, including signage and parking bay line marking.

Council's *Parking and Parking Facilities* Local Law also sets out detailed requirements for parking restrictions and approvals.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

This section of Marine Parade is to have an asphalt overlay applied during 2006/07.

Council previously resolved to offer three options to residents/ratepayers fronting the eastern side of Marine Parade from North Street to Vera View Way regarding the treatment of the 2.5m wide 'No Parking' lane on the eastern side of Marine Parade.

Responses from residents/ratepayers were comprised of:-

1. A 'mini petition' with 19 signatures from eight properties, eight of which were from five units in one block of flats. This petition supported option 1 – the replacement of the "No Parking' asphalt area with a kerbed, native vegetation area, 2.5m wide from North Street to Vera View Way.
2. Eight individual comments, with seven supporting option 1 and one comment in favour of the 'status quo'. The status quo comment was from a property which also signed the petition for option 1. Two of the individual comments were from properties which also signed the petition from option 1.

Comments received included:

- Support also given to "...such additional works as would reduce the tendency for some traffic to use this short section as a drag strip before the circle on North and additional landscaping to the foreshore to provide more character and amenity to all who enjoy this section of beachfront."
- "Regarding the visual dog signs opposite my home and asking that they be shifted down the staircase as is the situation to the staircase on the left which has been installed half way down."
- "I would also like to take this opportunity to put forward my concerns about the covered bus stop in the same stretch of road. Since the bus stop has been installed the amount of antisocial behaviour has increased substantially at all times of night. I believe this is due to the fact that the bus stop is lit up at night and attracts drunks and other people wandering around. I have had to ring the police at least once due to the noise and vandalism. Would it be possible to at least remove the lighting which serve to illuminate the advertising and act as a beacon, particularly in summer. Unfortunately the people who loiter at the bus stop seem to have no consideration for nearby residents who are trying to sleep just metres away."

- “Traffic levels on the weekends are increasing as the popularity of Cottesloe as a recreational destination increases. The large volumes of traffic, particularly on the weekend, are continuous and noisy. It has come to my attention that the coast road in Sorrento has been terminated at a park so that through traffic halted. It would be good if the traffic volumes could be shared amongst a number of roads in the area by closing a section of Marine Parade.”

CONSULTATION

All affected properties received letters and were requested to comment.

STAFF COMMENT

There is almost full support for option 1 – *The removal of the areas of asphalt currently marked as “No Parking”, the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops.*

The proposed works can be undertaken prior to the asphalt resurfacing of Marine Parade from North Street to Grant Street, as part of that project, in 2006/07.

VOTING

Simple Majority

COMMITTEE COMMENT

Discussion was held in relation to the equity and safety of installing these parking bays.

Mayor Morgan suggested that option 3 was more suitable.

- (3) *That the status quo remain and existing embayments be red asphalt and lanes black asphalt.*

OFFICER RECOMMENDATION

That Council:

- (1) Arrange for the removal of the areas of asphalt currently marked as “No Parking”, the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops; and
- (2) Inform all respondents of Council’s decision on this matter and thank them for their contribution.

COMMITTEE RECOMMENDATION

That the status quo remain and existing embayments be red asphalt and lanes black asphalt.

AMENDMENT

Moved Cr Miller, seconded Cr Jeanes

That Council adopts option (2): The reintroduction of parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the ‘through’ lanes.

Lost 2/7

AMENDMENT

Moved Cr Furlong, seconded Cr Utting

That Council adopt the officer recommendation to:

- (1) Arrange for the removal of the areas of asphalt currently marked as “No Parking”, the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops; and
- (2) Inform all respondents of Council’s decision on this matter and thank them for their contribution.

Lost 4/5

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That:

- (1) The status quo remain and existing embayments be red asphalt and lanes black asphalt; and
- (2) Council inform all respondents of Council’s decision on this matter and thank them for their contribution.

Carried 9/0

12.2.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That:

- (1) **The status quo remain and existing embayments be red asphalt and lanes black asphalt; and**
- (2) **Council inform all respondents of Council’s decision on this matter and thank them for their contribution.**

Carried 8/1

12.2.3 COTTESLOE WADING POOL

File No: E 2.13
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in September, 2006 Council resolved:

That Council:

- (1) Continue to pursue formal answers from the Minister and the Premier regarding a \$2 : \$1 funding agreement on the upgrading of the Cottesloe Beach Groyne;*
- (2) Continue to work with DPI staff to ensure that the results of tenders called for this work are available for Council to consider no later than its December, 2006 meeting, to allow construction to commence in February, 2007;*
- (3) Work with DPI staff to obtain all other Government approvals required for this project to proceed on time;*
- (4) Include in the scope of works the removal of the wading pool;*
- (5) Request a staff report to be provided to Council on the design and costings for a replacement children's water feature as might be included in the 2007/08 budget; and*
- (6) Provide to Council its feasibility study on a lappers pool as per Council's November, 2005 resolution.*

This report deals with items (4) and (5) above. Item (6) is to be the subject of a separate report by the CEO to Council at its November or December 2006 meeting.

A recommendation is made to employ a specialist consultant to investigate and report on:

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

STATUTORY ENVIRONMENT

Council is vested with the maintenance and management of the Beach Groyne, Wading Pool and surrounding beach area.

Cottesloe Beach is zoned as 'Parks and Recreation' under the Metropolitan Region Scheme. Any development proposal for facilities on the beach will require the approval of the WA Planning Commission.

It is possible that some form of environmental assessment will be required under the *Environmental Protection Act, 1986*. It is expected that the *Health Act (Swimming Pool) Regulations, 1964* would not apply to any water spray/fountain type water facility however water quality would have to be adequately addressed.

The water supply, if it is not seawater, may have to come from the original bore source on the west side (sea side) of the Muderup rocks area.

POLICY IMPLICATIONS

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

The *Beach* policy also provides that:

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

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

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

STRATEGIC IMPLICATIONS

Council's Strategic Plan provides the following objectives.

District Development – Asset Management: Council will prepare and implement an asset management plan for the district incorporating a database, appropriate financial reserves and acknowledging disability issues.

District Development – Asset Management – Disability Issues: Review disability access plans and ensure suitable accessibility to all major assets for people with disability.

District Development – Asset Management – Financial Reserves: Create financial reserves associated with each major asset to provide for long term maintenance and replacement.

District Development – Environment – Beach Precinct: A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs.

District Development –Town Planning – Heritage: Preservation of nominated properties on the Municipal Inventory, verges, trees and the foreshore and dune systems.

FINANCIAL IMPLICATIONS

The three elements of any new water-based development on the beach (remove existing pool, provide a replacement children's water playground facility, and provide a 'lappers' pool) have widely varying cost estimates.

The removal of the existing waders' pool will be a low-cost exercise and is estimated at less than \$10,000, due to the expected availability of heavy machinery on-site in February, 2007 to restore the Cottesloe Beach Groyne.

Cost estimates for the supply and installation of a children's water feature playground range from \$100,000 to \$200,000. The project has three components:

- supply of playground components \$30,000 to \$50,000
- installation of playground components in a properly designed concrete base \$30,000 to \$50,000 and
- installation of a water supply and removal system \$50,000 to \$100,000.

The major unknown factor at this stage is the water supply system which will require a specialist consultant's report.

In 2001, a consultant engineering firm estimated the cost of upgrading the old wading pool, with a new water system at \$146,160.

A State Government contribution towards any new water playground facilities appears unlikely. The guidelines for applicants for the 2007/08 funding round of the Community Sporting and Recreation Facilities Fund indicate that funds will not be made available for certain projects. Amongst these projects are "...non land-based facilities, e.g. boat launching ramps, ocean pools and marinas..."

BACKGROUND

This matter was last considered in depth by Council in September, 2005. The following background is again presented in relation to the wading pool issue.

Wading Pool

The wading pool was closed for use in February/March 2001 due to water tests that indicated the water supplied used to fill the pool was contaminated. Up until then, the pool's operation was a fairly simple arrangement whereby the pool was filled each morning in the warmer months from a nearby bore then emptied each evening via a gravity drain over the sand.

The situation concerning water quality was first reported to Council's March 2001 meeting. The report noted public liability issues and the like and recommended that

Council permanently close the pool, remove the structure and that provision be made in the budget for more shade and shower facilities to replace it. Council resolved as follows:

That the matter be deferred, pending more information and alternatives for the facility and the water supply.

In April 2001 the matter was brought back to Council with further information that noted the Health Department had written to all Councils on the "Supervision of Aquatic Facilities" prompted by recent drownings. The report indicated that Council would be liable at law in the event of a drowning. It also stated that the wading pool was a "swimming pool" as defined by the *Health Act (Swimming Pool) Regulations 1964* and would have to comply with those regulations.

The report indicated that costs in the order of \$50,000 for capital works and \$50,000 for annual operation was not unrealistic and proposed a small children's water feature play area as an alternative. The recommendation to Council was as follows:

That Council:

- (1) Permanently close the beach wading pool on the grounds of public health and safety; and*
- (2) Obtain a design and costings for an alternative children's facility on the same site that incorporates shade and water features in a safe environment.*

Council resolved as follows:

That Council:

- (1) Request administration to obtain costings to re-open the Cottesloe Beach wading pool and operate it in full compliance with relevant requirements, including those relating to health and safety;*
- (2) Obtain a design and costings for an alternative children's facility on the same site that incorporates shade and water features in a safe environment;*
- (3) Hold a public meeting once relevant costing information is available to gauge community support for each option;*
- (4) Request administration to investigate sponsorship options.*

In October 2001 a Councillor raised the matter of progress in relation to the April 2001 resolution and Council resolved as follows:

That Council direct administration to:

- (1) Expedite the study of future options for the Cottesloe beach wading pool or water feature playground as agreed by Council on 30 April, 2001; and*
- (2) Examine immediate options to have the wading pool re-opened as soon as possible on an interim basis for the coming summer beach season.*

In November 2001 it was reported that the Health Department had reassessed the wading pool and had determined that it was not a "swimming pool" for the purposes of the *Health Act (Swimming Pool) Regulations 196*. However Council was advised that it would need to meet water quality and other safety standards.

An engineering firm with pool design/construction experience assessed the pool and recommended a water system and associated structural alterations (that included a new non-skid surface for the bottom) at a cost of \$146,160.

Allowing for a contingency appropriate shade structures etc the budget estimate was \$170,000. The officer recommendation was:

That Council:

- (1) Amend the 20001/02 Budget to include provision of \$170,000 for capital works on the Cottesloe Beach Wading Pool.*
- (2) Call tenders and or quotations to bring the water supply and maintenance system of the Cottesloe Beach Wading Pool up to an acceptable standard.*
- (3) Delegate power to the CEO to accept tenders up to a maximum amount that together do not exceed \$170,000 for the project to bring the water supply and maintenance system of the Cottesloe Beach Wading Pool up to an acceptable standard.*

The Works and Corporate Services Committee resolved to make the following recommendation to Council:

That Council:

- (1) Note the Cottesloe Beach Wading Pool is beyond economical repair to bring it to an acceptable standard; and*
- (2) Arrange for the current structure to be demolished.*

This motion was lost at the Council meeting.

In July 2002 a report was put to Council detailing the process so far and noting, among other things, that an engineering firm (GHD) had completed testing on the structure of the wading pool and a report on its expected life. The report said that the reinforced concrete forming the pool was in "generally good condition". Apart from some delamination which need to be repaired and monitored and rusting pipe work (water feed and drain) which need some attention, wide spread corrosion of the reinforcing was unlikely to occur for a proximately 100 years. Sealants in joints and walls appeared to be in good condition. The officer recommendation to the Works and Corporate Services Committee was:

- (1) That the 2002/2003 budget be amended to provide \$20,000 for the investigation and design of modifications to the wading pool and provision of a salt water supply.*
- (2) That Ninnes Fong and Partners be engaged to provide a report to:*
 - (a) Review the technical information now available;*
 - (b) Investigate the options for an acceptable water supply to the pool;*
 - (c) Investigate the need for repair and modification the wading pool;*
 - (d) Prepare a design concept;*

- (e) *Prepare cost estimates; and*
- (f) *Report on relevant safety issues.*

The committee referred the matter through to full Council for further consideration because it felt that Council needed to resolve the fundamental question of whether there was a future for the wading pool or not.

At the Council meeting Cr. Whitby tabled the following recommendation.

That Council:

- (1) *Resolve to retain the Cottesloe Beach Children's Wading Pool as a public facility providing safe recreational enjoyment to adult-supervised children;*
- (2) *Amend the 2002/2003 Budget to provide \$5,000 for the design of urgent modifications to provide the Wading Pool with a continual flow of clean seawater as suggested by the Health Department of WA.*
- (3) *Advise its intention to proceed with necessary works within cost limits, so that the Wading Pool can be re-opened for public use as soon as possible.*

With the agreement of the meeting, each part was dealt with separately and the following resolutions resulted.

- (1) *Resolve to retain the Cottesloe Beach Children's Wading Pool as a public facility providing safe recreational enjoyment to adult-supervised children;*
- (2) *Amend the 2002/2003 Budget to provide \$20,000 for the design of urgent modifications to provide the Wading Pool with a continual flow of clean seawater as suggested by the Health Department of WA.*

Part (3) was withdrawn by the mover with the agreement of the seconder.

In November 2002 the matter was brought back to Council. McDowall Affleck had been engaged and had reported that the cost of installing a salt water supply would range from \$66,000 to \$89,000 depending on the configuration. Modifications to the pool structure were estimated at \$70,000 and a further \$15,000 for a non-slip surface (all up \$151,000 to \$174,000 which was in line with the previously obtained estimates). The report also noted that consideration needed to be given to the future of the wading pool in light of the lap pool proposal that might see that pool located in the same area. The officer and Committee recommendation was as follows:

That Council:

- (1) *Receive the further reports on the options and estimated costs of pumping seawater to the wading pool;*
- (2) *Engage McDowall Affleck Pty Ltd to prepare the necessary design detail and specifications based on twin supply pipelines from the ocean, with a single pump housed in the existing well structure and utilising the existing delivery and discharge lines to the pool.*
- (3) *Not proceed with the suggested modification to the existing wading pool which were estimated to cost an additional \$70,000;*
- (4) *Seek all necessary approvals from Department of Health and Department of Planning;*
- (5) *Resolve to fund the amount of \$90,000 in the 2003/4 budget.*

At Council level the committee recommendation was put and lost 4/5. This resulted in the matter being put into limbo as it were.

Lap Pool Proposal

The lap pool proposal first came before Council at its August 2001 meeting where it was reported that the Cottesloe Beach Pool Action Group had made an approach to the Town of Cottesloe asking for the consideration of a proposal for the installation of a 50 metre lap pool on Cottesloe Beach in the vicinity of the wading pool. The group asked Council to sponsor an application to the Department of Sport and Recreation for a grant to undertake a feasibility study.

At a Special meeting of Council held on 26th September 2001 it was decided:

That Council advise the Beach Pool Action Group that it is prepared to support an application for funding for a feasibility study on a beach pool, on the clear understanding that there is no commitment to any further action on this matter.

The grant application was unsuccessful.

Mr Tom Locke then gave a presentation to the Works and Corporate Services Committee meeting in December 2001 and at the December 2001 Council meeting it was decided:-

That Council appoint three elected members of Council and the Chief Executive Officer, and the Manager of Works & Special Projects, to liaise with the Beach Pool Action Group in relation to this group's proposed children's wading pool and adult swimming pool at Cottesloe Beach.

In July 2004 it was reported to Council that the Councillors and staff had met with the Beach Pool Action Group where it was agreed that a "needs assessment" had to be undertaken by the group if it was to win support from Council in developing the project further. The "needs assessment" was subsequently undertaken by the group.

The "needs assessment" study provided by the group was roundly criticised by Council staff and it was recommended that the need for a marine pool should not be accepted by Council. Also that the project should be put on hold until such time as a thorough and objective "needs assessment" was undertaken with the direct involvement of the Town.

Nonetheless the Works and Corporate Services Committee was advised that the Cottesloe Surf Life Saving Club was prepared to support the Beach Pool Action Group in going beyond the "needs assessment" phase and undertaking the "feasibility study" phase. Further that if the lap pool was constructed on the beach the beach, the area would be included in life saver patrols.

Council felt that the matter should receive further consideration and that a SWOT analysis should be undertaken along with community consultation prior to a "feasibility study" being undertaken.

The SWOT analysis was conducted with the assistance of a consultant in December 2004 and the results reported to the February 2005 Council meeting.

The officer's report said that the SWOT analysis did not produce any conclusive argument for or against the pool proposal and that many arguments in favour (strengths and opportunities) were also arguments against (weaknesses and threats).

The value of conducting another community survey was also questioned as the Beach Pool Action Group had already conducted a community survey - albeit that it was based on the assumptions of free access to a pool and no impact on Council rates. It was argued that another community survey would only provide similar results to the earlier survey given the same assumptions.

The report went on to say the following:

...in keeping with the Department of Sport and Recreation's planning process, the next step is for a feasibility study to be conducted. This is expected to cost \$20,000 to \$30,000 but would need to be confirmed, based on what is required, for budget purposes...

As there is no budget provision to undertake the feasibility study at this time, it is recommended that the matter be deferred and that financing of the feasibility study be considered as part of the 2005/06 budget deliberations.

Council agreed with the recommendation and an amount of \$25,000 was set aside in the 2005/2006 budget under the heading of Swimming Areas & Beaches - Service Delivery & Goods – Consultants.

Expenditure of the funds was ultimately deferred by Council when in September, 2005 it resolved:

That Council:

- (1) Proceed to undertake a preliminary in-house feasibility study, focusing on location, liability issues, construction costs and maintenance costs and put the study out for public consultation, incorporating the right of reply of the Beach Pool Action Group; and*
- (2) Subject to public consultation and a feasibility study on a proposed lap pool, commence the process to convert the wading pool at Cottesloe Beach into a children's water feature with planning and other approvals to be obtained in 2005/06 and construction planned for 2006/07.*

From the above Council resolution it can be seen that the conversion of "...the wading pool at Cottesloe Beach into a children's water feature..." was dependent on the completion of "...a preliminary in-house feasibility study ..." of the proposed lap pool amongst other things.

At the last meeting of Council it was decided to remove the wading pool. In relation to both the children's water playground and the proposed lap pool it was also decided to:

Request a staff report to be provided to Council on the design and costings for a replacement children's water feature as might be included in the 2007/08 budget; and

Provide to Council its feasibility study on a lappers pool as per Council's November (read September), 2005 resolution.

Subsequent investigations by staff of the Town of Cottesloe suggest that the replacement of the wading pool at Cottesloe Beach with a children's water feature need not be conditional upon a preliminary in-house feasibility study of the proposed lap pool.

CONSULTATION

Nil

STAFF COMMENT

Council resolved at its previous meeting to include the removal of the existing wading pool in the scope of works for the groyne upgrading. This vote was carried 10/0 and demonstrates a firm Council resolve to remove the pool.

With regards to a proposed children's water feature play area, there is a variety of choice regarding the components and the setting they are installed into.

There are, however, only three options regarding a water source – scheme water, bore water or sea water.

The original bore water supply to the wading pool was closed down in 2001 due to contamination. Since that time, alternative treatment systems, apart from chlorination, have improved and offer better performance. Two of these alternatives are ultraviolet and ozone treatment. Both systems do not use chemicals such as chlorine to treat pool water. If chlorine is used, it must be removed before being drained into the beach sand or being pumped back into the sea.

If a children's water play area is to be installed and if the original water source from a shallow bore at the base of the nearby limestone rock area can still provide the water volume required, a non-chlorine-based water treatment system would overcome problems associated with a chlorine-based water treatment system.

Use of the existing bore as a water source would also eliminate the major expense associated with the alternative of pumping sea water through a filter and quality water treatment system and then returning the water to the sea.

The complexity and cost of the sea water alternative has the potential to destroy the viability of the water playground project. The piping inlet to pump seawater, the outlet location for the disposal of treated seawater, the problems of seawater pollution entering and exiting any treatment system, the build up of marine growth on inlet and outlet pipe ends, potential storm damage etc all become major concerns requiring carefully thought out solutions.

A smaller children's wet playground using treated bore water therefore offers less uncertainty and much greater control over lower costs.

The merits of a combined lap pool and water playground feature as opposed to independent facilities are discussed in more detail below.

1. Water supply: It is highly likely that the old bore water source could not be developed to provide the quantity of water required for both a lap pool and a water playground feature, regardless of water quality treatment options. In any event, proponents of the lap pool proposal do not want a freshwater pool. By default this leaves the seawater option as the only option for a common water source for both a lap pool and a water playground feature.

With seawater the quantity of water available as a resource is obviously not a problem. However difficulties arise with providing a system that can extract uncontaminated seawater, filter the seawater, treat, circulate and remove any contaminants before return the salt water to the sea. A seawater system is likely to be a complex, expensive project, requiring specialist consultant advice and extensive involvement with government departments regarding planning, environmental and health approvals. The provision of water playground feature is therefore likely to be delayed as technical difficulties are sorted out.

2. Location: During extreme, winter storm events, the majority of sand on the summer beach area can be totally removed and what remains subjected to major wave action. Any lap pool constructed in the sand area of the Cottesloe Beach must be of a sufficient scale and strength of construction to counter storm events which are forecast to become more rather than less intense with climate change. The more extensive the capital investment, the greater the protection works required. A relatively cheaper water playground feature operating independently of a lap pool reduces overall exposure to risk and does not bind the future of both in together.
3. Maintenance and liability: A new facility involving a combined lap pool and a water playground feature would require a variety of increased maintenance functions:
 - Daily removal of sand from the lap pool, cleaning, filter and water treatment maintenance plus maintenance of a non-slip surface.
 - Vandalism and graffiti – like every other form of infrastructure on the foreshore, this new facility would require increased staff efforts and cost, including weekend work on overtime rates.

Separation of the two facilities would enable Council staff to maintain the water playground feature at much reduced expense while the Beach Pool Action Group would be responsible for the lap pool.

In terms of public liability, it is likely that one full time staff member or life saver would be required when a combined operation is open for public use. Because daily use would be longer than the normal work shift per day and run over seven days a week, a roster system would be needed for a minimum of two staff. Such staff would have to be fully trained for life saving and first aid and require a small building for shelter, storage of equipment, security and rest breaks.

The need for maintenance and supervisory staff can largely be designed out of a water playground feature.

4. Surrounds/security: A lap pool will require a quality security fence for public safety and the minimisation of Council's exposure to public liability claims. Lighting will also be required for night security as well as the provision of lighting to the public for safe use.

Alternatively, access to an independent water playground feature will not be limited by fencing and can simply be shutdown at night.

Given the above it is the author's belief that the potential for the construction of a water playground feature is much improved if it is separated from the lap pool proposal. The risks and potential cost are much reduced and the likelihood of something eventuating after 5 years of closure of the existing wading pool is enhanced.

A children's water playground feature using spray and fountain type play items, with water coming from a rehabilitated and treated bore water source has much to recommend it.

A consultant's report on the potential and costs of reactivating the old bore water source, treatment of the water to *Health Act* requirements for use in a water playground and a recommendation on a non-chlorine based water treatment system is therefore required.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER & COMMITTEE RECOMMENDATION

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

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

AMENDMENT

Moved Cr Carmichael, seconded Cr Furlong

That Council employ a specialist consultant to investigate and report on the potential for the refurbishment of the old bore water source for use in a new children's water playground and that items (2), (3) and (4) not be investigated until the above report is received.

Lost 3/6

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Jeanes

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

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

Carried 6/3

12.2.4 BUSINESS PLAN, SALE OF NO. 45, LOT 8 LYONS STREET, COTTESLOE

File No: E15. 6
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting on 22nd May, 2006 Council resolved:

That Council:

- (1) *Authorise the Mayor to sign documentation on behalf of the Town of Cottesloe regarding the funding agreement with the Australian Government for the Water Smart Project: "Restoration of the Groundwater Aquifer on the Cottesloe Peninsula;*
- (2) *Prepare a business plan covering this land transaction, with advertising to comply with Section 3.59 of the Local Government Act, 1995 and Council consideration of the results prior to any sale of No 45, Lot 8 Lyons Street, taking place in 2006/07.*

Item (1) of the above resolution has been completed and a draft business plan for the sale of No. 45, Lyons Street, Cottesloe is now presented for Council's consideration.

A recommendation is made to proceed with advertising of the plan so that Council can consideration any submissions prior to commencing any sale process.

STATUTORY ENVIRONMENT

Sections 3.58 and 3.59 of the *Local Government Act, 1995* apply.

3.58. Disposing of property

(1) In this section —

"dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not;

"property" includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

- (i) describing the property concerned;
- (ii) giving details of the proposed disposition; and
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

3.59. Commercial enterprises by local governments

(1) In this section —

“acquire” has a meaning that accords with the meaning of **“dispose”**;

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“land transaction” means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

“major land transaction” means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

“major trading undertaking” means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

“trading undertaking” means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

The proposed sale of land by public auction meets the requirements of 3.58.

The property sale is affected by Section 3.59 of the *Local Government Act, 1995* because the income for this sale is likely to be in excess of 10% of the annual operating expenditure of the Town of Cottesloe. This necessitates the preparation and advertising of a business plan for the sale.

POLICY IMPLICATIONS

The *Sale of Property* policy applies.

SALE OF COUNCIL PROPERTY

That as a matter of Policy, when Council is considering the sale of any Council property, such sale shall be based on a market valuation and not a valuation provided by the Valuer General.

STRATEGIC IMPLICATIONS

One of the objectives of Council's Strategic Plan is to "produce and implement a realistic five year plan for the maintenance of all major assets". Income from this land sale will allow Council to fund its long term road and street drainage program.

Council's Strategic Plan also provides, under District Development – Environment: *Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.*

This project has, as one of its aims, the recharge of the groundwater aquifer under Cottesloe, which has significant environmental benefits.

FINANCIAL IMPLICATIONS

Council has budgeted to receive \$1.2m for the sale of this property. This is after all costs have been deducted, including goods and services tax, real estate costs and the site costs involving removal of drainage structures on the property and the filling of the sump.

BACKGROUND

As per the *Local Government Act, 1995* Section 3.59, a business plan is required because the income from the sale may be in excess of 10% of the annual operating expenditure of the Town of Cottesloe.

The main purpose of this property sale is to provide Council with the capacity to meet its financial obligations for the four-year "Restoration of the Groundwater Aquifer on the Cottesloe Peninsula, Western Australia" program which is being funded one-third by the Federal Government through the National Water Initiative.

CONSULTATION

The business plan is to be advertised in a state-wide newspaper, included on Council's webpage and on Council's notice boards.

It is intended that the results will be considered by Council at its December, 2006 meeting.

STAFF COMMENT

This property sale is a major part of Council's 2006/07 budget. It will allow enhance Council's drainage systems, redirect surface drainage water into the water aquifer, remove ocean outfall pipelines and aesthetically enhance seven large open drainage sumps while achieving improved control over pollutants entering the groundwater aquifer.

The best time for selling land in Cottesloe is during the summer months. The business plan should be advertised now in order to maximise the window of opportunity.

This process is identical to that undertaken in 2005/06 for the sale of 103 Eric Street.

VOTING

Simple Majority

COMMITTEE & COUNCIL COMMENT

The Committee and Council both agreed that expressions of interest be advertised and sought from local real estate agents to sell the land by auction.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That in compliance with Section 3.59 of the *Local Government Act, 1995* the Town of Cottesloe advertise the business plan for the sale of No. 45, (Lot 8) Lyons Street, Cottesloe.

Carried 8/0

12.2.5 PROCOTT/COUNCIL WORKING GROUP - PROGRESS TO DATE

File No: X 5. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in May, 2006 Council resolved:

That Council form a working group comprised of Cr Cunningham, Cr Dawkins and two representatives from Procott, supported by the Manager Engineering Services, to report back to Council on proposed plans for signage in the town centre, costs and cost-sharing arrangements.

This report provides details on the matters discussed by the Working Party to date and recommends that Council:

- (1) Note the discussions to date of the ProCott/Council Working Group; and
- (2) Support the commercial area street name sign additions and the proposal for 'Welcome to Cottesloe/Cottesloe Main' signs in five proposed locations.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Street name sign additions – less than \$2,000 - to be charged to sign maintenance.

BACKGROUND

Council discussions in May 2006 centred on the Cottesloe Business Association's request for Council to undertake works. In particular, signage and banners/banner poles indicating the 'Cottesloe Main' shopping precinct and featuring a new name and logo adopted by ProCott.

Several meetings of the ProCott/Council Working Party have been held and the minutes of the meetings are attached. The matters discussed mainly related to street name signs, larger 'Welcome to Cottesloe/Cottesloe Main' signs and banner poles in Stirling Highway.

CONSULTATION

The working party is an ongoing consultation effort between Council and the Cottesloe Business Association.

STAFF COMMENT

Working party members have worked through the original ProCott priorities regarding signage and banner poles.

Main Roads WA requirements for banner pole installation on highways make it impossible to place large banner poles on the Stirling Highway median islands between Jarrad Street and Forrest Street. Therefore, smaller scale banner poles are being investigated for the west side highway footpath and the commercial area.

The smaller-scale, lower-cost proposed changes to existing street name plates in the commercial area bounded by Jarrad Street, Stirling Highway, Forrest Street and Railway Street are intended to be undertaken in the near future using sign maintenance funds. Approximately 12 signs will be affected, with the change to each existing sign being the addition of a metal 'wave' shaped plate above the name sign featuring the word 'Cottesloe Main' in colour plus the coloured logo, on a white background.

The third type of sign is proposed for five sites and would feature "Welcome to Cottesloe" with the Cottesloe Main and logo as the message.

The provision and installation of these signs, at a cost of \$1150 each plus installation, is not proposed at this time using Council funding.

The five sites proposed are:

1. the corner of Stirling Highway and Forrest Street,
2. the corner of Railway Street and Forrest Street,
3. on the west side of Stirling Highway, near the Veterinary Clinic,
4. on Jarrad Street, on the north side, between Curtin Avenue and level crossing, and
5. on the west side of Railway Street, on the top of the concrete retaining wall opposite Station Street, to be visible to train patrons at the railway station.

At this stage, permission has yet to be received from the Public Transport Authority to mount a banner on the railway pedestrian crossing bridge at the railway station plus a 'Cottesloe Main' plus logo sign above the Cottesloe Station sign.

The working party will continue to meet until all signage issues have been resolved.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Note the discussions to date of the ProCott/Council Working Group; and**
- (2) Support the commercial area street name sign additions and the proposal for 'Welcome to Cottesloe/Cottesloe Main' signs in five proposed locations.**

Carried 8/0

12.3 FINANCE**12.3.1 FINANCIAL REPORT FOR SEPTEMBER, 2006**

File No: C 1. 2
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 5 October, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

It is recommended that Council accept the Financial Report for September, 2006.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Manager Corporate Services provides a summary report to Council of the previous month's activities.

CONSULTATION

Nil.

STAFF COMMENT

September 2006	Actual YTD	Budget YTD	Variance	Variance %
Total Revenue (excluding rates)	\$717,782	\$694,804	\$22,978	0.4
Total Expenses	\$1,502,051	\$1,859,323	\$357,272	19.2
Capital Expenditure	\$370,080	\$388,000	\$17,920	4.6
Other	\$3,472	\$3,500	\$28	0.8

Financial Commentary and Analysis

It is pleasing to note that revenue and capital expenditure are very close to budgeted expectations. Expenses are favourable to budget with 2 main causes for the

variance: depreciation has not been run yet for the year due to constraints from the audit; and, timing differences with lower than budgeted expenditure on contractors in the area of sanitation.

IT Steering Committee

The Mayors Parlour has been converted into a training room with 8 active computers. Training has commenced on both the council and records management software. The external training for the records management will be completed by the end of October and will cover the majority of staff. Our Records Manager will then conduct one-on-one sessions with the remaining staff as required.

Community Safety & Crime Prevention

There has been significant activity in this area in the past month. I had meetings with the Community Safety & Crime Prevention Committee, the OBH, Cottesloe Hotel and a morning tea with the Cottesloe Police and Town of Cottesloe Rangers.

Disability Services Advisory Committee

This committee and the related Universal Beach Access Group have been active. A draft timeframe developed by the Universal Beach Access Group is included in the supporting papers. The activities include:

- Development of community consultation plan
- Evaluation of wheelchairs by Curtin University
- Access audit for each location
- Publicity approach
- Development of protocols and procedures
- Funding applications
- Risk Management Plan
- Construction plan

Surf Life Saving WA is now involved with the project. Also, the Disability Services Commission has agreed to purchase 5 wheelchairs and 50m of beach matting for the pilot project. Graduate students from Curtin University will complete an element of their Masters study by evaluating the matrix of different wheelchairs, locations and disability types. The involvement of Curtin University was recently confirmed at the meeting of the Universal Beach Access Group held on Tuesday (3/10/2006). The next meeting is going to focus on fundraising and a representative from Lotterywest will be present.

VOTING

Simple Majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council accept the Financial Report for September, 2006.

Carried 8/0

12.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006

File No:	C 7. 4
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 September, 2006
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 September, 2006, 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 \$378,971 as at 30 September 2006. Operating Revenue is ahead of budget by \$21,699 (0.4%). Operating Expenditure is \$357,272 (19%) less than budgeted YTD.

It is important to note that these financial reports have work yet to be completed due to time constraints with the implementation of the new council software, the audit and staff annual leave. This has resulted in a number of timing differences, primarily in the expenditure section. The main causes of the lower than anticipated expenditure include: depreciation has not been run for the new year and lower than budgeted expenditure on contractors in the area of sanitation.

The Capital Works Program is listed on pages 21 to 22 and shows total expenditure of \$713,041. 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.

VOTING

Simple Majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 September, 2006, as submitted to the 17 October, 2006 meeting of the Works and Corporate Services Committee.

Carried 8/0

12.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006

File No:	C12 and C13
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 September, 2006
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 September, 2006, 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 42 of the Financial Statements shows that \$4,074,386.38 was invested as at 30 September, 2006.

Reserve Funds make up \$691,125.01 of the total invested and are restricted funds. Approximately 55% of the funds are invested with the National Australia Bank, 30% with Home Building Society and 15% with BankWest.

The Schedule of Loans on page 43 shows a balance of \$347,405.93 as at 30 September, 2006. There is \$176,728.62 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 September, 2006, as submitted to the 17 October, 2006 meeting of the Works and Corporate Services Committee.

Carried 8/0

12.3.4 ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2006

File No:	C 7. 8
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 September, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 September, 2006, 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, which are included in the list of accounts commencing on page 36 of the Financial Statements, are brought to your attention:

- \$13,192.07 to WA Local Govt Super for staff deductions
- \$13,493.48 to WA Local Govt Super for staff deductions
- \$10,527.00 to C E Nicholls & Son for pool inspections
- \$26,184.51 to TAPSS for our contribution for 6 months to 31/12/2006
- \$13,126.21 to BCITF paying fund levies
- \$11,550.00 to Civica as instalment for council software purchase
- \$25,674.00 to Claremont Asphalt for various repair work
- \$20,979.97 to K & F Concrete for footpath improvements
- \$29,261.57 to Shacks Holden for purchase of vehicle
- \$14,383.98 to WMRC for removal of waste
- \$15,141.50 to Claremont Asphalt for work on various drains & soakwells
- \$13,827.00 to Dell for new server
- \$223,652.82 to FESA for emergency services levy

- \$19,735.20 to Roads 2000 for traffic control & road sweeping
- \$114,982.57 to Shacks Holden for purchase of vehicles
- \$83,029.18 to Town of Mosman Park for drainage installation
- \$56,313.03 and \$51,734.72 for staff payroll

VOTING

Simple Majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the List of Accounts for the period ending 30 September, 2006, as submitted to the 17 October, 2006 meeting of the Works and Corporate Services Committee.

Carried 8/0

**12.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 SEPTEMBER, 2006**

File No:	C 7. 9
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 September, 2006
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 September, 2006 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 40 of the Financial Statements shows a balance of \$170,036.42 of which \$2,902.65 relates to the current month. The balance of aged debt greater than 30 days stood at \$167,133.77 of which \$83,316.32 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report on page 41 of the Financial Statements shows a balance of \$2,057,495.49. Of this amount \$158,204.19 and \$8,894.08 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$1,890,397 in 2006 compared to \$1,824,532 last year.

VOTING

Simple Majority

12.3.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 September, 2006; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 September, 2006.**

Carried 8/0

12.4 CEO CONTRACT PANEL**12.4.1 CEO'S CONTRACT RENEWAL****File No:** X9.12

File Name: AAA CEO s Contact Renewal.doc Approved By This line will not be printed, do not delete

Author: Mr Stephen Tindale**Author Disclosure of Interest:** The author has an interest in the matter as it directly relates to his employment.**Report Date:** 18 October, 2006**Senior Officer:** Mr Stephen Tindale

SUMMARY

At the July 2006 meeting of Council it was decided to appoint Mayor Morgan, Cr Miller, Cr Furlong and Cr Walsh to a panel charged with the responsibility of negotiating a new contract with the CEO and reporting back to Council.

The panel has met on a number of occasions and has settled a new contract offer.

A recommendation is made by the panel to offer the new contract to the CEO.

STATUTORY ENVIRONMENT

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

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.39. Contracts for CEO's and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5) may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

A number of minor changes have been made to the proposed salary package with the overall monetary value of the package remaining the same as that which currently applies with the exception that Council's contribution to superannuation will increase by 1% in accordance with Council policy as the CEO enters his sixth year of service.

BACKGROUND

At the July 2006 meeting of Council it was decided to appoint Mayor Morgan, Cr Miller, Cr Furlong and Cr Walsh to a panel charged with the responsibility of negotiating a new contract with the CEO and reporting back to Council.

The panel has met on a number of occasions and has negotiated a new contract with the CEO utilising the services of Simon White from Local Government Workplace Solutions.

Attached to this agenda is a copy of the proposed contract which is based on the model contract. The model contract has been prepared and endorsed by the WA Local Government Association, Local Government Managers Australia and the Department of Local Government and Regional Development.

The CEO has indicated that he is prepared to accept the proposed contract.

Also attached is a copy of a report by the made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to local government CEOs. The report is to be taken into account by Council before entering into, or renewing, the contract of employment with the CEO.

CONSULTATION

Simon White from Local Government Workplace Solutions has advised the following:

The employment contract negotiated for the Chief Executive Officer has been based on the industry standard version agreed upon by the WA Local Government Association, LGMA and the DLG&RD. The remuneration package of \$156,697 is comparative with Local Governments of a similar size and metropolitan location. The package also sits within Band 3, the Salaries and Allowance Tribunal band allocated for the Town of Cottesloe.

We consider the contract terms are reasonable to both parties and do not believe there are any abnormal or extravagant conditions within the document.

STAFF COMMENT

Nil

VOTING

Simple Majority

DECLARATION OF INTEREST

Mr Tindale declared a financial interest.

12.4.1 PANEL RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Furlong

That Council:

- (1) Close the meeting to members of the public on the grounds that the matter affects an employee.**

Carried 8/0

Mr Tindale, Mr Patrick, Mr Trigg and Mrs Peers left the meeting at 9.36pm.

Moved Cr Strzina, seconded Cr Furlong

- (2) Enter into the proposed contract of employment with the CEO and that the Mayor be authorised to sign and seal the contract.**

Carried 8/0

Mr Tindale, Mr Patrick, Mr Trigg and Mrs Peers returned to the meeting at 9.48pm.

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 9.48pm

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