

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 24 August, 2015

DOUG ELKINS
A/Chief Executive Officer

28 August 2015

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor thanked the Acting Manager of Corporate and Community Services, Mr Cary Green, who has been working with the Town for the last 2 months.

The Mayor extended a warm welcome to the newly appointed Manager of Corporate and Community Services, Mr Garry Bird. She outlined Garry's extensive experience in the local government sector and senior management roles in both Local and State Government. Garry commenced work today.

The Mayor announced a special mention for Neville and Mary Green as Neville retired from his role as the Cottesloe RSL sub branch President this month - August 2015. The Mayor noted that Mary and Neville lived in Cottesloe for 40 years. Neville Green had been a member of the RSL for approximately 24 years, serving in a number of roles at the Cottesloe sub branch, including Vice President for 2 years, Auditor for 5 years, Honourary Secretary for 4 years, and, most recently, President. As Honourable Secretary, Neville, along with the sub branch President, coordinated the Cottesloe ANZAC Day Commemorative Services. As President, Neville oversaw the Cottesloe sub branch ANZAC Day Centenary Commemorations.

Neville also instigated the Fred Bell VC Memorial Lecture Series in 2010. The lecture series feature a Victoria Cross recipient as the subject of each lecture, and has become a popular addition to Cottesloe's annual calendar.

Neville's lasting legacy to Cottesloe is his research project, commenced in 2012, which resulted in the publication of the book 'Not Just a Name'. The book honoured the WW1 men and women whose names are recorded on Honour boards in the Cottesloe, Mosman Park and Peppermint Grove districts, formerly known 'Cottesloe Beach District'. He was assisted by Anne Barwood and Lynne Mannolini. The book was launched in April 2015.

The Mayor also acknowledged Mary Green, who was a huge support to Neville as well as being both a Social Member of the Cottesloe RSL and Affiliate Member. In August 2014, Mary took on the role of Honourable Secretary until retiring with Neville this month.

On behalf of the Town of Cottesloe, the Mayor formally acknowledges and thanks Neville and Mary Green.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Mr Greg Dodds, 8 Marine Parade, Cottesloe – Re. Pedestrian Safety Issues on Marine Parade

Q1: Could we see who contributes through Council Rates along Marine Parade?

Q2: Could we see a rate roll that highlights the percentage of the rate total paid by residents and by business on Marine Parade?

A: The answer to both questions is being provided together. The Town's rate records (roll) is available for inspection at the Town's Administration Offices, however, we don't generally republish the records for privacy reasons. In summary there are 263 rateable properties listed with a rates address of Marine Parade. Of these properties 11 are zoned commercial and 252 are zoned residential. The commercial properties contribute \$151,242 in rates where as the residential properties contribute \$507,863 in rates. On percentage basis, the commercial properties contribute 22.3% of the rates where as the only comprise 4.3% of the rateable properties.

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

Q1: When will council start repainting the road signage so it's clear where there is no vehicular standing? And to repaint the speed limit signs also?

A1: The 'No Parking' stencils on the road are due for renewal and will be repainted in the near future, depending on other priorities and the weather. Speed signs are the responsibility of Main Roads Western Australia, not the Town. The Town has provided advice to Main Roads Western Australia that the painted speed signs are faded. The response provided was that the painted speed signs were installed as part of a trial. It is the view of Main Roads Western Australia that the painted speed signs do not add to the level of speed compliance, so these will not be repainted. It is noted that the Town's speed survey confirmed strong compliance with the speed limits on Marine Parade.

Q2: Will council follow up and ask for a redress on this crosswalk issue? Or if not, formulate another plan for safe crossing, such as a Pedestrian safe haven?

A2: The installation of 'Zebra' style pedestrian crossings requires particular minimum volumes of traffic and pedestrians, as well as a particular minimum ratio of pedestrians to vehicles. This site does not meet the minimum standard required for the installation of a Zebra crossing. Installing Zebra crossings where the warrants are not met is a dangerous practice that is not supported by the Town. The Town's own experience is that Zebra crossings increase the likelihood of pedestrians being

struck by a car (this is demonstrated in the accident statistics for the existing pedestrian crossings in Marine Parade). Accordingly, there are no plans to further pursue a Zebra crossing at this location.

A median island extends the full length of Marine Parade. The median is a pedestrian safe haven.

4.2 PUBLIC QUESTIONS

Ms Patricia Carmichael, 14 – 116 Marine Parade, Cottesloe – Marine Parade Traffic

Ms Carmichael thanked councillors Downes, Pyvis, Birnbrauer, Walsh, Jeanes and Mayor Dawkins who have listened to the Marine Parade residents with regards to the issue of traffic hazards of Marine Parade and asked the following questions:

1. A timeframe for the appointment of a consultant to address the traffic hazard at Marine Parade?
2. What will be the criteria (benchmark) for his/her selection?
3. Will Marine Parade residents be invited to meet with the consultant to "have a say" on well known black spots along Marine Parade.
4. As previously requested during the June 2015 Budget will Council approve in tonight's meeting the \$100,000 plus warranted for the immediate EMERGENCY modifications Marine Parade to assist with minor item improved line markings, lighting etc. asap?

She requested that remedial action not be "dragged out" to fit in with the forthcoming Council elections October 2015. She stated that on Sunday 23 August 2015 she saw close call near the corner of Gibney Street crossover to Marine Parade as out walking of a woman pushing an elderly man in wheel chair, with her daughter, waiting to cross Marine Parade over to the beachside of the road.

The Mayor stated that the questions will be taken on notice.

5 PUBLIC STATEMENT TIME

Mr Horst Schmidt, 27 Deane Street, Cottesloe – Re. Item 10.3.2 – No. 21 (Lot 18) Deane Street - Two-Storey Dwelling and Pool

Mr Schmidt objected to the proposed underpass for 21 Deane St as it would set a precedent for the locality. He believes that it is a unique area which this application if approved would ruin. Mr Schmidt mentioned that the laneway which he has used for the last 30 years is available and on the northern side of Deane St properties also have a laneway which everyone uses.

Ms Barbara Pascoe, 17 Deane Street, Cottesloe – Re. Item 10.3.2 – No. 21 (Lot 18) Deane Street - Two-Storey Dwelling and Pool

We live in the property adjacent to and to the west of the property we are now discussing.

With all Councillors present, I would like to once again make a particular point I made last Monday; that is, our property has Deane St access because when we purchased the property in 1975 it had no rear lane and no street access. It still has no rear lane. In 1976 the Council engineer designed our driveway which Council subsequently approved. The unsightly retaining wall that the developer refers to and wants to remove part of is the upper retaining wall of our driveway.

I want to touch on two points related to the 21 Deane St development. Firstly, I am aware that Council is looking at what they consider the Natural Ground Levels to be versus those that the developer has presented. It affects all neighbours. We have all made comment on this matter and all we want is a fair outcome. My second and far greater concern is the application for a driveway going into the cliff and under the footpath. As the application would involve our only point of access to our property there are quite a number of issues that pertain to us alone, but I do not want to dwell on those tonight.

With regard to the street as a whole, over the last few years Council knows I have opposed similar applications in this section of Deane St. As far as I know, not one of them has been approved by this Council.

My three main concerns are amenity, precedent and safety.

With regard to amenity, the Deane St cutting between Avonmore Tce and Broome St is unique, as there are steep cliff faces, numerous well-established trees and there is not the standard curbing seen in other streets, which means cars can pull off the road to park. I and other residents I have spoken to believe this amenity is well worth preserving.

With regard to precedent, if the underground driveway at this development gets approved it will set a precedent for the houses in a similar situation in the street. There are six homes opposite this proposed development which currently have rear lane access only. Those houses and others in the cutting may well pursue the same option if this crossover is approved.

With regard to safety, having this proposed tunnel and potentially others going into the cliff-face would seem to be creating a dangerous situation in terms of the stability of the cliff and safety for cars, cyclists and pedestrians.

I note that the developer has said the proposed driveway will solve an apparent parking problem between Broome St and Avonmore Tce. In the 40 years that I have lived there and I have never seen a significant problem or none more so than any other street in Cottesloe.

Number 21 has adequate rear lane access so I cannot see why this property should receive special treatment regarding street access.

Ms Prue Bermingham, 33 Deane Street, Cottesloe – Re. Item 10.3.2 – No. 21
(Lot 18) Deane Street - Two-Storey Dwelling and Pool

My family has lived at 33 Deane St for 20 years. Just before we bought our block I remember saying to a friend as we walked up the footpath overlooking the cliffs, I think this is the most beautiful street in Perth, and 20 years later I appreciate this amenity even more. The road appears to be sunken, with the footpaths above the vegetation. This is a unique landscape feature. The Moores referred to this as a man-made feature but the sunken lanes of Devon and Somerset in England are also man-made features and no less treasured as a result.

With three recent applications to excavate into the cliff this part of Deane St is clearly under threat, and I would like to suggest that the Council apply to have this feature heritage-listed as part of Cottesloe's history before more damage is done. Not only do residents of the street enjoy this amenity, but many other people enjoy using the street recreationally and even just driving down.

In the seventies, the Pascoe's driveway took away from the cliff amenity but they had no choice at the time. It was what the Council decided. The Moores do have a choice, with ample access from the back lane.

They either believe that to have underground access from Deane St is because they have a special privilege and they get to enjoy the cliff as well as their driveway. Or they agree they are setting a precedent which means others have more chance of getting their underground driveways, too. Any engineering feat can be achieved if people have enough money; meanwhile a community asset that gives people a sense of well-being and pleasure is being undermined. You cannot put a dollar value on that.

Finally, I think the driveway issue should be treated completely separately to the other issues concerning this block. The Moores may very well choose to give way on the height of the block or the height of the parapet walls or degree of setback, relieving those particular neighbours of their concerns. Meanwhile are they calculating that this will somehow give them more right to the driveway?

Personally, I found it quite offensive when an enormous amount of sand was dumped on this block and a fence erected as if the neighbours could be fooled. Any competent architect could design three quality units with access from the back lane on this block. The Moores seem to think this is a threat, but with an ageing population to me it is a more sensible use of the land. They can also apply for the lane to have a name like Fig Tree Lane on the other side of Deane St and ask for the lane to be paved and improved.

Deane St will never be a parking mecca, but the Moore's proposed driveway and large underground car park will work just as well from the lane end, and be considerably safer to exit than into a narrow part of Deane St.

Mr Tim Wright, 585 Stirling Hwy, Cottesloe – Re. Item 10.3.3 – No. 48 Forrest Street (Lots 92 & 500) - Two Storey Addition to Heritage Place (Barsden)

Mr Wright stated that he was happy with officer's recommendation as supported at the Development Services Committee. The intention is to submit the detailed documentation for a building permit in November then commence the construction. Mr Wright thanked Council and looking forward to a favourable outcome.

Ms Jane Morrissey, 95 Grant Street, Cottesloe – Re. Item 10.3.4 -- Request For Residential Density Increase - Curtin Avenue - Second Report

Ms Morrissey commented that she has lived in Grant St for the last 16 years and has been wanting to do a subdivision, which is something that the State Government wants to do to increase density near the railway line, and she believes that more people should live there. She noted also that the neighbours supported that rezoning.

Mr Adrian Moore, 7 Deane Street, Cottesloe – Re. Item 10.3.2 – No. 21 (Lot 18) Deane Street - Two-Storey Dwelling and Pool

Mr Moore read out a letter from a neighbour up the road which supported the application on 21 Deane St with front access to the property, as it would help alleviate the congestion frequently at Deane St. Cars regularly park on the street making it difficult to get through on several occasions, and Mr Moore has been unable to move his car as cars have been parked on both sides.

He also referred to safety concerns with his block, as at present on top of the footpath there is a handrail where a child under four or five years of age could go over the edge. Also on safety, currently the neighbour next door has a driveway that reverses in front of his block, as the lot they purchased many years ago didn't have any driveway; but if they were concerned why did they buy it in the first place? If they reverse down the driveway there is no way they can safely reverse onto the street and see traffic or parked cars.

Further on safety, tomorrow morning the Town is having poured a shared crossover on the verge opposite on Deane St, which he is not happy about as it affects the footpath and vehicle movements.

Regarding the NGL, they have not proposed to use the natural ground level as it is currently, and as mentioned in the meeting on Monday night they propose to use the TPS1 method mediated in the SAT for the land across the road.

Mrs Kate Moore, 7 Deane Street, Cottesloe – Re. Item 10.3.2 – No. 21 (Lot 18) Deane Street - Two-Storey Dwelling and Pool

I'm here tonight to speak again in support of our crossover proposal at 21 Deane St. Our design hinges on the crossover. We ask you to approve it based on design principles because it facilitates vehicle access safety, reduces the impact of access points on the streetscape, provides legible access, will improve pedestrian safety and will incorporate high quality

landscaping features. Our concept will render the street far safer than it is in its present condition and will alleviate parking congestion now and into the future. Safety will become an issue of even greater concern as of tomorrow, when against the strongest objections on safety grounds of the owner and developer, the Town pours a driveway for vehicle use up the verge on the northern side of Deane St.

I'd like to take this opportunity to address a common misconception that Natural Ground Levels are taken from the ground level of the lot in its present state. This is not the case. It wouldn't matter if someone had placed Uluru on the lot, it could never be the NGL. We have not used the current levels to determine NGLs. We have used TPS1 to determine contour levels because that was the method the Town put forward in SAT mediation in February in relation to our other lot, across the road. We have chosen this method for this lot at 21 Deane St after legal advice that if taken to the SAT, we would win this matter because after six months of going back and forth, in relation to determination of NGLs on our other lot, the Town suggested and settled on this method. The fact that it's a different lot makes no difference to the method used to determine the NGL. We are not suggesting that the NGLs are the same – only that the same method, which the Town selected, should be used.

We seek to work with Council to modify the design of our house to achieve a mutually-satisfactory outcome. Through our discussions with the Town's officers in a meeting on Friday 21st August 2015, we have identified that there are elements of the design that they want changed and different elements that are important to us, chiefly, the crossover and undercroft. This creates an opportunity for dialogue and compromise. Officers suggested we could ask you to amend the recommendation to remove "deletion of the proposed crossover from Deane St and all vehicle access being from the rear right-of-way". The Officer and Committee recommendation currently before the Council is prescriptive and, if adopted, would stifle constructive discussions by limiting the aspects that can be negotiated. Therefore, we request that the Council approve the crossover, pending agreement on the NGLs. If the Council does not approve the crossover tonight, we ask that you adopt an amendment to the recommendation to provide some flexibility. We suggest that the wording be altered to something like: *That Council DEFER determination of the application for a two storey dwelling and pool at 21 (Lot 18) Deane Street, Cottesloe, as shown on the plans received on 14 July 2015, in order to enable the applicant in liaison with the Town to submit revised plans responding to the issues raised in this report with a view to achieving a mutually-agreeable outcome.*

We have the full support for our proposal of all immediate neighbours except Mrs Pascoe. We have the written support of more than 25 non-immediate neighbours for our crossover proposal. Only four people have objected to our crossover. Mrs Pascoe thinks that there isn't a parking problem in Deane Street. Mrs Pascoe doesn't have a parking problem because she has on-site parking for at least six cars. Mr Schmidt doesn't have a parking problem because he has ROW parking plus a front crossover with parking for at least two more cars. Neither Mrs Pascoe nor Mr Schmidt seem to have considered that as more people move into Deane St there will be a greater demand for

parking than they have experienced in the last 40 years, and they will share that parking stress because other people are entitled to park on their verges. Objecting to the provision of more parking and improved safety makes no sense. We hope that Council will take into account the amount of support we have for our undercroft proposal, rather than the objections of a few people who won't be adversely affected by it. We hope that you will agree that the crossover does meet the criteria for approval on design principles and that you will agree to support our proposed crossover, or amend the officer recommendation as suggested. We ask that if you are not satisfied enough to make a decision tonight, you please defer your decision on both the NGLs and crossover.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Helen Burke
Cr Jay Birnbrauer
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis
Cr Robert Rowell

Officers Present

Mr Doug Elkins	A/Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Andrew Jackson	Manager Development Services
Mr Cary Green	A/Manager Corporate & Community Services
Ms Lydia Halim	Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Mr Mat Humfrey	Chief Executive Officer
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6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in items 10.3.2 due to knowing the applicants.

Cr Downes declared an impartiality interest in items 10.4.5 due to being an ordinary member of the Tennis Club.

Mayor Dawkins declared an impartiality interest in item 10.4.5 due to being an ordinary member of the Tennis Club.

8 CONFIRMATION OF MINUTES

Moved Cr Burke, seconded Cr Rowell

The Minutes of the Ordinary meeting of Council held on Monday, 27 July, 2015 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member advised that Item 10.3.4 had been withdrawn from Development Services Committee, and the remainder items were dealt with 'En Bloc'. Item 10.4.1 had been withdrawn from the Works and Corporate Services Committee and the remainder items were dealt with 'En Bloc'. Item 11.1.1 was dealt with at the end of the meeting.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 17 AUGUST 2015****10.3.1 NO. 1 (LOT 19) ROSSER STREET - ADDITION OF FRONT GARAGE WITH ROOF DECK AND REAR SHED**

File Ref: 3115
Attachments: [1 Rosser Aerial](#)
[1 Rosser Property Photo](#)
[1 Rosser Applicant Submissions](#)
[1 Rosser Street View](#)
[1 Rosser Neighbour Submissions](#)
[1 Rosser Plans](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ronald Boswell
Planning Officer
Proposed Meeting Date: 17 August 2015
Author Disclosure of Interest: Nil
Property Owner: GL & FM Holman
Applicant: Scanlan Architects
Date of Application: 2 February 2015
Zoning: Residential
Use: P - A use that is permitted under this Scheme
Lot Area: 886m²
M.R.S. Reservation: Not applicable.

SUMMARY

This application is seeking the following variations to Local Planning Scheme No.3 (LPS3) and the Residential Design Codes (RDC):

- Reduced front setback;
- Lot boundary setback; and
- Visual privacy.

Revised plans submitted on 7 and 24 July 2015 following liaison with Officers were assessed in this report. However, due to the concerns identified by Officers and a neighbour objection, the recommendation is to defer the application.

PROPOSAL

A summary of the proposed development is as follows:

- Garage at the front with rooftop deck; and
- Shed at the rear.

The proposed garage with a rooftop deck is located in the setback area at the front of the dwelling parallel to the street, and is intended to provide formalised parking and the novelty of deck on top. The proposed shed is located at the rear and is out of sight and does not affect the neighbours.

STRATEGIC IMPLICATIONS

Nil.

STRATUTORY ENVIRONMENT

LPS 3 & RDC.

POLICY IMPLICATIONS

Nil.

APPLICATION ASSESSMENT**Areas of non-compliance****Local Planning Scheme No.3:**

	Permitted	Proposed
Matters to be considered by Council	A proposal that satisfies the aims and provisions of LPS3, including matter to have due regard to under Part 10.	The bulk and scale of the proposed development in the front setback area appears excessive and would not preserve the amenity of the locality or represent orderly and proper planning, including having due regard to the character of the dwelling and the streetscape.

Residential Design Codes:

Design Element	Deemed-to-comply	Proposed	Design Principles
Street setback	6m setback; or corresponding to the average setback on adjacent properties fronting the same street; or minimum 3m, averaging 6m.	1m to garage/rooftop deck.	Clause 5.1.2 – P2.1 & P2.2
Lot boundary setback (boundary walls)	Not higher than 3.5m, with an average of 3m or less, up to the maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front	15.6m, on two boundaries.	Clause 5.1.3 – P3.2

	setback (11.97m), to one side boundary only.		
Visual privacy	7.5m cone of vision from unenclosed outdoor active habitable spaces.	2.3m from western boundary.	Clause 5.4.1 – P1.1 & P1.2

CONSULTATION

The Town advertised the proposal to six neighbouring property owners, including three opposite in Rosser Street. Two submissions were received; one of objection from the neighbour opposite, while the western neighbour supported the proposed development and signed the plans.

The main comments are summarised below:

L & P Walsh, 2 Rosser Street

- Concerned about the limited setback from the front boundary, as it establishes precedent in the streetscape that could affect properties in the street.
- The proposed structure would be domineering in the streetscape and is inconsistent with current standards.
- The deck could affect privacy, being open in the front setback area.

APPLICANT'S JUSTIFICATION

A summary of the applicant's comments regarding the amended plans and response to the objecting neighbour's comments is as follows:

North-facing wall

- The north-facing wall is already below the height of the balustrade and will be further softened by foliage cascading down the front and plants growing up the face from below.

Garage door

- The gate will be designed to be 50% permeable and to also be 'softened' as much as possible to avoid resembling a 'standard' garage door.

Front setback

- There are many examples of retaining walls, garages/buildings, screen walls that are in the immediate vicinity and are:
 - Closer to the street boundary;
 - Higher than that proposed; and
 - Make up a larger percentage on the street boundary.

Rooftop deck

- The trafficable deck is 1.7m from the front boundary and there are many examples of balconies that are closer and higher to the street. With soft landscaping at the deck level this will impact on amenity and has the immediate neighbour's support.

PLANNING ASSESSMENT

In addition to the comments above, the following technical assessment is made.

Garage/rooftop deck

The double garage with the rooftop deck is proposed to be constructed in the front setback area. The Town has had similar proposals for garages/carports in front setback areas. The proposed garage would be parallel to the street and the applicant has provided a turning circle diagram showing that vehicle manoeuvres can be achieved in the proposed location.

The garage and rooftop deck affect visual privacy and streetscape amenity.

The garage and rooftop deck on the north-western corner of the lot would supplement the undercroft single garage to the dwelling and paved open-air parking on site. Following an initial discussion with Officers and consideration of the neighbour objection, revised plans were received; however, the proposal still does not satisfy the deemed-to-comply requirements of the RDC, as it is located within the primary street setback area, with only a 1m setback.

The RDC define the Primary Street as:

“Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling”.

Therefore, to approve the garage and rooftop deck within the primary street setback, Council should be satisfied that the proposal meets the design principles of the RDC, which state:

Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing development context and streetscape.*

The relevant explanatory guidelines in the RDC state:

Other than carports and garages (subject to clause 5.2.1) of the R-Codes, no substantial structures are allowed in street setback areas. Structures that may be allowed are:

- *low fences or walls, which are the subject of separate considerations;*
- *landscape or sculptural structures, ornamental features designed to enhance the relationship between street and dwelling; and*
- *appropriately-scaled archways or gateways, provided they are in character with the streetscape.*

It is assessed that the proposed garage with rooftop deck in the front setback area does not satisfy the design principles of the RDC, as it would be a substantial structure that would result in an expanse of a wall facing the street (including the garage door), and would not positively contribute to the prevailing streetscape. The development could also be seen to detract from the existing dwelling due to its bulk and scale. Furthermore, it could set an undesirable precedent for similar substantial structures in the front setback area of other dwellings, which would have a detrimental impact on the streetscape.

The rooftop deck primarily overlooks the front setback area. It also overlooks the rear of the western adjacent property; however, that neighbour has signed the plans and not objected to the overlooking.

The proposed garage and rooftop deck in the front setback is not recommended for approval. However, a light-weight carport may be a suitable alternative to provide adequate shade for vehicles and not detract from the character of the dwelling and streetscape. The applicant provided an indicative outline of a carport with a pitched roof in a revised plan submitted on 24 July 2015. That design, or a suitable skillion or flat roof design, would be the preferred planning outcome to provide parking on the lot. It would deliver a structure that presents less bulk and scale on the streetscape and would match the character of the dwelling.

Comment

In detail, the difficulty with the proposed garage and rooftop deck is not only its forward position occupying the front setback area that would otherwise be open space visually and physically, but also that the nature and extent of the design is excessive.

The combination of the transverse garage presenting a blank wall, its continuation with the wide gates, the supporting beam structure and the deck balustrade and planter boxes, constitutes a substantial building inserted between the dwelling and the street, being over 11m wide (more than half the width of the frontage), over 3.8m high, setback only 1m from the street boundary, and having a footprint of some 75sqm (the equivalent of ancillary accommodation).

This has the effect of a wide, high solid front wall, and substantially restricts the view into and out of the property. In comparison, a typical double-carport or garage facing the street and with no or open-aspect gates is visually permeable, only 6-7m wide and located to one side of the lot; overall having less area (eg 35-40sqm), bulk and scale or visual impact.

The applicant has submitted examples of other forward-type developments in the street and elsewhere, which are not considered directly comparable. Whilst there are other less-than-desirable results, as then approved, the two new dwellings to the east

are integrated designs, while the older flats dwelling to the west has its row of garages in line with the side street setback of the main building.

The subject dwelling is a quite grand character building with generous proportions in a prominent position, and already has built-up limestone walls occupying the front setback area. The proposal would add to this bulk and scale and detract from the streetscape by further compromising the degree to which the front setback area is open-aspect.

The proposed rooftop deck is also problematic in terms of overlooking and sense of privacy. Its use as private open space so close to the street in an elevated position is unlikely to be comfortable for either the occupants or neighbours. Neither is it necessary as a viewing platform to the ocean, as the dwelling already enjoys excellent views.

As a viable alternative, the raised nature of the dwelling with undercroft garage and high foundations favours a slimline, open-aspect carport nestled in the north-western portion of the front setback area. Such a design solution would read as logical, subtle and sensitive, being far less intrusive and allowing the dwelling attractive and functional on-site covered parking without detracting from the dwelling, its setting and the streetscape.

Shed

The proposed shed at the rear of the dwelling on the south-western side of the lot complies with LPS3 and satisfies the RDC design principles for the additional boundary walls. The shed would not be seen from the street and the neighbours have not objected to the boundary walls.

CONCLUSION

The proposed garage and rooftop deck represents a substantial structure in the front setback area which is not readily supported under the RDC, and does not easily satisfy the requirements of LPS3 due to its bulk, scale and visual impact on the existing dwelling and streetscape. The shed at the rear of the dwelling can be supported.

The Town recommends a design amendment to exclude the garage and rooftop deck to include a light-weight carport structure that is harmonious with the character of the dwelling and presents less bulk and mass, so as to minimise the visual impact on the dwelling and improve its relationship to the streetscape.

Therefore, deferral of the proposal is in order towards that end.

COMMITTEE COMMENT

Committee, whilst acknowledging the objective to provide covered parking on site, considered that the proposal required revision for a better outcome.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council defer determination of the development application for a front garage with rooftop deck and a rear shed at No. 1 (Lot 19) Rosser Street, Cottesloe, based on the plans received on 2 February, 5 June and 7 July 2015, to enable the applicant to liaise with the Town towards a more acceptable design solution taking into account relevant planning considerations as outlined in this report.

Carried 9/0

Cr Downes declared an impartiality interest in items 10.3.2 due to knowing the applicants. She stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.2 NO. 21 (LOT 18) DEANE STREET - TWO-STOREY DWELLING AND POOL

File Ref: 3112
Attachments: [21 Deane Aerial](#)
[21 Deane Neighbour Submissions](#)
[21 Deane Property Photos](#)
[21 Deane Plans](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 17 August 2015
Author Disclosure of Interest: Nil
Property Owner: Adrian & Katherine Moore
Applicant: As above
Date of Application: 29 January 2015
Zoning: Residential
Use: P - A use that is permitted under this Scheme
Lot Area: 925m²
MRS Reservation: Not applicable.

SUMMARY

This application is seeking the following variations to Council's Local Planning Scheme No. 3 (LPS 3) and/or the deemed-to-comply requirements of the Residential Design Codes (RDC):

- Building height and natural ground levels
- Side setbacks
- Fill and retaining walls
- Visual privacy
- Vehicle access.

Each of these aspects is discussed in this report and refers to revised plans received on 14 July 2015.

Given the assessment that has been undertaken, the recommendation is to defer determination of the application.

PROPOSAL

This application is for a two-storey dwelling and pool on a vacant lot which comprises of the following:

Basement level:

- parking for five cars
- two storerooms
- cellar
- lift shaft.

Ground floor:

- three bedrooms with ensuites
- living-dining-kitchen area
- games room
- laundry
- pantry
- lift shaft
- pool
- front alfresco area
- outdoor shower
- separate building at rear of lot comprising a spare room, study, children's retreat, bathroom and double carport.

Upper floor:

- master bedroom with ensuite, WIR and balcony
- living area
- nursery
- linen area
- powder-room
- front and side balcony
- lift shaft.

STATUTORY ENVIRONMENT

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

LOCAL PLANNING SCHEME NO. 3

The aims of the Scheme include to:

- *sustain the amenity, character and streetscape quality of the Scheme area;*

The relevant objective of the Residential Zone is to:

- *encourage residential development only which is compatible with the scale and amenity of the locality.*

In considering an application for planning approval Council is to have due regard to the following relevant matters:

- *the aims and provisions of the Scheme;*
- *orderly and proper planning;*
- *the compatibility of development with its setting;*
- *the preservation of the amenity of the locality;*

- *the comments or submissions received during advertising of the proposal;*
- *the relationship of the proposal to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the manoeuvring and parking of vehicles;*
- *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- *the suitability, durability, quality and aesthetic appeal of building materials, finishes and colours in relation to the development and locality; and*
- *any other planning consideration the local government considers relevant.*

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
5.1 – Lot boundary setbacks	Walls not higher than 3.5m, with an average of 3m for 2/3 the length of the balance of the lot boundary behind the front setback, to one side boundary only. Minimum 3.3m setback from recessed section of the upper-floor to the eastern boundary.	Walls on the western boundary that exceed 3.5m, with an average of 3m above existing ground levels. 2.65m setback.	Clause 5.1.3 P3.2 Clause 5.1.3 P3.1
5.3 – Fill/retaining walls	To be setback in accordance with Table 1, or less than 0.5m in height if within 1m of a boundary.	Over 0.5m above the existing ground level within 1m of the side boundaries.	Clause 5.3.8 P8
5.4 – Visual privacy	7.5m cone-of-vision to boundaries from outdoor active habitable spaces.	0.5m from rear deck/active outdoor area to western boundary.	Clause 5.4.1 P1.1 & P1.2
5.3 – Vehicular access	Access to be provided from a	Access proposed from Deane Street to	Clause 5.3.5 P5

	right-of-way available for lawful use to access the lot and which is adequately paved and drained from the property boundary to a constructed street.	undercroft garage, in addition to ROW access.	
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ADVERTISING OF PROPOSAL

The application was advertised to the 13 adjoining owners. Five submissions from three parties were received and are summarised as follows:

Howard Read, 1/24 Avonmore Terrace (on behalf of the owners of 24 Avonmore Terrace) – two submissions.

- Objects to proposed development, primarily in relation to proposed height and setbacks of walls along the western boundary.
- There is no evidence that the original NGL along the western boundary is higher than the current level and the existing retaining wall on the boundary suggests the NGL was actually lower than the current levels.
- The impact of the proposed NGL and boundary walls along the western boundary will create significant overshadowing and increase the height and bulk of the proposal.
- Raises privacy concerns if on-site fill was allowed.
- Owners are prepared to accept a revised plan that addresses the concerns raised.
- The survey plan (and photos) of 24 Avonmore Terrace show that the levels on the boundary with 21 Deane Street were slightly lower than current levels.

EG & G Budd, owners of 23 Deane Street (currently living in UK) – two submissions.

- Objects to proposed development, as have been unable to make an informed decision as plans have not been made available. (Note: applicant did not allow permission for Council to forward copy of plans to neighbours).
- Concerned about potential noise from air-conditioning units.

Barb Pascoe, 17 Deane Street

- Objects to the proposed higher ground levels as these are not reflective of levels actually seen on the site;
- Accepts proposed parapet walls providing ground levels are not raised as proposed. However, would prefer a greater setback along the western boundary;
- Objects to proposed access from Deane Street as the road is already narrow and at times dangerous, the access could become a haunt for undesirables at

night, it could affect safety from the current driveway, and could set a precedent for Nos. 20 to 30 Deane Street which would not be safe.

PLANNING COMMENT

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

Building height and NGL

LPS 3 permits a maximum 7m building height to the top of a two-storey parapet (flat roof) measured vertically above any point of natural ground level (NGL). A single storey development is permitted to a maximum 6m building height.

The RDC define natural ground level as:

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

The applicant has submitted an interpolated contour survey plan of the lot based on former Town Planning Scheme No.1 (TPS1) contour information and has requested that these levels be taken as NGL. If these levels are used then the proposed dwelling does not exceed 7m in height and complies with LPS 3. Furthermore, the proposed walls on the western boundary satisfy the deemed-to-comply requirements of the RDC.

The difference in the height of the NGL based on TPS 1 would elevate the existing ground levels at the boundaries by approximately 1m, which is a significant difference and would result in the proposed development having a greater impact on the amenity of adjoining owners, most of whom have raised concerns.

The Town's geographic information system (GIS) map shows contours that appear to more closely match the existing ground levels at the boundaries of the lot.

A comparison of the interpolated survey plan submitted by the applicant and that from the Town's GIS map reveals the following approximate level differences (highlighted):

LOT 18			
	<i>Applicant's submitted survey plan (Brown McAllister) based on TPS 1</i>	<i>Town's GIS map data (approx.)</i>	<i>Town's on-site survey assessment (approx.)</i>
<i>NW corner</i>	RL: 29.43	RL: 28.70 (- 0.73m)	RL: 28.78 (- 0.65m)
<i>SW corner</i>	RL: 27.89	RL: 26.72 (- 1.17m)	RL: 26.70 (- 1.19m)
<i>NE corner</i>	RL: 30.48	RL: 29.30 (- 1.18m)	RL: 29.78 (- 0.70m)
<i>SE corner</i>	RL: 27.80	RL: 26.50 (- 1.30m)	RL: 26.66 (- 1.14m)
<i>Approx. level at centre of lot</i>	RL: 28.92	RL: 27.60 (- 1.32m)	Average of 4 corners RL: 27.98 (- 0.94m)

The applicant has requested that Council adopt the TPS 1 NGL as this method was used for the development at 28 Avonmore Terrace, and he considers that the contours reflect the most accurate measurement of NGL following demolition of the original dwelling on the lot.

Although Council did adopt TPS 1 contour levels for the development on the north-eastern corner of Deane Street and Avonmore Terrace due to the difficulty in determining pre-existing ground levels, it did not resolve to adopt TPS 1 contours for other development within the Town and therefore it should not automatically be relied upon.

TPS 1 contours may be problematic for some development sites due to a lack of contour information actually shown on the original Scheme Map. Lot 18, for example, only has two contour lines shown on or in close proximity to the lot and so an interpolation plan based on this limited information may not be accurate. Furthermore, the levels have been contested by adjoining neighbours, some of whom have been living in the area for some considerable time.

For these reasons, and the significant difference to existing ground levels at the lot boundaries, using TPS 1 to determine the NGL for Lot 18 is not supported and the applicant should provide a contour survey plan based on existing levels on the lot; unless other historical documentation is submitted to substantiate that the higher levels are an accurate representation of NGL. It should also be noted that existing levels across the middle of the lot cannot be relied upon as unauthorised fill was placed on the lot following demolition of the original dwelling.

Storeys

The proposed basement level does not constitute a storey under LPS 3 as it is not higher than 1m above the footpath level measured at the centre of the land along the boundary to which the space has frontage and it does not contain any habitable rooms. This will remain compliant regardless of which NGLs are determined by Council.

Setbacks

The proposed dwelling has front setbacks ranging from 6.32m to 7.58m at ground-floor level (4m to a proposed front pergola), and 5.825m to 7.72m to the front balconies on the upper-floor.

Clause 5.3.7 of LPS 3 states:

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

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

The proposed setbacks exceed the RDC requirement, while even in R20 coded areas residential development may be approved with a minimum 3m, average 6m front setback. This provides more flexibility for development on smaller lots (although this is a large lot) and for architectural designs to be considered that provide good articulation to street frontages. Front setbacks of less than 6m are also fairly common in the R30 coded areas, as approved in a number of instances. As such, the proposed front setback is supported.

The proposed side and rear setbacks comply with the deemed-to-comply requirements of the RDC based on existing ground levels along the boundaries, except for the proposed upper-floor recessed section of the eastern elevation, which has a 2.65m setback from the eastern boundary, in lieu of 3.3m and the proposed walls along the western boundary.

The setback required under the deemed-to-comply requirements of the RDC for the proposed rear building and games room to the western boundary is 1.5m. The proposed pergola also proposes a zero setback from the western boundary. However, a pergola is not defined as a building under the RDC and so may not be required to be setback from the boundary, although its eaves would still require a minimum 0.75m setback.

The proposed reduced side setbacks can be considered under design principles of the RDC, which state:

Buildings set back from lot boundaries so as to:

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

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

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

The proposed reduced setback from the eastern boundary could impact on building bulk and on the amenity of the adjoining eastern neighbour, particularly as the adjoining two-storey dwelling has a lower existing ground floor level than that proposed. However, the adjoining owners have not objected to the proposal and their upper-floor, west-facing windows, opposite the proposed recessed section, are obscured, and the ground floor is partially covered, so they will not be impacted as much as if they had clear windows to habitable rooms and an unroofed ground floor area. As such, the reduced setback could be supported in this instance.

The western walls to the proposed rear building and for a section of the proposed games room would be along the western boundary adjoining the eastern courtyards of two of the four units located at 24 Avonmore Terrace. Furthermore, based on the western neighbours' submissions, the two ground floor units' courtyards are approximately 1.8m lower than the existing eastern ground level at the boundary and approximately 3.6m below the top of the fence line.

The proposed single-storey walls on the western boundary would range in height from approximately 2.9m to 4.5m above the existing ground levels and be visible above the existing fenceline.

The walls would exacerbate the building bulk of the proposed development, would impact on natural light to the neighbours' outdoor living areas, may result in a loss of privacy from the proposed raised deck at the rear of the games room, and would impact on the amenity of the adjoining neighbours. For these reasons, the proposed walls on the boundary are not considered to adequately satisfy the design principles of the RDC and would be contrary to the objectives of LPS 3. As such, it is recommended that the walls be setback from the western boundary in accordance with the deemed-to-comply requirements of the RDC.

The front portion of the games-room wall and the pergola have less height above the existing ground levels than the rear section of the games room wall, due to the rising topography from the rear of the lot to Deane Street. Furthermore, the adjoining property has a predominantly western orientation, so its eastern boundary abuts the rear of the property, which does not have major openings or an uncovered outdoor living area that would be significantly affected by the proposal. It is therefore possible to support these structures along this section of the boundary provided that the ground levels are reduced to current levels. Otherwise, it is considered that they should not be supported as they would not reduce the building bulk of the development, would not preserve the amenity of the area, would not satisfy the design principles of the RDC, and do not have the support of the adjoining owner.

Site works and retaining walls

Fill and retaining walls up to approximately 1.3m in height above existing ground levels are proposed along the side boundaries and exceed the deemed-to-comply requirements of the RDC (unless Council adopts the TPS 1 NGL). These site works and retaining walls therefore need to be assessed under the design principles of the RDC, which state:

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

The ground levels at the rear of the units at 24 Avonmore Terrace and 25 Deane Street are lower than the existing ground levels on Lot 18, so any increases in fill and the height of retaining walls along the side boundaries would be likely to have a detrimental effect on adjoining properties. The height of the proposed fill and retaining walls have been based on the assumption that TPS 1 levels would be adopted by Council. If that is not the case and existing ground levels are maintained, then the additional fill and retaining walls along the side boundaries are considered to not satisfy the relevant design principles of the RDC and should not be supported.

Visual Privacy

Visual privacy from the proposed ground floor windows and outdoor active habitable spaces do not satisfy the deemed-to-comply requirements of the RDC, unless the TPS 1 NGL is adopted or the proposed fill and retaining walls along the side boundaries are approved. However, even if the higher ground levels are approved, there would still be potential overlooking from the proposed rear deck on the southern side of the games room and the adjoining outdoor area, as the height of the proposed fencing along the western boundary is only shown on the plans as being 1.252m in this location, rather than being the standard height of 1.8m, and this could result in overlooking of the neighbours' rear courtyards and active habitable spaces, which is not supported.

Crossover from Deane Street

The development proposes a crossover from Deane Street to an undercroft garage, as well as a separate crossover off the rear right-of-way (ROW) to a double carport adjoining the proposed rear building that is ancillary to the main dwelling.

The deemed-to-comply requirements of the RDC require preferred vehicular access to be provided from a ROW that is available for lawful use to access the relevant lot, and which is adequately paved and drained from the property boundary to a constructed street.

The existing privately-owned ROW (No. 63) at the rear of the lot has a width of 3.3m, is predominantly sealed, and is well-used by other residents accessing their properties.

On 2 February 2015 the applicant was advised by the Town that:

The proposed vehicle access from Deane Street to the basement is not supported as all vehicle access should be from the rear ROW. A redesign showing revised vehicle access therefore is considered necessary.

On 29 June 2015, following the submission of revised plans, the Town further advised the applicant that:

This has still not been addressed and is required to satisfy Clause 5.3.5 C5.1 of the RDC. It is considered that access off Deane Street as proposed cannot be supported as, in addition to the comments already provided by the Manager Engineering Services, such access would be unlikely to satisfy the relevant design principles of the Codes. You will appreciate that using

alternative access in constrained street situations is a sound and sensible planning principle. Rather than confusing this with proposals across the road as you say, the Town is considering your proposal in the context of those proposals and the road overall.

On 17 July 2015, in response to the Town's emails, the applicant advised:

As you know, the topography of the Eastern section of Deane Street presents a unique challenge when designing safe vehicle access to properties. Our proposed crossover design is for a creative, safe and attractive response to that challenge.

Because the streetscape is so unique and our proposed design is therefore also unique, we ask that the design be considered for approval based on its positive design principles and its potential to enhance the amenity of the street, not on the basis of strict adherence to Residential Design Codes.

The Eastern section of Deane Street is extremely narrow, and, outside our property, is fronted by an old retaining wall and a flight of cement steps.

Despite the fact that the street is too narrow for cars to park on both sides of the road, and that there is no proper street parking, residents and/or visitors do park on the kerbs, often blocking the street. There is no room for safe access for service or emergency vehicles.

Our proposal will ensure that a minimum of five cars could park in our garage and up to two visitor vehicles will be off the street, thus reducing the impact of access points on the streetscape. All of our vehicles will be able to enter the street forwards, rather than reversing onto the street, thus ensuring the safety of vehicle access.

These features serve to render the street far safer for other vehicles – passenger, service and emergency – than it is in its present condition.

The footpath in this section of Deane Street runs across the top of the defile and pedestrians are protected only by an unenclosed handrail. The verge is planted with Oleander and over-run with weeds.

Our design will result in greater pedestrian safety because it incorporates footpath fencing that is not open between the handrail and the ground, as it is presently. Pedestrians will be able to walk safely above the crossover, without passing across vehicle ingress/egress.

Our proposal will eliminate the very unsightly retaining wall, steps, rubble and scrub and we will remove all non-indigenous and poisonous plants. Consulting with a landscape architect, we will landscape the crossover with water-wise indigenous plants at our expense.

Our unusual crossover design is preferable to us over access solely via ROW 62 not only because it is necessary in order for us to achieve the design of the house itself, but also because it will render the streetscape far safer than it is

in its present condition. We have consulted with Main Roads and have been advised that they have no objection to our proposal. The neighbours we have canvassed about our proposal have also indicated their support for the design.

We believe that our proposed crossover constitutes an architectural feature, which will also make the street far more attractive than it is now. For the purposes of comparison have attached photographs of the street and verge, along with the images of our proposed design.

The Manager Engineering Services has previously advised that reasons for his lack of support for the proposal are that it will result in the destruction of a geological feature and that it will result in increased liability for the Town. As you can see, the verge does not encompass any geological feature. Our proposal will render the street and footpath safer than they are in their present state, thus (if liability is in fact at issue) decreasing the Town's liability. Our proposal will be engineered to far higher safety standards than those presently adhered to.

Although our proposal for vehicle access is unorthodox, we request that Planning and Council consider it in the context of the unique challenges it addresses and the potential benefits it could bring to the street as a whole.

We would like Planning and Council to consider the inevitable increase in demand for parking as a result of increased development and increasing visitor numbers. Avonmore Terrace street parking is already at capacity and there is no safe street parking in Deane Street.

Our property is zoned R30 and is a triplex site. We do not presently intend to develop the property to its maximum potential. We plan to build a single, family home on our property, with the option to do a duplex development in the future, to live in when we downsize. Access via Deane Street as well as the ROW is therefore desirable because a common driveway would otherwise be required. Because parking is not permitted in common driveways or ROWs, a greater burden would be placed on the limited street parking available. We are in effect trying to "Future Proof" parking by anticipating and addressing future requirements.

If we are granted approval for access via both Deane Street and ROW 62, both future properties will have adequate parking for residents and visitors. If access is only granted via ROW 62, we will be unable to achieve the positive outcomes we are attempting for the benefit of the street as well as for ourselves, and we will consider maximizing the property's development potential.

We are long-term residents of Cottlesloe and plan to remain so. We take the amenity of the town very seriously and ask the Council and the Planning department to use their discretion to approve our cross over design on the basis of its advantages to the street as a whole.

As the proposed crossover from Deane Street does not satisfy the deemed-to-comply requirements of the RDC, Council needs to consider whether it can be supported under the design principles, which state:

Vehicular access provided for each development site to provide:

- *vehicle access safety;*
- *reduced impact of access points on the streetscape;*
- *legible access;*
- *pedestrian safety;*
- *minimal crossovers; and*
- *high quality landscaping features.*

To further assist in this assessment, the explanatory guidelines of the RDC with respect to vehicle access advise, inter alia:

The advantage of not having vehicle access from the primary street include:

- *the streetscape will be less dominated by carports, garages and parked vehicles;*
- *there will be fewer driveways and so more useable space for street trees and kerbside parking for visitors; and*
- *there will be fewer conflicting movements of vehicles, pedestrians and cyclists.*

Access to on-site parking is encouraged to be from a ROW, where available for lawful use...access is to be provided from the primary street only where there is no secondary street or ROW, and...the location of the crossover should be in response to the nature of the street onto which the development fronts.

In this case, the lot is adjoining a sealed ROW which is currently used by many other properties in the area. Although access to and from the ROW is proposed for the rear building, there is sufficient area at the rear of the lot to also accommodate a separate access to the proposed undercroft garage.

The proposed access to Deane Street would not improve vehicle safety as it would have the same access point to the street as the existing historical crossover serving 17 Deane Street and this may result in a safety hazard between vehicles using the two access driveways. Furthermore, the proposed crossover would necessitate the removal of part of the road cutting to enable a tunnel entrance to the undercroft garage and would necessitate the construction of a footpath bridge to be created over the crossover, together with a loss of vegetation.

The proposed construction of a new footbridge within the Council verge (ie road reserve land) would require a separate planning application, as the development is outside the private lot. Also, the application needs to be signed by the Town as the vested owner of the road reserve. Furthermore, a footbridge constructed by a private developer in the road reserve would mean that following completion the Town would have to accept responsibility for its on-going maintenance and public liability. It could also set an undesirable precedent for other similar proposals in the district.

CONCLUSION

The proposed development requires Council to consider a number of matters that do not satisfy the requirements of LPS 3 or the design principles of the RDC, including determination of the NGL, building height, side setbacks, fill and retaining walls, visual privacy and vehicle access. It is therefore recommended that the application be deferred to enable the applicant to address the issues raised in this report.

COMMITTEE COMMENT

Committee considered that due to several significant issues deferral of the proposal for redesign was warranted.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

That Council DEFER determination of the application for a two-storey dwelling and pool at 21 (Lot 18) Deane Street, Cottesloe, as shown on the plans received on 14 July 2015, in order to enable the applicant in liaison with the Town to submit revised plans showing the proposed natural ground level being lowered to reflect existing ground levels at the lot boundaries, deletion of the proposed crossover from Deane Street and all vehicle access being from the rear right-of-way, and satisfactorily addressing the other matters raised in this report.

Carried 9/0

10.3.3 NO. 48 FORREST STREET (LOTS 92 & 500) - TWO STOREY ADDITION TO HERITAGE PLACE (BARSDEN)

File Ref:	3202
Attachments:	48 Forrest Aerial 48 Forrest Applicant Heritage Report 48 Forrest Council Heritage Report 48 Forrest Plans
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Andrew Jackson Manager Development Services
Proposed Meeting Date:	17 August 2015
Author Disclosure of Interest:	Nil
Property Owner:	Denby Roberts & John Georgiades
Applicant:	Wright Feldhusen Architects
Date of Application:	30 June 2015
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	1275 m² total
MRS Reservation:	Not applicable

SUMMARY

This report presents a modified design for the proposed addition to and restoration of the existing heritage-classified dwelling known as *Barsden*. The latest application follows a series of previous approvals and demolition of the former single-storey modern extension to the heritage place that remains.

The current design is basically similar in terms of composition and layout, but with certain differences requiring consideration. This report presents the technical assessment of the revised design and again considers the heritage dimension. Approval with conditions is recommended.

BACKGROUND

In 2008 Council approved a large single-storey addition to the heritage dwelling, occupying the northern portion of the site, which was built.

The property changed hands and in December 2012 Council approved a large two-storey addition intended to replace the single-storey addition, however this second addition did not proceed. Instead, a new architect was engaged, and in May 2013 Council approved another design for the two-storey addition. A demolition permit was subsequently issued and demolition undertaken. Two further applications followed for relatively minor modifications and were approved as variations to the theme. Rather than proceed with development, however, the owner wished to review the design of the proposed addition and alterations, so the site was fenced-off and the building secured in the meantime.

Since then, Local Planning Scheme (LPS3) has commenced and the Residential Design Codes (RDC) have evolved. Also, Council has approved major additions and alterations to the adjacent heritage dwellings to the east (completed) and north (*Pine Court*, underway).

Recently the owner and architect have liaised with the Town to achieve a revised design and progress the development.

PROPOSAL

The current proposal echoes the previous designs in terms of location and footprint, including:

- Semi-basement four-car garage and ancillary rooms, with vehicular access from the existing point on Broome Street.
- Retention of the original dwelling with substantial reconfiguration internally, some external alterations and thorough conservation works.
- Large first storey (ground floor) extension on the north, with entry from Broome Street.
- Large second storey, setback from all boundaries and set into the original roof.
- Re-roofing of the original roof in slate, and concealed flat concrete roofs to the addition.
- A large pool, spa and pool deck.
- Retention and adaptation of the existing fencing to the street frontages.
- Indicative high quality landscaping, with details to follow.

The layout of the addition is similar, with some adjusted setbacks and floorspace amounts (slightly reduced first storey and slightly increased second storey). The aesthetic of the addition is still contemporary, but with simplified flat roofs and subtler proportions.

STATUTORY ENVIRONMENT

- LPS3
- RDC
- Heritage listings and policy
- Fencing Local Law

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation

HERITAGE LISTINGS

- Register of National Estate
- State Register of Heritage Places – identified to consider
- LPS3 Heritage List
- Municipal Inventory Category 2
- National Trust

STRATEGIC IMPLICATIONS

Heritage is recognised as a cornerstone of the character and amenity of Cottesloe, which Council aims to foster through the planning approvals process and related measures.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION**State Heritage Office (SHO)**

The application was referred to the SHO due to being adjacent to the State Registered Place *Pine Court* at 96-98 Broome Street. The SHO has advised that the proposal would not affect the significance of *Pine Court* making a strong contribution to the streetscape.

Liaison by Architect

As previously, the architect has liaised with the immediately adjacent owners to the north and east to discuss the new design.

Advertising by Town

The Town advertised to three adjacent properties. Two submissions were received as summarised and commented upon below:

A Fini – 96-98 Broome St (*Pine Court*)

Expressed in-principle support and requested feedback or clarification on several aspects. This submission was based on the initial plans viewed, which the Town has clarified, whilst the architect has made design revisions addressing aspects raised by the neighbour and the Town. In brief: heritage status confirmed; Broome Street setback complies; second-storey northern windows modified; northern eave complies; second storey green roof over garage will not be an accessible roof terrace; northern boundary wall, fencing and landscaping clarified.

M O'Connor – 46 Broome St

Whilst previously the Town had advertised to properties across Broome Street, given the series of similar proposals the latest version was not. However, this owner made enquiries and viewed the current plans and reiterated his earlier comments.

Building

As previously advised, the building permit will need to manage how works adjacent to the lane are carried out in relation to retaining, walls along the boundary and stabilisation; whereby a civil engineer will be involved.

Engineering

As previously advised, the crossover to the basement is acceptable subject to its gradients satisfying the Australian Standards.

HERITAGE CONTEXT

The heritage context and classifications of the place have been documented in previous reports to Council on proposals for the property.

The application approved in December 2012 was supported by a heritage assessment report by heritage architect Mr Ronald Bodycoat. That, together with the heritage classifications of the place, has provided a basis for considering the successive proposals.

The current application includes a supporting letter from the same heritage architect (attached), which references the heritage assessment and impact statement he prepared. It identifies the elements of the original dwelling having cultural heritage significance, comprising its external form including the door and window details, other features, the chimneys, verandah and setbacks. The letter informs that the current proposal is to retain and restore these elements, which constitute the distinctive character of the original dwelling. It also comments that the contemporary design of the addition is compatible, re-roofing in slate is appropriate and the treatment of the original front door is sensitive – although the latter comment seems inconsistent with the value of the heritage elements described.

The Town obtained comment on the current proposal from another heritage architect, Mr Stephen Carrick, having regard to the background of designs/approvals and particular details.

His advice (attached) is that whilst the proposed addition is aesthetically acceptable overall, there are important details to consider from the heritage perspective. This includes retaining rather than altering or diminishing the original front door detailing, avoiding direct impacts on the chimneys by design adjustments, and whether the junction of the addition with the original dwelling could be better expressed.

These aspects have been discussed with the applicant architect, who has suggested that they may be addressed through design refinement to be resolved in detailed plans submitted at building permit stage, and conditions are recommended accordingly.

DEVELOPMENT REQUIREMENTS

Under the heritage provisions of former Town Planning Scheme No. 2, the previous approvals all involved discretion to vary certain development requirements, as is often the case with heritage places. Likewise, LPS3 contains discretion to facilitate proposals for heritage places and the current application relies on that discretion.

The proposal is permissible under the development requirements of LPS3, the RDC and the Fencing Local Law. As the addition is well-separated from surrounding properties, direct impacts are minimised.

The design and amenity requirements of the RDC are essentially satisfied; eg density, access/parking, open space, shadow, privacy, etc. As an extension to an existing dwelling and heritage building, the proposal involves some variations as discussed below.

Building height

The original period dwelling although single-storey has high foundations, high ceilings and a high, steep roof, hence equates to a two-storey building at its highest point – the ridge height is 8m or 0.5m less than the LPS3 two-storey standard of 8.5m.

The previously-approved addition had a shallow-pitch roof with a ridge height to match the existing. The current flat-roof design sits just below the existing ridge height and the taller chimney, while the wider flat eaves are slightly lower again. The roof ridge of *Pine Court* on the north is over 3m higher, while the roof ridge of the eastern adjacent dwelling (recently extended) is also higher. Despite the building height of the proposed addition, its proportions and rhythm ameliorate the effect of height and its mass adjacent to *Pine Court* is transitional.

LPS3 enables Council to vary development requirements of the Scheme or RDC in order to help conserve a heritage-listed place, which is considered appropriate in this case.

Basement

Under LPS3 a basement is defined in relation to building height and non-habitable space, if it is to not be regarded as a storey. Compliance with the height standard relative to natural ground level can be a design challenge in terms of topography, ramp gradient, vehicle headroom and other factors.

As previously approved, the proposed basement is premised on the existing floor level of the original dwelling. It is also constrained by excavation in relation to the lane and dwelling, plus the verge with the heritage-listed pine trees. Whilst technically the basement does not satisfy the height formula and qualifies as a storey, it is a partially sunken element which appears as a single storey and does not increase the height of the addition.

A variation is considered appropriate in this case.

Wall height

Wall height due to the existing dwelling and flat-roof design of the addition exceeds the 7m standard under LPS3. The maximum wall height is felt mainly to Broome Street, where it approximates 7.5-7.8m depending on the roof features. To the other elevations wall heights are less.

As described above, the design of the addition serves to ameliorate the bulk of the walls and overall building height, while boundary fencing will also obscure the scale.

The ability to vary wall height recognises existing heritage buildings and extensions designed to have compatible floor, ceiling or roof heights when integrating the old

with the new, and as observed the original single-storey dwelling is characteristically tall. Such variation is considered appropriate in this case.

Setbacks

The proposal satisfies almost all setback requirements, including for the new second storey, which is an improvement. It has increased setbacks from the northern boundary and reduced the length of the garage boundary wall. The garage wall is the only setback variation but is supportable under the design principles of the RDC, as it has limited implications and replicates the former garage wall and solid fencing along the lane.

Privacy

Following liaison with the northern neighbour, the architect has revised the plans to delete a north-facing window from the north-eastern corner of the second-storey playroom. The playroom still has a north-facing window to the north-western corner; however, as the northward cone-of-vision falls onto the lane and vehicle ramp it is not a privacy concern.

The roof garden to Broome Street on the western face of the playroom is a green-roof feature only, rather than looking upon a blank roof. It is non-trafficable, with no access from the playroom, hence it is not a roof terrace or privacy concern.

Site levels

The proposal adopts existing site levels as important to the original dwelling and the replacement extension and basement. The grounds involve less retaining or fill than previous designs and there is no longer a porch raised 1m to Broome Street. There will be some terracing of the garden and pool area levels in relation to landscaping, side boundary/fence interfaces, away from the street frontages.

Fencing

The existing street frontages fences are to be kept and upgraded with new open-aspect infill panels.

CONCLUSION

Over the past few years this heritage-classified place has received several approvals for a contemporary addition, but the project has been deferred for redesign. The current application is an opportunity to complete the development and preserve the heritage attributes of the place for the benefit of the property and locality.

The latest design is conceptually similar and assessed as an acceptable proposal which is less complex. Whilst some discretion is required with regard to the height parameters and one setback dimension, the streetscape and amenity outcomes are considered to be appropriate from a planning point of view.

COMMITTEE COMMENT

Committee was supportive of the proposal and of an amendment in relation to the treatment of the original front door.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Burke

That Council GRANT planning approval for the two-storey addition and alterations, including basement level, pool, spa, deck, fencing and re-roofing plus restoration/conservation works to the heritage dwelling at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans received on 14 July 2015, subject to the following conditions:

1. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
2. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
3. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the application approved by Council on 10 December 2012.
4. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
5. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
6. Revised plans shall be submitted for approval at Building Permit stage addressing the following development and heritage requirements by way of design details and revisions, to the satisfaction of the Town:
 - a. The position and fabric of the front door and surround panels to the heritage dwelling shall be retained and restored as required.
 - b. The chimneys of the heritage dwelling shall be retained and restored as required and the detailed design of the addition shall be modified to reveal rather than obscure them.
 - c. The junction of the addition with the heritage dwelling shall give consideration to the treatment of the transition between the new and the old fabric of the development.
 - d. The fencing and person-gate to the Broome Street entrance to the dwelling shall be of open-aspect design to match the rest of the fence.
 - e. Detailed design of any eastern boundary wall (dividing fence) and retaining in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.

- f. a comprehensive landscaping plan for the entire site, for the Town's approval, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
7. The boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off, to the satisfaction of the Town.
8. Adequate stormwater disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.
9. Wastewater or backwash water from the swimming pool and spa filtration systems shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
10. The pool and spa pumps and filters shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
11. Any air-conditioning plant and equipment shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
12. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including any proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage, to the satisfaction of the Town.
13. If required, additional dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be prepared to the satisfaction of the Town, and copies provided to those owners and the Town, prior to the issue of a Building Permit.
14. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking,

including off-site, through consultation with and approval by the Town; and verge and tree protection.

15. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
16. All street trees (which comprise heritage-listed Norfolk Island pine trees) shall be protected at all times from construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
17. The applicant shall apply to the Town for separate approval to reconstruct the Broome Street crossover in accordance with the Town's specifications; which is to be approved by the Town. The design shall maximise the distance from the trunk of the heritage-listed Norfolk Island pine tree; the works shall avoid damage to the tree's roots, trunk or branches; and the works shall include making-good the verge, curb and all surfaces as required by the Town.
18. Any works to the existing visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
19. Any damage within the road reserve occasioned by construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
20. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. This approval is to the proposed development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe local planning scheme and any heritage classifications of the property.
2. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

AMENDMENT

Moved Cr Jeanes, seconded Cr Angers

That the words "...position and..." be deleted from the first line of condition 6a.

Carried 6/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

That Council GRANT planning approval for the two-storey addition and alterations, including basement level, pool, spa, deck, fencing and re-roofing plus restoration/conservation works to the heritage dwelling at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans received on 14 July 2015, subject to the following conditions:

1. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
2. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
3. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the application approved by Council on 10 December 2012.
4. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
5. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
6. Revised plans shall be submitted for approval at Building Permit stage addressing the following development and heritage requirements by way of design details and revisions, to the satisfaction of the Town:
 - a. The fabric of the front door and surround panels to the heritage dwelling shall be retained and restored as required.
 - b. The chimneys of the heritage dwelling shall be retained and restored as required and the detailed design of the addition shall be modified to reveal rather than obscure them.
 - c. The junction of the addition with the heritage dwelling shall give consideration to the treatment of the transition between the new and the old fabric of the development.
 - d. The fencing and person-gate to the Broome Street entrance to the dwelling shall be of open-aspect design to match the rest of the fence.
 - e. Detailed design of any eastern boundary wall (dividing fence) and retaining in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.

- f. a comprehensive landscaping plan for the entire site, for the Town's approval, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
 7. The boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off, to the satisfaction of the Town.
 8. Adequate stormwater disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.
 9. Wastewater or backwash water from the swimming pool and spa filtration systems shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
 10. The pool and spa pumps and filters shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 11. Any air-conditioning plant and equipment shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 12. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including any proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage, to the satisfaction of the Town.
 13. If required, additional dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be prepared to the satisfaction of the Town, and copies provided to those owners and the Town, prior to the issue of a Building Permit.
-

14. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
15. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
16. All street trees (which comprise heritage-listed Norfolk Island pine trees) shall be protected at all times from construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
17. The applicant shall apply to the Town for separate approval to reconstruct the Broome Street crossover in accordance with the Town's specifications; which is to be approved by the Town. The design shall maximise the distance from the trunk of the heritage-listed Norfolk Island pine tree; the works shall avoid damage to the tree's roots, trunk or branches; and the works shall include making-good the verge, curb and all surfaces as required by the Town.
18. Any works to the existing visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
19. Any damage within the road reserve occasioned by construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
20. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. This approval is to the proposed development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe local planning scheme and any heritage classifications of the property.
2. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

Carried 9/0

10.3.4 REQUEST FOR RESIDENTIAL DENSITY INCREASE - CURTIN AVENUE - SECOND REPORT

File Ref: SUB/334-02
Attachments: [Curtin Density Aerial](#)
[Curtin Density Properties](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 17 August 2015
Author Disclosure of Interest: Nil

SUMMARY

In June 2015 Council considered an initial report on a request that a number of lots along Curtin Avenue in north-east Cottesloe have their residential density code increased from R20 to R30, and resolved:

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

Council discussed whether a Scheme Amendment would include controls over land redevelopment, and was concerned that the proposed density increase would not result in orderly and proper planning and that there would be traffic, parking and amenity impacts; whilst the existing dwellings were in good condition.

This second report responds to the above for Council to decide whether or how best to proceed with the matter.

BACKGROUND

In February 2015 the Town received a request from the owners of twelve residential properties along Curtin Avenue between Florence and Grant Streets for a density increase from R20 to R30. One lot in the middle on the corner of Curtin Avenue and Hawkstone Street has not signed the letter. Another owner has withdrawn unconditional support due to concern about redevelopment consequences and recommends design controls to avoid an arbitrary approach.

The letter offered the following rationale for the request:

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

- Other areas along Curtin Avenue have R30 or R35 density coding.

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

In June 2015 a further justification letter was received and commented as follows:

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

Preliminary Assessment

A preliminary assessment outlined the matter as below.

Planning context

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

Development implications

This is a starting point for considering proposals, which may warrant assessment in their particular contexts having regard to detailed planning aspects and methods.

Typical considerations include the degree and extent of up-coding; resultant lot sizes, subdivision pattern, built form and streetscape; access (side streets and rear lanes are available); traffic generation and circulation; infrastructure and services; possible public open space, plus landscaping; special development controls (Local

Development Plan or Special Control Area) or Policy/Design Guidelines. Heritage or character can also be relevant. Denser development areas usually invite overall plans and controls rather than leaving things to chance.

Site areas (lot sizes) and dwelling types

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

	R20	R30	sqm reduction
Minimum site area (sqm)	350	260	90
Average site area (sqm)	450	300	150
Multiple dwelling	450	Density currently based on design; to be 300sqm under RDC changes from 23 October 2015.	150

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

Planning approach

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

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

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

There are two approaches to land development embracing density increases:

- Increase density coding and leave subdivision and redevelopment to the property owners. This is likely to be a gradual, ad hoc method with mixed results and limited coordination. It applies where owners wish to gain their individual subdivision/redevelopment benefits.

- Prepare a Local Development Plan to guide subdivision layout and control development standards; eg similar to as for the former depot site. This would achieve more coordinated and cohesive subdivision, access and development. The difficulty can be in getting owners to agree to arrangements for joint subdivision and redevelopment. As mentioned, a Scheme Policy or Design Guidelines, or Special Control Area provisions, may be called-for where the circumstances demand detailed governance.

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

Conclusion

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

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

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

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

STRATEGIC IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Cost-recovery of Scheme Amendment preparation.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Increased density has a nexus with sustainability.

CONSULTATION

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

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

FURTHER EXAMINATION**Information from proponents**

The proponents have liaised with officers and provided the following table of their ideas on how future R30 development could be accommodated on their lots, having regard to development considerations discussed at the Development Services Committee.

Development matter discussed	Risks	Opportunities	Potential planning tool to facilitate desired outcome
Setbacks	The side lot boundary setbacks permitted for the R30 code under the Residential Design Codes 2013 (R Codes) could potentially result in bulky two-storey development that obstruct natural breezeways and inhibits solar passive development on these east-west oriented blocks.	Strategically-located building envelopes and increased second storey side setbacks could provide staggered two-storey built form that will maximise solar access and avoid overshadowing of neighbouring properties. Solar access for adjoining sites (i.e. cl 5.4.2 deemed-to-comply C2.1) to remain per R20 standards of the R Codes.	Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes. The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.

	<p>There's a potential for a reduction of amenity on neighbouring properties due to bulk of 3.5m high parapet walls and overlooking from second storeys developed at the R30 code.</p>	<p>Restrictions to parapet walls should remain as per R20 standards of the R Codes (i.e. cl 5.1.3 deemed-to-comply C3.2 (ii)).</p> <p>Major openings (per R Codes) prohibited on southern face of second storeys.</p>	
	<p>Current 6m front setback restrictions under the Town's planning Scheme result in open space being provided in areas at the front of the properties which are the most noise-affected.</p> <p>Outdoor living areas towards rear of properties tend to be protected from the traffic noise.</p>	<p>Generous verge depths compliment a potential reduction of the front setbacks to 2 metres that would enable built form towards the front of the lots which mitigates noise transference from Curtin Avenue to outdoor living areas.</p>	
<p>Open Space</p>	<p>Smaller lots reduce private open space in the locality.</p>	<p>Potential to reduce (or limit) second storey floor area in exchange for greater building site coverage on the ground floor – this would also prevent sheer-bulky two-storey dwellings and provide greater focus on delivering individual outdoor living areas that are of sizes and configurations that are functional and well-located.</p> <p>Private open space also to be strategically configured to permit solar access and cross-flow ventilation between neighbouring properties.</p> <p>Permeable fencing and landscaping in front setback for new lots fronting the right of way.</p>	<p>LPS3 definition for "green roof" etc.</p> <p>Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.</p> <p>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.</p>

Parking	<p>Parking on rights-of-way will lead to congestion.</p>	<p>Rights-of-way provide for limited vehicle movements and naturally provide for slower vehicle speeds.</p> <p>Council by-laws and regulation can prohibit parking in rights-of-way to maintain sight-lines for pedestrian safety and unfettered vehicle access to residences.</p> <p>Construction of right-of-way at expense of developers as condition of subdivision approval will have a flow-on effect of improving access to other surrounding properties.</p>	<p>Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.</p> <p>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.</p>
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Comment

This analysis is useful in identifying some aspects to be addressed in setting development parameters for the subject land and suggesting how the Scheme may apply the controls, with a focus on RDC requirements. It does not consider how subdivision may be managed, which Council also seeks to address.

The suggestion of requiring certain RDC parameters to be at R20 standard for the R30 area seems at odds with allowing increased density and may restrict development on smaller lots. One approach, however, would be to require the deemed-to-comply standards only, to avoid discretion under the design principles allowing concessions with undue impacts.

In this respect, the table below shows the different RDC requirements for single or grouped dwellings at R20 and R30 density. At R30 the setback, open space and outdoor living area reductions compensate for the smaller lots yet result in denser, closer development. Further reductions using discretion could be prevented by special controls.

Minimum standard:	R20 single or grouped dwelling	R30 single or grouped dwelling
Lot frontage width	10m	n/a
Open space proportion	50%	45%
Outdoor living area size	30sqm	24sqm
Main setbacks	6m primary street; 1.5m secondary street	4m primary street; 1.5m secondary street

Scheme mechanisms

Scheme Provisions

The most effective way to control development would be by specific Scheme provisions as part of the Scheme Amendment process necessary to designate the R30 density coding. Scheme provisions have statutory force and effect, whether mandatory or discretionary, with greater bearing than a Scheme Policy or Design Guidelines. A Local Development Plan and/or particular provisions contained in Schedules 12 or 13 or in a new schedule of the Scheme may be appropriate. Variations to the RDC for the subject land or to other Scheme provisions may be appropriate, including for limitations.

Special Control Area

Creating a Special Control Area (SCA) for the subject land would allow for objectives and special controls applicable to the area to be set out and highlight that the area is to be treated specially. The SCA may involve variations to the RDC or to other Scheme provisions. This mechanism would entail the Scheme Amendment process, which includes consultation.

Local Planning Policy

A Policy and/or Design Guidelines made pursuant to the Scheme is a more discretionary and less mandatory mechanism, which Council is to have due regard to but is not absolutely binding and is open to review. It may contain a Local Development Plan or other tools to manage subdivision and development. This mechanism would entail the policy-making process, which includes consultation.

Subdivision considerations

Subdivision is a statutory approval process separate from local planning schemes but which may be linked to a scheme for some measure of control. In LPS3 a degree of subdivision control is contained in the structure plan provisions for the Development zones and in the Special Control Area provisions for the beachfront.

For the subject area, the RDC would govern lots sizes at R30 as above. Relevant additional subdivision controls via the Scheme may relate to the orientation and configuration of lots, vehicular and pedestrian access, widening of lanes, positioning/rationalisation of crossovers, public open space or cash-in-lieu thereof, verge treatments, corner truncations, coordinated perimeter fencing, protection of verge trees and preservation of on-site trees, etc.

Right-of-way (ROW) 12 running north-south between Grant and Hawkstone Streets is owned by the Town, is 5m wide and contains a sewer main. ROW 20C running north-south, south of Hawkstone Street, is owned by the Town, is 5m wide and contains a sewer main. ROW 20B running north-south, continuing southward, is owned by the Town and is 3m wide. These ROW feature vehicular access, are trafficable and are partially unmade (sand) and partially upgraded (paved and drained). The subdivision and denser development envisaged would necessitate widening of the lanes to 6m (by the land being ceded free of cost from the lots) and upgrading upon subdivision or development.

In summary, the chief controls influencing subdivision could be:

- Define the R30 area to limit its extent and manage the interface with the R20 area.
- Require the legal widening of the rights-of-way by the ceding of land from the lots free of cost.
- Designate vehicular and pedestrian access points.
- Guide the subdivision pattern and lot parameters, including any public open space and landscaping.
- Define building envelopes.

Development considerations

Development control for dwellings at R30 density on the land would ordinarily be guided broadly by LPS3 and governed in detail by the RDC. As under the Scheme there is some scope for variations and under the RDC there is considerable scope for discretion, it may be appropriate to prescribe specific limitations or requirements for the subject area to manage particular development aspects. Relevant aspects include setbacks (including boundary walls), privacy, solar access, site cover/open space, vehicular access and parking, pedestrian access, streetscape (including fencing and landscaping), building design/appearance, etc.

In summary, the chief controls influencing development could be:

- Exempt multiple dwellings, as they would have more extensive floorspace, balconies and windows on the second storey.
- Designate dwelling orientation, primary and secondary frontages and the positions for open space, outdoor living areas, parking and access.
- Address streetscape aspects including fencing, landscaping and ancillary structures; to Curtin Avenue, the side streets and the lanes.
- Exempt the RDC design principles for particular aspects, ie adhere to the deemed-to-comply standards.
- For the second storey, limit size, specify setbacks and control privacy.
- Maximise solar access and cross-ventilation, and minimise overshadowing.
- Require developer contributions to upgrade the rights-of-way.
- Prohibit parking in the rights-of-way.

CONCLUSION

The proposed density increase from R20 to R30 may be seen as merited given infill housing targets, proximity to the train station and bus routes and the amenity impacts of Curtin Avenue traffic. However, the differences in lot sizes and development requirements between R20 and R30 standards are significant and can create impacts on adjoining properties and streetscapes.

This report has identified subdivision and development considerations and outlined scheme mechanisms to manage such for the proposed R30 area in relation to the surrounding locality, should the request be supported by Council.

If Council wishes to further examine the matter towards a possible Scheme Amendment, detailed work on the appropriate provisions to control subdivision and development would be undertaken, then reported-back with a draft Amendment, for

Council to decide whether to initiate an Amendment and gauge community reaction to the proposal and continue with that process, or to decline to initiate an Amendment.

COMMITTEE COMMENT

Committee supported further work towards a possible Scheme Amendment on the matter.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Mayor Dawkins

THAT Council:

- 1. Note this second report on the request from landowners “that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30”, including the preferred approach to managing subdivision and redevelopment.**
- 2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and development, including consideration of the aspects identified in this report and any other aspects that come to light.**

AMENDMENT

Moved Cr Walsh, seconded Cr Downes

That a new point 3 be added to read: “That the Town of Cottesloe seek comments from residents on Grant Street, Hawkstone Street and Florence Street, between Curtin Avenue and Marmion Street, before preparing a draft detailed Scheme Amendment”.

Lost 3/6

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council:

- 1. Note this second report on the request from landowners “that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30”, including the preferred approach to managing subdivision and redevelopment.**
- 2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and**

development, including consideration of the aspects identified in this report and any other aspects that come to light.

THE SUBSTANTIVE MOTION WAS PUT

Carried 7/2

**For: Mayor Dawkins, Crs Pyvis, Rowell, Downes, Angers, Burke, and Jeanes
Against: Crs Walsh and Birnbrauer**

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 18
AUGUST 2015****10.4.1 UPDATE ON THE PROPOSAL FOR A TRIAL SHARK BARRIER -
COTTESLOE BEACH**

File Ref: SUB/1947
Attachments: [Minutes from October 27 2014](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

In October 2014, Council resolved that it would install a shark barrier to a portion of Cottesloe Beach, subject to receiving support from the State Government to do so. Council is being asked to reconsider the project as it now appears unlikely that State funding will be obtained in the short to mid-term.

BACKGROUND

In August 2014, a detailed report was presented on the options and costings for implementing a shark barrier on a trial basis at Cottesloe Beach. Council resolved to proceed with the trial on the basis that State support be forthcoming for the trial.

Following this resolution administration staff have set about attaining the permits and licenses required for the barrier. While we are still yet to receive the grant of license from the Department of Lands, we are confident it would be in place in time for this summer, should Council opt to proceed with this project.

STRATEGIC IMPLICATIONS

3.2 Continue to improve beach facilities

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997
Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

No further consultation has been undertaken since the September 2014 meeting, aside officers contacting the many State Government agencies that we were required to get licenses and permits from.

STAFF COMMENT

With the recent announcement from the State Government that barriers would be funded in the City of Joondalup and City of Albany, the Town is now in position where it is almost certain that it will not receive State funding for the installation of a Shark Barrier at Cottesloe Beach. To install the barrier now will require the Town to cover the costs (approximately \$130,000 per annum) for the installation of Eco Shark Barrier (ESB).

While administration have undertaken significant work on the project to date, this has been undertaken within existing staff resources. The proprietor of Eco Shark Barrier, has also provided significant input that has allowed the required permits and licenses to be attained.

The project is now at a decision point. The final licenses and permits can be obtained if the project is going to proceed. However, if the Council does not feel it is appropriate to cover the entire cost of installing the barrier without State Government support, then the project should cease at this time, so that the administration, and to some extent the proprietor of ESB, can continue with other priorities.

The recommendation provided below is formed on the basis that Council have previously indicated that they would not support the project without some level of State Government contribution. If Council wishes to proceed with the project an appropriate resolution would be:

“That Council authorise the Chief Executive Officer to proceed with the installation of the Eco Shark Barrier at Cottesloe Beach, as per the resolution of 27 October 2014, without any funding contribution from the State Government as previously required in point 2 of that resolution.”

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the matter at length and expressed a general feeling of disappointment that the State Government did not provide support for the installation of the Eco Shark Barrier, given the high profile of Cottesloe Beach and that it attracts so many visitors.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Walsh

THAT Council:

1. **Note that it has not been successful in receiving funding for the installation of the Eco Shark Barrier at Cottesloe Beach; and**
2. **As per the condition set out in point 2 of the resolution of 27 October 2014, not proceed with the trial installation of the barrier for the 2015/2016 summer season.**

Carried 8/1

10.4.2 ROTTNEST CHANNEL SWIM & CHAMPIONS OF THE CHANNEL - 2016

File Ref: SUB/2033
Attachments: [RCS Event Application Form](#)
[Day One Event Map](#)
[Day Two Event Map](#)
[Letter of Support from CSLSC](#)

Responsible Officer: Cary Green
A/Manager Corporate & Community Services

Author: Sherilee Macready
Community Development Officer

Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

The Rottnest Channel Swim Association is seeking Council's approval to host a two day event from Cottesloe Beachfront: the 2016 Karma Resorts Rottnest Channel Swim, on Saturday 27 February 2016, followed by the 2016 "Champions of the Channel" event on Sunday 28 February 2016.

BACKGROUND

The Rottnest Channel Swim is an annual event, commencing from Cottesloe Beach to Rottnest Island, with approximately 2400 swimmers participating, 900 of which are expected to depart from Cottesloe from 5.45am.

Last year's event was successfully held on Saturday 21 February 2015, again reaching its maximum participation capacity.

The 2016 Rottnest Channel Swim will be held on Saturday 27 February 2016, with the first wave of solo swimmers leaving Cottesloe at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am. The event has four participation categories for competitors, which are: Solo; Duo; Team (of 4); and Charity Challenge (teams of 4), with entries opening on 12 October 2015 for one week.

The 2016 event finishes at Thomson Bay, Rottnest Island, and the race distance is 19.7km.

The age requirement for the 2016 event is a minimum of 14 years of age (on the day of the event), in accordance with the FINA rules for open water swimming (OWS 1.2).

This year, organisers have expanded the existing event to a two day event, as part of the 'Rottnest Festival of Swimming'. The second day will see a new component called the Champions of the Channel, taking place on Sunday 28 February 2016.

The Champions of the Channel event is an elite event where interested swimmers must qualify to compete. Numbers will be limited to 300 competitors, 100 of which are expected to depart from Cottesloe Beach at 5.45am. The last wave of swimmers are

expected to leave Cottesloe Beach at 6.30am. Strict cut-off times have been placed on competitors, who must complete their swim by 11.00am on race day.

The format of the event will be similar to the Rottnest Channel Swim, with competitors swimming the same 19.7km course to Rottnest, and being able to participate in the following categories: Solo; Duo; and Team (of 4). The Charity Challenge (teams of 4) will not be included in this event.

Organisers are expecting between 30 and 300 competitors for their first Champions of the Channel event.

Organisers will provide extra toilets and bins to cater for the expected number of patrons attending both events. Suitable parking arrangements to cater for the expected patrons will be investigated.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Ranger Services, which are met within normal budgeting allocations.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Cottesloe Surf Life Saving Club has indicated that they are supportive of the two day event format, and have provided a letter of support for the event.

STAFF COMMENT

Competitor and paddle craft drop off zones on Marine Parade which are used for the Rottnest Channel Swim on the Saturday, can be in place for the Champions of the Channel event. Due to the early morning nature of the second day, it is not expected to have any material impact on other beach users.

The event space on the beachfront for the Champions of the Channel event will be on a smaller scale than the Rottnest Channel Swim, and will also take advantage of infrastructure already in place at the beachfront, for example, organisers will make

use of the scaffolding tower for water safety, and the Operations Tent and Help Desk. This will reduce the impact on residents in terms of the need to “bump in” additional infrastructure equipment for the Sunday event.

Due to the history of the one day Rottnest Channel Swim event, and the success of the organisers in previous years, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the 2016 Karma Resorts Rottnest Channel Swim at Cottesloe Beachfront, on Saturday 27 February 2016, from 5.00am to 8.30am, and the 2016 Champion of the Channel event at Cottesloe Beachfront, on Sunday 28 February 2016, from 5.00am to 6.30am, subject to the following conditions:

- 1. Adequate arrangements for rubbish removal and collection, including the provision for recycling;**
- 2. Class the event as “Charitable” and charge no fee for the event;**
- 3. Compliance with the *Environmental Protection (Noise) Regulations 1997*;**
- 4. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 5. Appropriate Public Liability Insurance, with cover no less than 10 million dollars;**
- 6. Compliance with the Town’s *Beaches and Beaches Reserves Local Law 2012*;**
- 7. Administration to investigate suitable parking and traffic management arrangements for this event;**
- 8. That the Sunday event be limited to no more than 300 competitors with the last wave to leave the beach by 6.30am; and**
- 9. Only infrastructure approved by the Chief Executive Officer is to remain in place between the Saturday and Sunday components of the event.**

Carried 9/0

10.4.3 ALCOHOL THINK AGAIN BEACH VOLLEYBALL TOUR ROUND 3 - 2015

File Ref: SUB/1929
Attachments: [Event Application](#)
[Draft Map](#)
Responsible Officer: Cary Green
A/Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

Volleyball WA is seeking approval to host the Alcohol, Think Again Beach Volleyball Tour Round 3 at Cottesloe Beach on Saturday 12 December and Sunday 13 December 2015, from 6.00am to 5.00pm.

BACKGROUND

The *Alcohol, Think Again Beach Volleyball Tour* is Western Australia's Premier Beach Volleyball competition. The Beach Tour Events season runs from November to March each year, at various local West Australian beach venues. This year organisers have again chosen Cottesloe Beach as a venue for their Round 3 event.

Participants include Beginners, Juniors and Elite players, competing in a single set double elimination format, with two divisions for each gender. Organisers are expecting approximately 200 competitors over the two day event. Members of the local community are encouraged to participate in the event, either as a competitor or spectator.

The competition beach set up will include four beach volleyball courts to the south of Indiana. A Draft Map of the event space has been provided, together with a photograph example of a typical Beach Tour competition set up.

Brief announcements will be made on a PA system at intervals during both event days.

Last year's event, held on 13 December and 14 December 2014, was successful, and no major issues were brought to the attention of Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

A letter of support for the event has been provided by Cottesloe Surf Life Saving Club.

Officers contacted Cottesloe Surf Life Saving Club to provide feedback on the previous year's Beach Volleyball event. It was advised that the 2014 event was overall a positive experience for the Club with no issues brought to their attention.

STAFF COMMENT

A Public Liability Insurance Certificate has been provided, together with a comprehensive Risk Management Plan. A Draft Map of the event space, and a photographic example of the infrastructure set up on the beach, has been provided. A letter of support for the event from Cottesloe Surf Life Saving Club has also been provided.

Due to the success of last year's event, the officer recommendation is to approve this event.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the Alcohol, Think Again Beach Volleyball Tour Round 3 at Cottesloe Beach, on Saturday 12 December and Sunday 13 December 2015, from 6.00am to 5.00pm, subject to the following conditions:

- 1. Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
- 2. Class this event as a "Community" event and charge the fee of \$550 per day, and a bond of \$1,000, to be paid prior to the event commencing;**

3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
5. Compliance with additional relevant sections of the Beach Policy;
6. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;
7. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event; and
8. All signage to be approved by the Chief Executive Officer one month prior to the event.

Carried 9/0

10.4.4 ALCOHOL THINK AGAIN RUGBY WA BEACH 5'S

File Ref: SUB/1929
Attachments: [Event Application Form](#)
[Draft Event Map](#)
[Support Letter from CSLSC](#)
Responsible Officer: Cary Green
A/Manager, Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

An application has been received from Rugby WA for a one day beach rugby event, the Alcohol, Think Again Beach 5's, to be held on Saturday 14 November 2015, at Cottesloe Beach.

BACKGROUND

The *Alcohol, Think Again Beach 5's* event is a 5-a-side beach rugby tournament which is popular in other parts of the world, particularly in Hong Kong. The concept is relatively new to Perth, with the first event series being held at Scarborough Beach in November 2013. A second event series was again held at Scarborough Beach in November 2014, and the format was expanded to include Under 18 categories for both girls and boys. This year, organisers have chosen Cottesloe Beach as a potential venue for their one day event on Saturday 14 November 2015.

The event has four participation categories for competitors: Open Men; Open Women; U18 Boys and U18 Girls.

Organisers are expecting approximately 300 competitors, which make up approximately 30 teams in total. Members of the local community are encouraged to participate in the event, either as a competitor or spectator.

Competition game rules are modified to suit the beach environment and its reduced-size playing field, for example line outs and scrums are not permitted.

The beach set up will include two beach rugby fields to the north of Indiana Restaurant. A Draft Map of the event space has been provided, together with a photographic example showing a competitor participating in an Alcohol, Think Again Beach 5's competition. The tournament is expected to run from 10.00am to 4.00pm.

Rugby WA's objectives for conducting the Alcohol, Think Again Beach 5's event at Cottesloe Beach are:

1. To provide a high quality tournament as part of the Rugby WA Sevens Summer Series.
2. To introduce and promote rugby to the local community.
3. To actively provide a promotion tool for recruitment to the game for the local rugby club. (In this case, Cottesloe Rugby Union Football Club.)

4. To conduct a safe and enjoyable event for all.

Brief announcements will be made on a PA system at intervals during the event.

Organisers aim to give away free promotional items to members of the public at certain times during the event, provided by their sponsors. This would include staff from their major sponsor 'Healthway' distributing branded promotional items, such as zinc sunscreen, sunglasses and bottled water. In addition, organisers would like to invite a select few Western Force elite rugby players to distribute branded free giveaway items to members of the public at certain times during the event, such as during "autograph sessions". Items range from hats, whistles, lanyards, stickers and posters.

Organisers have indicated that they will invite Cottesloe Rugby Union Football Club members to be a part of the event, in order to assist with promotion of Rugby to the local sporting community.

Organisers will provide additional bins and toilets to cater for the additional number of patrons attending the event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Cottesloe Surf Life Saving Club has confirmed their support for the event and have provided a letter of support.

Officers contacted the City of Stirling events section requesting comment on their experiences with the organisation of the Alcohol, Think Again Beach 5's event held at Scarborough Beach in November 2014, however, no response was received at the time of publishing the agenda.

STAFF COMMENT

Event organisers have indicated that they expecting 300 participants, with members of the local community being encouraged to participate in the event, either as a participant or spectator.

As assessment of how the event's timing, location and activities may affect other beach users and residents, has been undertaken by the officer. As the event takes place early in the summer season when less beach users are at the beachfront, and the location of the event being on the north side of Indiana Restaurant, as well as the event being only one day in length, the potential impact of the event on other beach users and residents has been minimised.

Event organisers have provided the following additional documents:

- A Public Liability Insurance Certificate;
- A Draft Operational Plan; and
- A Draft Map of the event layout.

A Risk Assessment Plan will be provided prior to the event.

A letter of support for the event from Cottesloe Surf Life Saving Club has also been provided.

With 300 participants and their spectators, additional toilets and bins will be provided by the organisers.

In the past, it has not been Council's practice to allow promotional giveaway items that have the potential to create waste/rubbish at the beachfront, or could cause a disturbance to members of the public at the beach. As such, it is the officer recommendation that we approve the 'Healthway' branded products, as they provide a good positive healthy message and encourage positive behaviours. In relation to the request from Western Force to give away free branded products, and using the same philosophy, the officer recommendation would be to approve the branded hats, however, as the other items have the potential to create waste/rubbish, or a could cause a disturbance to members of the public attending the beachfront, they are as such not supported.

As the objectives of the event is to engage the local community in rugby and to provide a promotional tool for recruitment to the game for Cottesloe Rugby Union Football Club, as well as the event is planned as a one day event only, the officer recommendation is to approve the application.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis expressed concern that giveaway promotional items, particularly bottled water, may generate litter on the beach. Cr Pyvis suggested that as a water refill station should be made available at the event, bottled water should not be a giveaway promotional item and the availability of a water refill station should be promoted.

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Rowell

THAT Council approve the application to hold the Alcohol, Think Again Beach 5's event at Cottesloe Beach on Saturday 14 November 2015, from 7.00am to 5.00pm, subject to the following conditions:

1. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
2. Class this event as a "Community" event and charge the fee of \$550 per day, and a bond of \$1,000, to be paid prior to the event commencing;
3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
5. Compliance with additional relevant sections of the Beach Policy;
6. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;
7. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event;
8. All signage to be approved by the Chief Executive Officer one month prior to the event; and
9. Approval of Healthway branded promotional products and Western Force branded hat promotional products only, as giveaways during the event.

AMENDMENT

Moved Cr Pyvis, seconded Mayor Dawkins

1. That the words "excluding bottled water" be added after the word "only" and before the word "as" in point 9.
2. That a new point 10 be added that reads "The availability of a water station be included in all promotional material."

Carried 6/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the Alcohol, Think Again Beach 5's event at Cottesloe Beach on Saturday 14 November 2015, from 7.00am to 5.00pm, subject to the following conditions:

- 1. Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
- 2. Class this event as a "Community" event and charge the fee of \$550 per day, and a bond of \$1,000, to be paid prior to the event commencing;**
- 3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
- 4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 5. Compliance with additional relevant sections of the Beach Policy;**
- 6. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;**
- 7. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event;**
- 8. All signage to be approved by the Chief Executive Officer one month prior to the event;**
- 9. Approval of Healthway branded promotional products and Western Force branded hat promotional products only, excluding bottled water, as giveaways during the event; and**
- 10. The availability of a water station be included in all promotional material.**

Carried 9/0

Cr Downes declared an impartiality interest in items 10.4.5 due to being a member of the Tennis Club. She stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

Mayor Dawkins declared an impartiality interest in items 10.4.5 due to being a member of the Tennis Club. She stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.4.5 COMMUNITY SPORT AND RECREATION FACILITIES FUND SMALL GRANTS 2015/2016

File Ref: SUB/1873
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Cary Green
A/Manager Corporate & Community Services
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to consider supporting an application for funding from the Cottesloe Tennis Club (CTC) through the Department of Sport and Recreation's (DSR) Community Sport and Recreation Facilities Small Grant fund (CSRFF).

BACKGROUND

Through the CSRFF program, the State Government provides financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities.

The Local Governments role in the provision of the funding is to assess the applications and rate the applications in order of priority if more than one application is received. The maximum grant approved will be no greater than one third of the total estimated project cost and there is no obligation on the Local Government Authority to make any contribution to a project.

All applications for this small grants round are to be received by the DSR by 4.00pm on the last working day of August 2015 for assessment, while successful applicants will be advised in December 2015, with funds to be acquitted by 15 June 2016.

The Town has received one application from the CTC, to build two acrylic tennis courts to replace two existing grass courts, to be used by their members and local community. The project will increase hard courts available for use and is expected to result in an increase of 10% in the amount of tennis played.

The proposed cost contribution is as follows:

Organisation	Contributions (ex GST)
CSRFF	58,428
Cottesloe Tennis Club	58,428
Town of Cottesloe	58,428
Total Project Cost	175,824

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Council is being asked to consider contributing \$58,428, which is one third of the total project cost. At this stage, no funding allocations have been made in either the LTFP or annual budgets for such a project.

The Town has a history of making available self supporting loans to sporting clubs seeking to improve their facilities. In recent times, loans have been made available to the CTC and Seaview Golf Club for improvements.

The self supporting loan to the CTC was finalised in the first half of the 2014/15 financial year.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The two new acrylic courts will be located next to the existing hard courts, thus making it more suitable for scheduling and managing hard court tennis competition. It will also create efficiencies for the mowing and maintenance programs as the remaining grass courts are now located all in one area.

CONSULTATION

Internal members of the CTC have been consulted.

STAFF COMMENT

This application for the CTC is the only project in regards to facility development for sporting clubs, within the Town of Cottesloe this financial year. The CTC has stated that the construction of the two acrylic tennis courts to replace the grass courts will be an improvement to tennis facilities for use by its members and enhance the current facility whilst making it more sustainable. The CTC have indicated the

additional courts will result in at least a 10% increase in the number of hours or physical activity when compared with current levels.

The Club has a very strong membership base with 653 members and is considered one of the premier tennis clubs in the State. There are currently increased pressures on court availability due to the large membership base and community use, which includes sharing the facility with Christ Church Grammar School and local primary schools. The proposed new courts will help alleviate some of these pressures.

DSR who administer the grants, have been consulted throughout the process and have indicated the project is eligible under the grants criteria, however on face value is considered a medium to low priority project. It is also worth noting the CSRFF Small grants funding round is a highly competitive tender process and in recent times been over-subscribed. As such, even though the project meets the criteria, the possibility of being successful is medium to low.

In summary, it is recommended that Council support the CTC's CSRFF application to design and construct two new acrylic tennis courts and include an amount of \$58,428 in the Long Term Financial Plan as a self supporting loan for the one third contribution from the Town.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Endorse the application from the Cottesloe Tennis Club and forward it to the Department of Sport and Recreation; and**
- 2. Include an amount of \$58,428 in the Long Term Financial Plan as a self supporting loan for the one third contribution from the Town.**

Carried 9/0

10.4.6 LIBRARY MANAGEMENT AGREEMENT REVIEW

File Ref: SUB/547
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider participating in a project proposed by the Town of Mosman Park to review the current Library Management Agreement.

BACKGROUND

The Town of Cottesloe, along with the Town of Mosman Park and the Shire of Peppermint Grove have successfully run a joint library service for a considerable period of time. The current agreement was executed in 2009 and covers the construction and management of the new library building.

Prior to the construction of the new library, the three local governments participated in a joint library arrangement of one form or another since the mid 1960's.

STRATEGIC IMPLICATIONS

The library is a key community asset and its ability to deliver services and to support the community will impact on Council's ability to deliver on its objectives in the Strategic Community Plan.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

As the current agreement is more than five years old, it is worth reviewing the agreement to see if it still meets the needs of each party and to apply the lessons learned in the first few years of operation of the new library building.

As with all review processes though, Council is able to set guidelines as to what it will and won't consider changing, to provide guidance to the review process. It does appear that the Town of Mosman Park may be seeking a review of the way costs are shared by the statement in their report that this "has the potential to reduce Council's expenditure".

Council has previously considered how the costs are allocated to each of the member local governments and has always agreed that all library costs should be allocated on the basis of population. If Council is still satisfied with this system, then it could be worth stating that at the outset.

The most likely outcome of the review process is that a draft of a new agreement would be presented to each Council for consideration at some later date. As there is currently a formal agreement in place, any change would need to be endorsed by Council before it could be included in the Agreement, as it would for the other member local governments. If any of the parties didn't agree with the change, it is unlikely it could be included in the agreement.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. Agree to participate in the review of the Library Management Agreement as proposed by the Town of Mosman Park;
2. Nominate _____ to represent the Town at discussions; and
3. Reaffirm its position that all costs associated with library operations be allocated to member local governments on basis of population, as is currently the case.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

1. **Agree to participate in the review of the Library Management Agreement as proposed by the Town of Mosman Park;**
2. **Nominate Cr Pyvis to represent the Town at discussions; and**
3. **Reaffirm its position that all costs associated with library operations be allocated to member local governments on basis of population, as is currently the case.**

Carried 9/0

10.4.7 OUTCOME OF ADVISORY PANEL FOR THE NAMING OF ROADS, RIGHT OF WAYS AND PUBLIC PLACES

File Ref: SUB/1986; SUB/302; SUB/268; PR53468
Attachments: [List of Place Names](#)
[Plan Right of Way 62 Seadragon Lane](#)
[Plan Depot Subdivision Names](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to endorse the report provided by the advisory panel it established for the naming of roads and laneways around the Town. This includes:

- A list of names to be used for the naming of unnamed roads and lanes within Cottesloe;
- The concept of installing interpretive signage within the Town;
- The allocation of a name to Right of Way 62 and;
- The allocation of names to a new road and the existing lanes associated with the Depot subdivision.

BACKGROUND

At the Ordinary Council meeting of 23 February 2015, Council resolved to establish an advisory panel for the naming of roads, right of ways and public places. In accordance with Council's resolution, an advisory panel was established.

The result of a number of meetings of the advisory panel is the development of a list of names to be used for the naming of roads, right of ways and public places within Cottesloe. In addition, the advisory panel recommends Council develop interpretive signage to tell stories of notable people, offices, developments and buildings, and to recognise Indigenous history within the Town. At the Ordinary Council meeting of 27 July, 2015, Council resolved to install an example of such signage at the former residence of the Curtin family (John and Elsie Curtin).

The purpose of this report is to present the list of place names prepared by the advisory panel. In addition, this is an opportunity to allocate a name to Right of Way 62, which was the catalyst request, and to consider the allocation of names for the Depot subdivision.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The adoption of the recommendations of the advisory panel will become Council's formal position for place names and interpretative signage. This will guide staff with advice and operational decisions into the future.

STATUTORY ENVIRONMENT

Local Government is an advice agency to the Geographic Names Committee ('Committee'). For a name to be officially allocated and recognised, the Committee has to adopt the name and recommend approval by the Minister for Lands. As such, it is necessary for any proposed name to meet the naming conventions determined by the Committee.

FINANCIAL IMPLICATIONS

Street name signage is a minimal cost. The installation of interpretative signage will need additional financial resources allocated. This project could be rolled out over a few years. Grants are available for the creation of interpretive signs that recognise history.

STAFFING IMPLICATIONS

Any project to develop interpretive signage across the Town needs to reflect the staff resource available to progress the project. It is likely that an external resource will be required to advance such a project.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Residents adjacent to Right of Way 62 have generally confirmed acceptance of the proposed name. The developers of the Depot subdivision have been canvassed regarding the proposed names surrounding this development.

STAFF COMMENT

The members of the advisory panel were representatives of Cottesloe Coast Care, the RSL and the local Church, as well as a Councillor. An offer was also made to local anthropologists to be part of the panel.

To progress the assignment, the advisory panel discussed naming themes, and developed suitable names that could fit within a number of themes. In some cases, names could be allocated to several themes. The following themes were considered:

- Indigenous names (people, places or things);
- Local flora and fauna;
- Significant individuals;
- Significant servicemen;
- Significant places (e.g. the quarry and Sunshine House);
- Significant or long-term business (e.g. the Bakery at 64 Railway Street); and

- Members of the local Church (St Philips) making a significant contribution to the community (e.g. Mary Angelo).

As part of the process, the advisory panel considered the primary purpose of many of the names as an address, and discounted names that were difficult to pronounce or spell. With the themes as a guide, the advisory panel established a list of a number of names for vetting by the Geographic Names Committee. As a result, the list of names attached was developed. The final process of the advisory panel was to geospatially locate the names around the Town, either by association with a point of relevance (e.g. near a particular house) or a group as part of a name theme.

The second main outcome of the advisory panel was the suggestion that the Town install interpretive signage around the Town, to recognise historical locations, people and structures. This was considered a better way to tell the stories of Cottesloe, and was an opportunity to recognise both Indigenous and European History, without being constrained by the rules of the Geographic Names Committee. This particular recommendation is in accordance with informal comments made by Councillors, expressing a desire to tell the stories of Cottesloe in a more publically accessible format. The members of the advisory committee expressed an interest to work on the progression of this concept, as an ongoing advisory committee, if agreed by Council.

Allocation of Names – ROW 62 and Depot Subdivision

The catalyst for the establishment of the advisory panel was the request to allocate a name to Right of Way 62. In consultation with the owners adjacent to Right of Way 62, the advisory panel recommends the name Seadragon Lane. This name was recommended, as this particular Right of Way intersects Marine Parade, and a local Seadragon specimen was washed up on Cottesloe Beach in 1919. A plan showing the location of the proposed name is included in the attachments.

In addition to Right of Way 62, it is necessary to develop names to be allocated to the laneways and new road associated with the subdivision of the old depot site. This site was originally a lime quarry and the site of a lime kiln. To recognise this history, the advisory committee recommended that the new road be allocated the name Kiln Road (note, other names associated with the Quarry were disallowed by the Geographic Names Committee). For the surrounding lanes, the names Angelo, Drayton and Fahey were recommended, due to their connection with the former rectory at 40 Napier Street, which was also used as a camp by the Quarry. A plan showing the location of the proposed names, for the Depot subdivision, is included in the attachments.

Recommendation

It is recommended that Council adopt the list of names and locations developed by the advisory panel. It is also recommended that Council endorse the concept of installing interpretive signage around Cottesloe, and utilise the advisory committee to progress this project. Finally, it is recommended that Council endorse the recommended names for Right of Way 62 and the Depot subdivision.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Adopt the list of names and places, as included in the attachments, for naming un-named roads and lanes within the Town;**
- 2. Thank the members of the naming advisory panel (Nomenclature Working Group) for their time and commitment to developing a list of names;**
- 3. Request the members of the advisory panel continue as a working group, to develop a project for the installation of interpretive signage;**
- 4. Endorse the naming of Right of Way 62 as Seadragon Lane, in accordance with the attachment; and**
- 5. Endorse the allocation of the names Kiln Road, and Angelo Lane, Drayton Lane and Fahey Lane, to the new road and existing lanes around the Depot subdivision, in accordance with the attachment.**

Carried 9/0

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

File Ref: SUB/1878
Responsible Officer: Cary Green
A/Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows operating revenue variance of \$2,362 or 1% less than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 9 of the attached Financial Statements. Operating expenditure variance is \$178,682 or 15% less than year to date budget however it should be noted that depreciation has not been processed and this would account for this variance. Depreciation will be processed once the 2014-2015 Financial Statements are signed off by Council's auditors.

Capital expenditure is detailed on pages 27 to 34 of the Financial Statements and shows capital expenditure variance is \$140,008 or 73% ahead of year to date budget with most of this variance relating to timing differences.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 18 August 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.9 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 JULY 2015

File Ref: SUB/1878
Responsible Officer: Cary Green
A/Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 July 2015, as included in the attached Financial Statements presented to the Works and Corporate Services Committee on 18 August 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS²¹

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 20 of the attached Financial Statements shows a balance of \$9,707,848.80 invested as at 31 July 2015. Approximately 39% of these funds were invested with Bankwest, 26% with National Australia Bank, 20% with Westpac Banking Corporation and 15% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 21 of the attached Financial Statements shows a balance of \$5,147,372.01 as at 31 July 2015. Included in this balance is \$256,620.19 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 July 2015. These schedules are included in the attached Financial Statements as submitted to the Works and Corporate Services Committee on 18 August 2015.

Carried 9/0

10.4.10 LIST OF ACCOUNTS PAID FOR THE MONTH OF JULY 2015

File Ref: SUB/1878
Responsible Officer: Cary Green
A/Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of July 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 18 August 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of July 2015 is included on pages 10 to 16 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$51,851.84 to the Australian Taxation Office for the June 2015 Business Activity Statement.
 - \$27,992.75 to Civica for annual software licence renewal fees
 - \$46,145.99 to WMRC for waste disposal fees
 - \$130,431.77 to Local Government Insurance Services for the first instalment of various insurance premiums
 - \$46,416.96 to Shacks & Kerr Motors Pty Ltd for a new passenger vehicle
-

- \$54,333.24 to Perthwaste Green Recycling for waste collection/disposal charges
- \$120,472.00 to Netspark Pty Ltd for lighting works at Napoleon Street
- \$40,632.35 to SHINE Community Services for Councils first half yearly contribution to the service
- \$450,000.00 & \$250,000.00 to Council's Business Investment Account being transfers to a higher interest bearing account
- \$82,579.19, \$77,604.06 & \$79,086.33 to Town of Cottesloe staff for fortnightly payroll

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the list of accounts paid for the month of July 2015 as included in the attached Financial Statements, as submitted to the 18 August 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.11 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 JULY 2015

File Ref: SUB/1878
Responsible Officer: Cary Green
A/Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 18 August 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 31 July 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 18 August 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 22 to 25 of the attached Financial Statements shows a total balance outstanding of \$194,397.73 as at 31 July 2015. Of this amount, \$54,777.00 relates to a non current loan debtor with a community organisation, of the remaining balance \$105,133.81 is under sixty days old with the balance of aged debtors being \$34,486.92.

The Rates and Charges Analysis on page 26 of the attached Financial Statements shows a total balance outstanding of \$9,702,070.37 as at 31 July 2015 of which \$177,079.27 and \$1,290,847.77 relates to deferred rates and outstanding emergency

services levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$9,958,478 as compared to \$9,468,548 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtor Report as at 31 July 2015 as submitted to the 18 August 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 RAILWAY LANDS IN COTTESLOE**

The following motion has been proposed by Cr Walsh.

That in addition to Council's resolution of 27 July 2014 (item 10.4.4), that Council;

1. Require the appointed consultant to provide advice on how a Structure Plan could be developed for the railway reserve within Cottesloe;
2. Authorise the Mayor and Chief Executive Officer to lobby the Local Member and the State Government to develop the available land on the railway reserve in Cottesloe, as per the Structure Plan in point 1; and
3. That the Structure Plan should consider the feasibility of sinking the railway through Cottesloe as a part of developing the railway reserve.

The following Rationale has been provided by Cr Walsh.

RATIONALE:

Town of Cottesloe has had several approaches for what are essentially spot upgrades in R-code classification and mention is made that such requests fit the State Government TOD and Directions 31 parameters. This may be so but such spot upgrading does nothing for the neighbouring amenity and very little towards meeting the infill targets that are being imposed on established suburbs in the Government's attempt to save money on infrastructure.

If we want to be serious about meeting the State Government infill demands then the logical way to go about it is to initiate a structure-planned development on the railway land. As part of this, the sinking of the railway track, as done in Subiaco, would make a huge difference to vehicle access to and from west Cottesloe and to the safety of motorists.

Further, this would accord with the wishes of our residents who have indicated in the surveys carried out as part of community consultation for LPS3 that they approved of development on the railway land but wanted Cottesloe kept predominately at R20.

STAFF COMMENT

The resolution from item 10.4.4 of 27 July 2015 states:

THAT Council:

1. *Decline the formal offer it has received for the purchase of lots 2, 4, 6 and 8 Station Street;*
2. *Authorise the Chief Executive Officer to engage a suitably qualified Town Planning Consultancy to:*
 - a. *Assess the redevelopment options for Station Street;*

- b. *Prepare a concept plan that shows how parking, the interface with the train station and the overall functionality of Station Street can be improved;*
- c. *Engage with property owners to assess the overall appetite for redevelopment in Station Street; and*
- d. *Consider, and where appropriate recommend, changes to the Town Planning Scheme, to allow for appropriate redevelopment within Station Street.*

and then report back to Council for its consideration.

3. *Authorise the Chief Executive Officer to begin discussions with the Public Transport Authority on improvements to the interaction between Cottesloe Train Station and Town Centre.*

While this resolution only provides for the consultant to examine the train station and its interface with the Town Centre itself, it is logical that any such consideration would at least consider the possibility of development within the railway lands, as any such development would have an impact on the Town Centre as well.

As the Town is in process of appointing a suitably qualified consultant to look at a range of structural issues within the locality, it would be very efficient to expand the scope of that consultancy to also consider development on the railway reserve, from a structural point of view.

As the Town does not own or control the land in question, it would be paramount to have the support of the agencies that do control the land from the outset. As such the support of the local member, as well as the relevant departmental officers would need to be sought.

As such a project could be accommodated within existing resources, there are no obstacles to proceeding with the motion from an administrative perspective.

ELECTED MEMBERS' MOTION

Moved Cr Walsh, seconded Cr Birnbrauer

That in addition to Council's resolution of 27 July 2014 (item 10.4.4), that Council;

- 1. Require the appointed consultant to provide advice on how a Structure Plan could be developed for the railway reserve within Cottesloe;**
- 2. Authorise the Mayor and Chief Executive Officer to lobby the Local Member and the State Government to develop the available land on the railway reserve in Cottesloe, as per the Structure Plan in point 1; and**
- 3. That the Structure Plan should consider the feasibility of sinking the railway through Cottesloe as a part of developing the railway reserve.**

Lost 3/6

COUNCIL RESOLUTION

Mayor Dawkins, seconded Cr Downes

That the Chief Executive Officer prepare a report for the September 2015 Development Services Committee Meeting providing recommendations on the following:

- 1. Extension of the Station Street concept plan project, to develop a Town Centre Activity Plan covering the whole of the Cottesloe Town Centre, including the adjacent railway land;**
- 2. The feasibility resource implications and cost of developing a structure plan for the railway reserve within the Town of Cottesloe; and**
- 3. That the Structure Plan should consider the feasibility of sinking the railway through Cottesloe as a part of developing the railway reserve.**

Carried 7/2

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS**

Nil

12.2 OFFICERS

Mayor Dawkins, seconded Cr Downes

That item 12.2.1 on Western Australian Local Government Association Central Metropolitan Zone Delegates be accepted as new business of an urgent nature.

Carried 9/0

12.2.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CENTRAL METROPOLITAN ZONE DELEGATES

File Ref: SUB/101
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Lydia Halim
Executive Officer

Proposed Meeting Date: 24 August 2015
Author Disclosure of Interest Nil

SUMMARY

The next meeting of the Western Australian Local Government Association (WALGA) Central Metropolitan Zone is scheduled for Thursday 27 August 2015 at the Town of Cambridge. Council has two appointed delegates (Mayor and Cr Jeanes) both of whom are unavailable for this meeting. In addition, the Deputy delegates (Crs Angers and Downes) are also unavailable.

The recommendation is for Council to nominate Councillor(s) to represent Council and participate at the 27 August 2015 WALGA Central Metropolitan Zone Meeting.

BACKGROUND

Western Australian Local Government Association zone meetings occur every two months. The Central Metropolitan Zone generally meets on the 4th Thursday of every second month at 6.00pm. Each Council is entitled to nominate two delegates who are also entitled to attend the WALGA Annual Local Government Convention. The CEO attends zone meetings as a non-voting member.

The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

- Town of Cambridge

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- City of Vincent

The WA Local Government Association (WALGA) is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to *provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for, Local Government.*

Council has two appointed delegates (Mayor and Cr Jeanes) both of whom are unavailable for this meeting on 27 August 2015. In addition, the Deputy delegates (Crs Angers and Downes) are also unavailable.

STRATEGIC IMPLICATIONS

As indicated above, the WA Local Government Association (WALGA) is the voice of Local Government in Western Australia and is the peak industry body.

POLICY IMPLICATIONS

None Known

STATUTORY ENVIRONMENT

None Known

FINANCIAL IMPLICATIONS

As a member of WALGA, Council pays annual membership fees. Zone meetings are rotated between members and the cost of hosting includes meeting facilities and catering costs. The primary cost is in Elected Member and CEO attendance with each meeting approximately 2 hours in duration.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Elected Members

STAFF COMMENT

The next WALGA Zone meeting is scheduled for Thursday 27 August 2015. The Central Metropolitan zone is one of a number of zones that provides advice, feedback and recommendations to the WALGA State Council and is an important

mechanism for zone members to influence matters of State and regional significance to the Local Government industry. It is therefore recommended that Council consider nominating at least one delegate to attend the August 2015 zone meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Mayor Dawkins, seconded Cr Downes

That Council nominate Councillor(s) _____ as its deputy delegate to represent Council and participate at the 27 August 2015 WALGA Central Metropolitan Zone Meeting.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

That Council nominate Councillor Walsh as its deputy delegate to represent Council and participate at the 27 August 2015 WALGA Central Metropolitan Zone Meeting.

Carried 9/0

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:44 PM.

CONFIRMED MINUTES OF 24 August 2015 PAGES 1 – 92 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /