

# **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, 25 AUGUST, 2008**

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	3
1.1	SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE .....	3
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	3
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4	PUBLIC QUESTION TIME.....	4
5	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	4
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	5
8	PUBLIC STATEMENT TIME.....	5
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
10	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 AUGUST 2008 .....	6
10.1	PLANNING.....	6
10.1.1	NO 18 (LOT 23) JARRAD STREET – DEMOLITION OF A SINGLE CARPORT AND CONSTRUCTION OF A DOUBLE CARPORT IN THE FRONT SETBACK AREA WITH NEW CROSSOVER AND BOUNDARY FENCING .....	6
10.1.2	NO. 15 (LOT 54) SALVADO STREET – PAIR OF TWO-STOREY DWELLINGS WITH UNDERCROFTS, EACH WITH SWIMMING POOL AND STREET BOUNDARY FENCING .....	15
11	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 19 AUGUST 2008 .....	25
11.1	ADMINISTRATION .....	25

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11.1.1	CEO'S PERFORMANCE REVIEW	25
11.1.2	DRAFT STANDING ORDERS LOCAL LAW 2008	28
11.1.3	PROCOTT INC. - RELEASE OF 2008/09 FUNDING	35
11.1.4	METER EYE	37
11.1.5	LIBRARY PROJECT STEERING COMMITTEE	42
11.1.6	POLICY – UNIFORMS – OFFICE STAFF	47
11.1.7	COTTESLOE CIVIC CENTRE CONCERT	50
<b>11.2</b>	<b>ENGINEERING .....</b>	<b>54</b>
11.2.1	2009/10 STATE AND FEDERAL BLACKSPOT SUBMISSIONS	54
11.2.2	DISABLED ACCESS RAMP, BARCHETTA SHOWERS/TOILETS	59
11.2.3	TOWN OF COTTESLOE - LOCAL BIKE PLAN	62
11.2.4	TRAFFIC MANAGEMENT STUDY	65
<b>11.3</b>	<b>FINANCE.....</b>	<b>70</b>
11.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY, 2008	70
11.3.2	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 JULY, 2008	72
11.3.3	ACCOUNTS FOR THE PERIOD ENDING 31 JULY, 2008	74
11.3.4	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 JULY, 2008	76
<b>12</b>	<b>ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>78</b>
<b>13</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....</b>	<b>78</b>
<b>14</b>	<b>MEETING CLOSURE.....</b>	<b>78</b>

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

The Mayor announced the meeting opened at 7.05 pm.

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

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

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

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

**Suspension of Standing Orders**

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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Boland, seconded Cr Birnbrauer

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

Carried 6/0

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

Mayor Kevin Morgan  
Cr Jay Birnbrauer  
Cr Greg Boland  
Cr Jo Dawkins  
Cr Victor Strzina  
Cr Ian Woodhill

**Officers in Attendance**

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

### **Apologies**

Cr Bryan Miller  
Cr Jack Walsh  
Cr John Utting

### **Leave of Absence (previously approved)**

Cr Patricia Carmichael  
Cr Daniel Cunningham

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

Nil

## **4 PUBLIC QUESTION TIME**

Nil

## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Strzina, seconded Mayor Morgan

**That Cr Strzina's request for leave of absence from the September round of meetings be granted.**

Carried 6/0

Moved Cr Woodhill, seconded Mayor Morgan

**That Cr Woodhill's request for leave of absence from the September round of meetings be granted.**

Carried 6/0

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Dawkins, seconded Cr Strzina

**The Minutes of the Ordinary Meeting of Council held on Monday, 28 July, 2008 be confirmed.**

Carried 6/0

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Morgan introduced Council to Mr Laurie Vicary who will be the Town's acting Chief Executive Officer after the departure of Mr Stephen Tindale.

Mayor Morgan advised that Mr Vicary will be working with Mr Tindale in handling some of the bigger projects such as the current Enquiry by Design process and will come on board from 20 October 2008.

**8 PUBLIC STATEMENT TIME**

Ms Diane Wainwright (Riverstone): Item 10.1.2 No. 15 (Lot 54) Salvado Street – Pair of Two-Storey Dwellings with Undercrofts, each with Swimming Pool and Street Boundary Fencing

Ms Wainwright thanked Council for assessing the application and considering the rationale for the design including the set-back from Avonmore Terrace.

Ms Wainwright commented that design is in keeping with the current streetscape and by allowing the garage to be off the street it allows use of the single existing crossover and will have no impact on the pine trees. Ms Wainwright added that the proposal improves the amenity of the neighbours by reducing overlooking and overshadowing. Open space complies and views were not affected.

Mr Nick Rea, 18 Jarrad Street: Item 10.1.1 No. 18 (Lot 23) Jarrad Street – Demolition of a Single Carport and Construction of a Double Carport in the Front Setback Area with new Crossover and Boundary Fencing

Mr Rea commented his family are long term, community-minded residents of Cottesloe and have been living at the current address since 1999. He also stated they are active members of the Cottesloe Surf Club and he is currently the Vice President for the club.

Mr Rea stated the improvements are necessary for his family and advised they are making the best of a difficult side block while keeping their Federation-style home. He advised the Committee recommendation is flawed and that considerable dialogue has been held on the design and safety aspect.

Mr Rea commented in regards to relocation of the verge tree that Committee considered that relocation could be acceptable, as the tree is only five years old and due care and attention will be made to ensure the tree flourishes.

Mr Rea stated that the main objection in relation to the movement of the crossover being the perceived safety risk is mitigated by the wide verge and visibility will not be impinged. He added that use of the current crossover would consume the front garden. Mr Rea requested Council's support.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**10 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 AUGUST 2008**

The agenda items were dealt with in the following order: Items 10.1.1, 10.1.2, 11.1.2, 11.1.4, 11.1.5, 11.1.7 and 11.2.3 and then the balance in numerical order enbloc.

**10.1 PLANNING****10.1.1 NO 18 (LOT 23) JARRAD STREET – DEMOLITION OF A SINGLE CARPORT AND CONSTRUCTION OF A DOUBLE CARPORT IN THE FRONT SETBACK AREA WITH NEW CROSSOVER AND BOUNDARY FENCING**

<b>File No:</b>	<b>1466</b>
<b>Author:</b>	<b>Ed Drewett</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>11 August, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Mr Nicholas Rea</b>
<b>Applicant:</b>	<b>Mr Nicholas Rea</b>
<b>Date of Application:</b>	<b>13 May 2008 (Revised 17 July 2008)</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>870m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

This site is located on the north-east corner of the Barsden/Jarrad Street intersection and comprises two strata lots with individual street frontages. Both strata lots have been developed for residential purposes.

The proposed orientation of the double carport perpendicular to the street requires a new crossover to be positioned in an undesirable location closer to the existing road intersection, the removal/relocation of a healthy street tree and relocation of a Main Roads WA traffic sign. It is therefore not recommended for approval due to traffic safety concerns and being contrary to orderly and proper planning.

**PROPOSAL**

This application proposes to demolish a single carport on the eastern side of the existing dwelling and construct a double carport within the front setback area with a new crossover perpendicular to Jarrad Street, replacing that existing.

A 1.8m high open-aspect fence is also proposed along the southern boundary with a small entrance gate and an iron panel lift door to the front of the carport. An existing

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solid wall along the western boundary is to be extended approximately 6m towards Jarrad Street with the remaining new section being 1.8m high and of an open-aspect design to match the proposed front fence. This replaces an existing low wall along both these frontages.

**STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes
- Council's Fencing local law

**POLICY IMPLICATIONS**

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

**HERITAGE LISTING**

N/A

**STRATEGIC IMPLICATIONS**

The proposed re-location of the existing crossover closer to the street intersection and the removal/relocation of a street tree and street sign may influence how the Town approaches similar requests for new carports/crossovers on corner locations.

**FINANCIAL IMPLICATIONS**

N/A

**CONSULTATION**

REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of a letter to the adjoining property owner at 20 Jarrad Street.

**Submissions**

No submissions were received. Consent from the strata owner (HN 18A) was forwarded separately to the Town by the applicant.



**BACKGROUND**

Following an assessment of the application, detailed discussions between Council staff and the applicant have taken place in an attempt to address the Town's concerns regarding the height of the proposed carport, the proximity of the proposed crossover to the Jarrad/Barsden Street intersection, the proposed removal/relocation of a verge tree, the relocation of a Main Roads WA street sign and relocation of a road side entry drain. An email was also sent to the applicant on 16 June 2008 summarising these issues and suggesting an alternative design whereby the existing crossover could be retained for use.

The Town subsequently received a letter and amended plans on 17 July 2008 from the applicant which address some of the initial concerns but does not satisfy all Council's requirements.

**APPLICANT'S JUSTIFICATION**

The applicant has submitted the following comments in support of his application and amended plans:

- We have reviewed all options available with our architect and determined that the proposed location is the most ideal in terms of amenity and functionality;
- The height of the carport has been reduced in compliance with the R-Codes and the location adjusted so that the carport is set back at least 1.5m from both boundaries;
- A carport in the SE corner is not suitable as it would have to be located directly in front of the original entrance of the house;
- A carport in the proposed location but making use of the existing crossover with a sweeping driveway in front of the house would mean almost the entire front yard would be utilised for the carport or paved driveway. This would look less pleasant and is also much more difficult to secure with a gate;
- The revised plans have been designed to complement the Federation style of the house. The location of the carport and angle of carport roof have been deliberately chosen to match the pitch of the house;
- An open aspect fence, compliant with the Fencing Local Law will be built at the same time, complete with a gate in line with the original entrance of the house, emphasising the flow and aspect of the side entrance and verandah;
- Approval for a new crossover in line with the carport will be sought and the existing crossover and carport removed;
- A small 5 yr old melaleuka tree will either be relocated or a similar tree replanted nearby as it is in the path of the crossover;

- We have made contact with Main Roads WA about relocating the traffic signal sign on the verge and they will not object if the Council is in agreement with relocating it either side of the new crossover;
- Our neighbouring owners have been formally advised and have raised no objection;
- The proposed carport and fence will enhance the appearance of this property from both Jarrad and Barsden Streets and will be in-keeping with the streetscape;
- There are 3 other carport/garages built in the setback area on Jarrad Street and many more on Forrest Street.
- Much effort by the architect and liaison with Council has resulted in an improved planning application which we hope will be viewed favourably.

### **STAFF COMMENT**

The following comments are made regarding the application and the revised plans received 17 July 2008:

#### Boundary fencing/gate:

The proposed front and side boundary fencing is compliant with Council's Fencing local law. However, under the acceptable development standards of the Residential Design Codes (Clause 6.2.6 – A6), the fence is required to be truncated or reduced to no more than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

As the proposed fence does not comply with this requirement it is necessary for it to be considered under performance criteria of the Codes which requires that adequate sightlines be provided at vehicle access points. In this case, the fence will be of an open-aspect design within the truncation areas and the required visual sightlines will not be significantly affected. Furthermore, the moderately wide existing verges will ensure that the fence does not obstruct visual sightlines at the road intersection and it is therefore deemed to satisfy the relevant performance criteria.

#### Proposed double carport:

##### *Design:*

The proposed double carport has been designed to be in-keeping with the existing dwelling and will comprise lightweight timber posts with a terracotta tiled 22<sup>o</sup> hipped roof.

The height of the proposed carport has been reduced from 2.4m to 2.3m for the posts and from 4.4m to 3.9m to the apex which is consistent with Council's requirements.

##### *Location in the front setback:*

The proposed location of the double carport in the front setback area is supported as there appears to be no other feasible location on the lot to accommodate a double carport. The alternative would be only having additional car bays which may not be a desirable option from the owner's viewpoint.

The area where the existing carport is located is only approximately 5m in width which is insufficient for a double carport and would necessitate the structure being built up to the neighbour's boundary due to the location of a covered verandah down the side of the dwelling.

There is also insufficient area available on the northern side (rear) of the dwelling for a double carport to be located and any crossover to this area from Barsden Street would most likely conflict with one of a row of large peppermint tree, listed on the Town's Municipal Inventory.

The carport has therefore been sited towards the SW corner of the lot with a 1.5m setback from the front boundary to avoid obstructing the existing steps to the front entrance and to provide some separation from the existing dwelling. However, a 3m setback is also proposed from the western (Barsden Street) boundary which locates the carport almost centrally in front of the dwelling. It has therefore been suggested to the applicant by the Town's staff that a 1.5m setback from the western boundary may be more appropriate as this would allow more of the dwelling to remain visible from the street whilst still complying with the R-Code requirement for the secondary street setback. Some existing trees on the site would need to be removed to facilitate the carport in either location.

#### *Relocation of existing crossover*

The original submitted plans proposed a 5.5m wide crossover aligned at right angles to the street directly in front of the proposed carport. This was not supported by the Town's staff as it necessitated the removal/relocation of a healthy verge tree, the relocation of a road side entry drain, the relocation of a Main Roads WA street sign and it would be located closer to the Barsden/Jarrad Street intersection resulting in traffic safety concerns.

The Manager, Engineering Services commented:

*Inspection on site confirm that the proposed new crossover site will be too close to the eastern edge of Barsden Street to be safe. Vehicles turning out of Barsden Street to the east would have to turn wide to use the crossover. Vehicles backing out would impede Barsden Street traffic turning left into Jarrad Street. The street tree is in prime condition and should not be interfered with.*

In response, the applicant submitted a revised plan showing the proposed crossover tapering from 5.5m to 3m to avoid the road side entry drain. Whilst this is considered an improvement from the original plan, it is less desirable than retaining the existing crossover and it still necessitates the removal/relocation of the street tree and Main Roads WA street sign.

#### *Removal/relocation of street tree*

The objective of Council's Street Tree Policy is to recognise the environmental and aesthetic contribution that street trees make to the continuing development and presentation of streetscapes. The policy also emphasises that tree removal must be seen as a last resort, used for dead and/or dangerous trees and that house alterations requiring crossover relocation does not justify tree removal.

Any disturbance to the existing verge tree due to its removal/relocation could potentially affect the health of the tree and may result in the need for its eventual replacement.

#### *Relocation of Main Roads WA street sign*

The existing street sign in front of the lot belongs to Main Roads WA and therefore requires that Department's approval before it can be relocated. The applicant has advised that Main Roads WA has no objection to the relocation of the sign providing it is supported by Council.

The sign provides a warning to motorists travelling east along Jarrad Street of the approaching traffic lights at the Curtin Avenue intersection. Altering the location of this sign is not considered necessary or desirable in this case as the existing crossover could be utilised.

#### **Conclusion**

Whilst there is no objection in principle to supporting the proposed boundary fencing and a double carport in the front setback to replace the existing single carport, it is considered preferable from a planning viewpoint for the carport to be designed parallel to Jarrad Street, with a minimum setback of 1.5m to the piers/columns from the primary and secondary street frontages and with access being retained via the existing crossover. This would also be a better outcome from a traffic safety viewpoint and it avoids the necessity to remove/relocate the existing street tree and Main Roads WA sign.

Additional soft landscaping could be provided within the lot along the southern boundary to reduce the visual impact of the carport on the streetscape and the proposed boundary fence and gate location could be modified to provide a reasonable level of access and security for the occupants.

#### **VOTING**

Simple Majority

#### **COMMITTEE COMMENT**

Committee held mixed views about the proposal, including that the tree could be relocated or replaced, that the relocated crossover could compromise safety but may be manageable, that the proposed carport would block the dwelling and may be better positioned, and that the access to and use of the front yard could be designed differently.

Mr Jackson elaborated that the proposal while relatively minor is seeking the basic concession of a carport in the front setback area, together with concessions in terms of the crossover, tree and sign. Although the objectives of the proposal can be appreciated and the streetscape contains a number of similar forward carports, it was assessed that the existing access could be used and the verge retained intact, hence in this instance the recommendation of refusal. However, the policy gives Council discretion to consider the proposal and Council can condition an approval, or alternatively the proposal could be redesigned.

In this regard Mr Jackson had available both conditions for an approval of the proposal and the wording for a deferral. Were the proposal approved the recommended conditions would be:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (4) The applicant applying to the Town of Cottesloe for approval to construct a crossover in the location shown on the approved plans received on 17 July 2008, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (5) The existing redundant crossover in Jarrad Street being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (6) The existing street tree affected being relocated to the position shown on the approved plans received on 17 July 2008, or replaced with a tree of a suitable species and size in that relocated position; and in the event that the relocated tree does not survive it shall be replaced with a tree of a suitable species and size in that relocated position; all to the satisfaction of the Manager Engineering Services.
- (7) The approval of Main Roads Western Australia for the relocation of the traffic sign in Jarrad Street prior to issue of the Building Licence.

Were the proposal deferred the recommendation would be:

That the application be deferred for revised plans using the existing crossover and with the carport designed for cars to park parallel to the front boundary, and that the revised proposal be referred to the Manager Development Services for determination under delegation where assessed as consistent with the relevant policy and provisions of TPS2 and the RDC.

**OFFICER RECOMMENDATION**

1. That Council REFUSE its Approval to Commence Development for a double carport in the front setback area with a new crossover and boundary fencing at No 18 (Lot 23) Jarrad Street, Cottesloe in accordance with the amended plans submitted on 17 July 2008 for the following reasons:
  - (a) The proximity of the proposed crossover to the Barsden/Jarrad Street intersection and the requirement to relocate a Main Roads WA traffic sign raises additional traffic safety concerns and is less desirable than if the existing crossover were retained; and
  - (b) The proposed removal/relocation of the street tree to allow for the new crossover is contrary to Council's Street Tree Policy, can be avoided and would set an undesirable precedent for other similar development proposals.
2. That the applicant be INVITED to submit a separate application for Approval to Commence Development for a double carport in the front setback area with access via the existing crossover and the proposed boundary fencing/gate being modified accordingly.

**COMMITTEE RECOMMENDATION**

That the application be deferred for revised plans using the existing crossover and with the carport designed for cars to park parallel to the front boundary, and that the revised proposal be referred to the Manager Development Services for determination under delegation, where assessed as consistent with Council's Policy Garages & Carports in Front Setback Area and the provisions of Town Planning Scheme No. 2 and the Residential Design Codes.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Woodhill

**That the words "or an alternative crossover off Barsden Street (at the applicant's expense)" be inserted after the word "crossover" and that the words "Jarrad Street" be inserted in lieu of the word "front".**

Carried 6/0

**10.1.1 COUNCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Birnbrauer

**That the application be deferred for revised plans using the existing crossover, or an alternative crossover off Barsden Street (at the applicant's expense) and with the carport designed for cars to park parallel to the Jarrad Street boundary, and that the revised proposal be referred to the Manager Development Services for determination under delegation, where assessed as consistent with Council's Policy Garages & Carports in Front Setback Area and the provisions of Town Planning Scheme No. 2 and the Residential Design Codes.**

Carried 6/0

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**10.1.2 NO. 15 (LOT 54) SALVADO STREET – PAIR OF TWO-STOREY DWELLINGS WITH UNDERCROFTS, EACH WITH SWIMMING POOL AND STREET BOUNDARY FENCING**

<b>File No:</b>	<b>1461</b>
<b>Author:</b>	<b>Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>14 August 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Annita Brunton &amp; Brad Mellen</b>
<b>Applicant:</b>	<b>Riverstone Construction Company</b>
<b>Date of Application:</b>	<b>1 May, 2008 / Revised Plans 11 July 2008</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>
<b>Lot Area:</b>	<b>610m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Demolition of an existing two-storey dwelling and construction of a pair of two-storey dwellings with undercrofts, a swimming pool each and street boundary fencing is proposed.

The initial proposal was considered to be too ambitious and non-compliant. The applicant's representative and designer have liaised with officers to evolve the proposal and prepared revised plans to achieve a reasonable design response to the site, albeit seeking certain variations. This remains premised on the preferred lot configuration and design brief for the clients, who to date have not taken part in discussions with the Town.

This has resulted in an improved detailed design. The pavilion-type dwellings, roof forms, articulation of the facades, materials and fencing treatment all help to manage the mass of the dwellings. The topography, wide verge to Salvado Street and street trees/vegetation (provided preserved) give the proposal a setting.

The applicant has submitted some rationale for the main variations sought by the proposal (see attachments), yet not a thorough explanation/justification of all the variations contained in the design. In short the points include:

- *Cone of Vision – overlooking to the western property is within the cone of vision but will not affect privacy due to the difference in levels of the respective sites and dwellings. Overlooking to the north-west to No. 9 Avonmore Terrace will be reduced from the existing situation.*
  - *Street Setback – promotes the 4m setback to Avonmore Terrace as permitted by the RDC, as reflective of the southern adjacent dwelling and other dwellings in the street/district, as enabling the undercroft design, and as affording views and sun to No. 9.*
  - *Street boundary fencing – requests the solid portion for privacy to the pool, noting that the design provides for planting to soften the wall and that the RDC support the need for privacy.*
-

Given the assessment that has been undertaken the recommendation is to approve the application with relevant conditions. However, were the design concept, built form and nature/degree of variations considered by Committee/Council to be undesirable, the alternatives would be to defer the application for further revision and possible referral to the Design Advisory Panel, or to refuse the application for appropriate reasons that can be sustained.

## **PROPOSAL**

The proposal is for a pair of two-storey dwellings with undercrofts, built side-by-side on an east-west orientation in order to capture views. The front doors face Avonmore Terrace. The west-facing undercroft garages avoid facing either street due to a common driveway off Salvado Street. The dwellings are of similar size with individual internal layouts.

The northern dwelling has a secondary street frontage to Salvado Street and a northern aspect. In the undercroft are a three-car garage, store, laundry, lift machine room and cellar. On the ground floor are two terraces, lounge, study, two bedrooms, bath and WC. On the upper floor are two balconies, outdoor kitchen, pantry, living/dining/kitchen, powder, ensuite, Bed 1 and WIR. Stairs and a lift link all three levels.

The southern dwelling has a three car garage, store, cellar and lift machine room in its undercroft. On the ground floor is a terrace, two bedrooms, lounge, bath, WC, laundry and study. On the upper floor is living/dining, kitchen, ensuite, Bed 1, WIR, pantry and balcony. Stairs and a lift link all three levels.

Boundary fencing is proposed to Salvado Street and Avonmore Terrace, part solid and part open-aspect to Avonmore Terrace (primary frontage) and all solid to Salvado Street (secondary frontage). There is a swimming pool to each dwelling, one to the north-east corner and the other to the southern boundary.

### Proposed Subdivision

The R30 lot can accommodate two dwellings and is the subject of a subdivision application. A green-title subdivision is intended with a shared driveway to the undercrofts. The dwellings have adjoining walls to the central dividing boundary. The subdivision has been conditionally supported by the Town as follows:

- 5. Reciprocal rights of access being granted over the proposed 4m wide vehicular access, as indicated on the subdivision plan.*
- 6. The applicant obtaining prior Approval to Commence Development from the Town for a single dwelling on each of the proposed lots, in accordance with the requirements of the Residential Design Codes for small lots.*

*With respect to condition 6, it is advised that the Town is currently assessing a development application which is premised on the subdivision, however, as it cannot be presumed that planning approval will be granted, and as the subdivision design is tied to the proposed development, the condition is appropriate to ensure proper coordination of these approval processes.*



Officers will liaise again with the DPI on the subdivision once Council's position on the development application is known.

### STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

### POLICY IMPLICATIONS

- N/A

### HERITAGE LISTING

- |                                     |            |
|-------------------------------------|------------|
| • State Register of Heritage Places | N/A        |
| • TPS2                              | N/A        |
| • Draft Heritage Strategy Report    | N/A        |
| • Municipal Inventory               | Category 6 |
| • National Trust                    | N/A        |

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Council Resolution TP128a Oct 02

Required	Provided
6m front setback without averaging.	4m front setback.

#### Fencing Local Law

Required	Provided
Maximum 900mm high solid then open-aspect to 1800mm high.	Solid high sections to front setback area.

#### Residential Design Codes

Refer below.

### STRATEGIC IMPLICATIONS

N/A.

### FINANCIAL IMPLICATIONS

N/A.

### CONSULTATION

Internal referral to Building and Engineering. No external referral necessary.

The application was advertised in accordance with TPS2 and the RDC by three letters to adjoining property owners. Two submissions were received from Mrs June Bedells of 1/13 Salvado Street to the west (see attachments), as follows:

1<sup>st</sup> letter received 9 June 2008 – expressed concern:

- *The proposed western balcony to U15a would overlook her only outdoor area, unless screened effectively as at present by the boundary wall and trellis with creeper.*
- *The outdoor kitchen/BBQ area to U15b could cause impacts re noise and fumes.*
- *Any proposed windows which may affect her privacy should be amended.*

2<sup>nd</sup> letter received 18 July 2008 on revised plans – expressed objection:

- *Reiterates concern about outdoor kitchen/BBQ area.*
- *Concerned that requiring a 6m setback to Avonmore Terrace might bring the building closer to her boundary causing noise and privacy impacts.*

#### Officer Comment

- The existing dwelling demonstrates these interrelationships, as it has an outdoor living terrace above the garage that extends almost to the western boundary and which is well-screened by a high boundary dividing wall with trellis and dense creeper cover for privacy.
- There are no specific planning regulations about the use of private open spaces and the proposed terraces/balconies are setback a few metres more than that existing, which should aid in noise etc control.
- The privacy assessment below responds further to these points.

#### **OFFICER COMMENT**

##### Heritage

The existing two-storey dwelling is listed as a Category 6 on the Municipal Inventory as a modern-era example. The Town's Heritage Advisor has raised no objection to the demolition subject to a photographic record, covered by a condition.

##### Lot & Building Orientation

The design has the primary setback to Avonmore Terrace which the front doors face and the secondary setback to Salvado Street. This arrangement makes sense in terms of Avonmore Terrace having a narrower verge with the greater building setback and Salvado Street having a wider verge with the lesser building setback. The undercroft and driveway create a setback to the west.

The lot/building orientation is proposed to capture views, create the undercroft and address the streets as designed. This exploits a western outlook rather than full northern exposure in relation to ideal design for climate.

In relation to built form and height it generates a projecting building envelope increasing in bulk and scale from east to west. While the eastern two-storey elevation is lessened by being lower than Avonmore Terrace, the western elevation is made more dominant as a two-storey plus undercroft (ie three-level) interface with a strong presence. The width of two, joined dwellings tends to emphasise this effect, although the broken-up appearance of the structure does help to soften that. The northern elevation similarly increases to the west.

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There are two levels of terraces/balconies (four in all) and numerous large viewing windows to the western façade looking westward to the ocean and over the adjoining properties.

If stating afresh potential design options would include north-south orientation; one dwelling facing each street; buildings stepped down the slope; or even one dwelling atop the other (multiple dwellings); and so on.

#### Natural Ground Level

The four-corner method was used as the centre of the site is built-over and has been modified. A NGL of RL25.58m has been determined for the entire lot as there is negligible difference between the centre points of the proposed lots which have a similar east-west downwards slope.

#### Building Height

The initial plans exceeded the height requirements but upon the advice of officers the revised plans comply with TPS2 in relation to NGL for walls, roofs and the undercroft. The applicant has stated that the existing dwelling is higher than that proposed.

#### Streetscape & Urban Design Appreciation

The proposal will alter the Salvado Street and Avonmore Terrace streetscapes by removal of the existing dwelling and replacement with a pair of dwellings. As the existing dwelling is a contemporary two-storey design the new modern dwellings will likewise be consistent with the surrounds.

The footprint and mass of built form will change due to the two rather than one dwelling, however, this is in accordance with the R30 density which allows two grouped dwellings (strata title) or single dwellings (green title, as proposed). Moreover, by designing the two dwellings with central boundary walls and a combination of pavilion and concealed roof forms, at a glance the development appears as one structure occupying a corner site as if it were a large dwelling, which could be permitted in any case. As mentioned, the topography, verges and trees assist to manage mass, however, the vegetation could be affected by development works so will need to be protected or rehabilitated if it is to be relied upon.

The existing dwelling has setbacks of 6m to Salvado Street and 3m to Avonmore Terrace. The proposal in reorienting the dwellings entails a primary 4m setback to Avonmore Terrace and secondary 1.5m setback to Salvado Street. Such setbacks are typical of smaller lots and allowed under the RDC.

While increased building is being introduced the design does ameliorate bulk by tucking-away the garages in the undercroft level, which is preferable to garages governing the streetscape, and in requiring only one crossover, which is well-positioned away from the intersection and curved to retain the verge trees.

South Cottesloe features a diversity of dwellings with undercrofts or of large scale, including several prominent apartment buildings in the vicinity. Both Salvado Street

and Avonmore Terrace are characterised by town houses and flats/apartments of considerable mass.

In this overall context the proposal may be seen to be in keeping with the general character of the locality.

#### Front Setback

The dwellings have a 4m setback from the Avonmore Terrace front boundary. This is in accordance with the RDC but a departure from Council's resolution in favour of 6m.

No. 9 Salvado Street adjacent on the south has a 4.5m front setback and south of that 16 Beach Street has a secondary street setback to Avonmore Terrace of 1m and a small portion to the boundary.

In recent times Council has supported particular 4m or thereabouts front setbacks where the streetscape, built form and amenity considerations have been assessed as acceptable, especially in medium density areas such as South Cottesloe. Examples include No. 12 Salvado Street diagonally opposite, the Marine Parade/Princes Street corner subdivided and redeveloped and Overton Gardens.

It is assessed that the 4m front setback can be supported as compatible with the streetscape.

#### Side Boundary Setbacks

In summary the revised plans have side setbacks at all levels which exceed minimum requirements in most cases, which is a positive. The exceptions are as follows:

##### House 1

- South ground-level terrace – built to boundary with screen wall.
- South upper level balcony/pantry wall – 2.1m required and 1.93m proposed.

##### House 2

- West upper-level balcony – 7.5m required and 4.25m proposed.

It is assessed that the terrace to the boundary can be supported subject to adequate screening. The other two variations are quite minor and of no real consequence in themselves when assessed on performance so can be supported.

It is noted that no objection has been made to these setbacks per se.

#### Privacy

The privacy concern of the western neighbour is acknowledged, however, the privacy regime and detail needs to be appreciated. Dwellings along the ridgeline fundamentally look over or across other dwellings below to the ocean, rather than overlook directly or down, depending on design treatments for privacy.

The existing and proposed dwellings do this due to being elevated above No. 13 Salvado Street, which together with Nos 9 & 11 comprise of single-storey with undercroft dwellings with a series of roof planes substantially below the level of the site. In this way sightlines into the western property are limited and can be controlled by screening as at present.

The RDC performance criteria give guidance in this respect:

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

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

In summary, whilst the western face of the proposed dwellings represent a privacy variation, the levels differences, location of adjacent windows/outdoor areas and provision of screening can address these considerations in relation to both the western and southern adjacent properties and a condition refers.

#### Street Boundary Fencing

To satisfy the basic requirements of the Fencing Local Law fencing within a front setback area is to be solid to a maximum of 900mm and open-aspect above (at minimum 50% open) to a maximum height of 1.8m.

The proposal has suitable open-aspect fencing across three-quarters of the primary street frontage to Avonmore Terrace, then solid fencing for the balance and along half the secondary street frontage to Salvado Street, which is then open to the building and driveway. It is noted that fencing beyond the Avonmore Terrace front setback along Salvado Street is allowed to be solid. The applicant's letter explains the desire for privacy to the pool in the NE corner.

The design is essentially in compliance with the Fencing Local Law specifications for height of solid and open sections plus piers. The stepped effect along each frontage diminishes the massing, as does the indented detail of the corner solid portion. The topography and the verges with their trees and vegetation mean that the fencing/walling would be visually absorbed or balanced against the backdrop of the two-storey dwellings.

In considering the proposed solid corner section the Fencing Local Law provides for Council to exercise discretion having regard criteria as to whether the fence affects:

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

In this regard the proposed solid section could be assessed as assisting safety and convenience by way of privacy and security. On the other hand open-aspect fencing would afford better surveillance. There are also the rear private terrace and balcony

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so the front yard is not the sole outdoor private open space. In addition, the vegetated verges give a good degree of separation and privacy screening from the public realm, and these streets are not particularly busy.

It is assessed that open-aspect fencing is preferred and feasible, subject to a design to meet the swimming pool barrier standard AS 1926.1. The entry gates should also be open-aspect design. A condition refers.

#### Overshadowing

The proposal meets the requirement of the RDC as it overshadows some 23.5% of the adjacent site whereas 35% is allowed in an R30 area.

#### Open Space

The site open space slightly exceeds the 45% required by the RDC as acceptable in an R30 area calculated over the whole lot.

#### Outdoor Living Areas

More than adequate outdoor living space is provided by way of the various roofed balconies, terraces and purpose-designed open-air yards with the pools, paving and landscaping. This is assessed as performing acceptably for such smaller-lot designs.

### **CONCLUSION**

It is concluded that the proposal is a fairly reasonable design approach to the site given the substantial slope, opportunity for views and constraints of the streets. It creates two dwellings as allowed and in so doing complies or performs satisfactorily with a number of key requirements. The setback variations can be supported. Privacy is manageable with special condition. Despite all this, the visual bulk and scale outcome could be an overriding concern in the streetscape and landscape contexts, which Council would be entitled to require further consideration of.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee acknowledged the essential compliance and positive aspects of the proposal and that the 4m setback to Avonmore Terrace was acceptable. At the same time it was observed that the bulk of the proposal (albeit height-compliant), secondary setback (also compliant) to Salvado Street and replacement of one dwelling with two (as permitted) would alter the streetscape.

Mr Jackson commented that from experience the overall development on the small lots would in reality tend to look smaller than appears on the plans and that a palette of external materials in typical Cottesloe colours (eg limestone) would soften the visual presence of the buildings. The verge trees and vegetation were also important in this respect and Cr Dawkins supported the related condition accordingly.

Committee queried condition (e) regarding boundary walling/screening and requested preferably greater certainty of the intended solutions, which the MDS and application undertook to respond to for full Council.

#### **10.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUCIL RESOLUTION**

Moved Cr Dawkins, seconded Cr Strzina

**That Council:**

- (1) GRANT its Approval to Commence Development for a pair of two-storey dwellings, each with a swimming pool and street boundary fencing, at No. 15 (Lot 54) Salvado Street, Cottesloe, in accordance with the revised plans submitted 11 July 2008, subject to the following conditions:**
  - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
  - (b) Stormwater runoff from the driveway and any other paved portion of the site shall not be discharged onto any street reserve, right-of-way or adjoining property, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be shown in the building licence plans.**
  - (c) The external profile of the 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 Council.**
  - (d) Following completion of the development the roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours.**
  - (e) Full details of the western and southern boundary walls and screening shall be submitted in revised plans as part of the Building Licence application to ensure adequate privacy to those adjacent properties, to the satisfaction of the Manager Development Services. The materials, finish and colour of all boundary retaining walls or fencing walls facing these adjacent properties shall be to the satisfaction of the Manager Development Services.**
  - (f) All street (verge) trees shall be retained and protected at all times during the demolition and development (and the associated subdivision) and are not permitted to be affected or damaged by the stockpiling of building materials. All other verge vegetation shall be retained and protected as much as is possible during the demolition and development (and the associated subdivision) and where damaged or lost shall be fully rehabilitated or replaced. This condition shall be reflected in a Construction Management Plan submitted as part of the Building Licence application.**
  - (g) Air-conditioning plant and equipment shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably**

housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

- (h) The pool pumps and filters shall be located closer to the proposed dwellings 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.
  - (i) Wastewater or backwash water from the swimming pool filtration systems shall be contained within the boundary of the property on which each swimming pool is located and disposed of into adequate soakwells. Swimming pool wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
  - (j) For each swimming pool a soakwell system shall be installed in its property to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and shall be located a minimum of 1.8 metres away from any building or boundary.
  - (k) All front setback boundary fencing shall be of an open-aspect design in accordance with Council's Fencing Local Law. Adjacent to the swimming pool the design of the fence must also comply with Australian Standard 1926.1 for swimming pool barriers. The applicant should liaise with the Planning Department to fulfil this condition.
  - (l) Prior to the issue of a Demolition Licence a full photographic record of the existing dwelling externally and internally shall be submitted to the Town, to the satisfaction of the Manager Development Services.
- (2) Advise submitters of Council's decision.

Carried 6/0



**11 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 19 AUGUST 2008****11.1 ADMINISTRATION****11.1.1 CEO'S PERFORMANCE REVIEW**

**File No:** PER/1  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The report and recommendations of the WA Local Government Association's Workplace Solutions were considered by the CEO Performance Review Panel and the CEO at a meeting held on the 13<sup>th</sup> August 2008.

The report and recommendations have been revised and circulated to elected members as a confidential document.

A recommendation is made to adopt the recommendations of the report.

**STATUTORY ENVIRONMENT**

The relevant sections of the Local Government Act read, in part, as follows:

**5.38. Annual review of certain employees' performances**

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

**5.39. Contracts for CEO's and senior employees**

(1) The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section."

**5.23. Meetings generally open to the public**

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection(1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;...

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Town of Cottesloe last considered a performance review of the CEO in June 2006.

The current report and recommendations covers two review periods:-

- 1 January 2006 to 26 February 2007 (2006 Review)
- 27 February 2007 to 26 February 2008 (2007 Review)

The review of Mr Tindale's performance as the CEO of the Town of Cottesloe has been carried out in accordance with Council's statutory obligations. The review was also conducted in accordance with the terms of Mr Tindale's contract with the Town and in particular as it relates to clause 4 'Performance Development and Review'.

Council's CEO Performance Review Panel conducted the performance review at the Council's Offices on Tuesday 23<sup>rd</sup> July 2008. This meeting was facilitated by Mr Simon White, Employee Relations Services, Western Australian Local Government Association.

A further meeting of the CEO Performance Review Panel and the CEO was held on 13<sup>th</sup> August 2008.

Councillors are of the view that, overall, Mr Tindale has met the performance requirements of the position as the Town's Chief Executive Officer.

**CONSULTATION**

Nil

**STAFF COMMENT**

Nil

**VOTING**

Simple Majority

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Receive the performance review reports and endorses the overall rating of '4' – "Meets Expectations".**
- (2) Change the rating scales throughout the review document to a consistent six point scale.**

Carried 6/0

**11.1.2 DRAFT STANDING ORDERS LOCAL LAW 2008**

**File No:** SUB/179  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

This matter is represented from the June 2008 meeting of Council.

A recommendation is made to advertise and seek submissions on the proposed local law.

**STATUTORY ENVIRONMENT**

**Section 3.5 & 3.12 of the *Local Government Act 1995* applies.**

**3.5. Legislative power of local governments**

*(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

*(2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*

*(3) The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*

*(4) Regulations may set out -*

*(a) matters about which, or purposes for which, local laws are not to be made; or*

*(b) kinds of local laws that are not to be made,*

*and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.*

*(5) Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

**3.12. Procedure for making local laws**

*(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

*(3) The local government is to -*

*(a) give Statewide public notice stating that -*

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

**\* Absolute majority required.**

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice -

(a) stating the title of the local law;

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section -

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

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

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

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

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

*(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Direct costs associated with the advertising of any new proposed local law are estimated at around \$2,000.

### **BACKGROUND**

In September 2006 Council passed the following resolutions.

- (1) That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.
- (2) That the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.
- (3) That the CEO be requested to provide a report and recommendations to Council on suggested improvements to Councils Standing Orders.

This report addresses the third resolution.

The proposed *Town of Cottesloe Standing Orders Local Law 2008* is based on a model provided by the Town's legal advisers.

At the June 2008 meeting of Council it was agreed that the model local law should be modified to suit Cottesloe's particular circumstances in six places.

Clause 5.2 – Order of business – now includes an agenda item for Public Statement Time.

Clause 6.8 – Public Statement Time – now formalises the Town of Cottesloe's custom and practice in relation to public statement time.

A model clause – Participation at committee meetings – has been deleted given the inclusion of the new clause 6.8 – Public Statement Time.

Clause 8.9 – Speaking twice – has been amended to allow a committee member to speak more than once at a committee meeting.

Clause 8.10 – Duration of speeches – has been reduced from a recommended five minutes to three minutes which reflects Cottesloe's current practice.

Clause 13.4 – Method of taking a vote – has been modified to delete the right of a member to call for a division with members moving to right or left of the Chair and their individual votes being recorded.

Mayor Morgan also requested consideration of the following modifications.

1. For ease of reference, adopt the paragraph numbering style of our existing Standing Orders, whereby for example, Standing Order 3.3(1) is instead 3.3.1.
2. Add provisions equivalent to 2.4 and 2.5 of the existing Standing Orders, to confirm the existing entitlement of members to require council documents to be produced at a meeting of council.
3. Amend new 3.3(1) to add the following (as per existing 2.1) :

“In addition to the ways a document may be given to a person as provided for by sections 9.50 to 9.54 of the Local Government Act 1995 and sections 75 and 76 of the Interpretation Act 1984, written notice of a council meeting may also be given to a member by the notice being transmitted by post, or otherwise left or delivered to the member’s usual or last known place of residence or business or to another address the member may request by notice in writing to the Chief Executive Officer.”
4. Amend new 5.3(2) (as per existing 10.1) so that it now reads:

“A notice of motion under subclause (1) is to be given at least 24 hours before the publication of the business paper for the meeting at which the motion is moved”
5. Amend new 5.5(1) by adding the words “or committee” after the word “employee” and prior to the word “recommendation”.
6. Amend new 8.1(1) (as per existing 11.2.1) by:
  - (a) Adding the words “by random draw” after the word “allot” and prior to the words “a position”; and
  - (b) Changing the word “member” to “councillor”.
7. Amend *(to make clear that all councillors and not just the Presiding Member are to remain seated when speaking – with this consistency across all speakers thereby ensuring there is not undue focus upon the physical that might otherwise distract from the substance of what is [or is not] being said):*
  - (a) By changing new 8.5 by adding the following sentence:

“When invited by the Presiding Member to speak, members shall remain seated and address the Council through the Presiding Member.”

- (b) By changing new 9.1(2) by replacing the words “is immediately to sit down” with the words “is to immediately cease doing so”.
- (c) By changing new 9.3(2) by replacing the words “to resume his or her seat” with the words “to cease speaking”

8. Amend new 11.2(1) by replacing the word “five” with “three”.

The modifications were referred to our legal advisers and their response is attached (Attachments 1 and 2).

All of the amendments proposed by Mayor Morgan have now been accommodated and are shown in the draft local law (Attachment 3). The only exception relates to the paragraph numbering style.

### **CONSULTATION**

Nil

### **STAFF COMMENT**

While the change to the paragraph numbering staff is supported by staff, any change from the formats currently in vogue is likely to delay the adoption of the local law as a consequence of having to deal with a likely referral back to the Town of Cottesloe.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

That Council:

- (a) Give Statewide public notice stating that -
  - (i) the Town of Cottesloe proposes to make *Standing Orders Local Law 2008* the purpose of which is to provide rules and guidelines which are to apply to the conduct of meetings of the Council and its committees and to meetings of electors in accordance with State Government legislation and regulations and the standing orders and the effect of which will result in:
    - (A) better decision making by the Council and committees;
    - (B) the orderly conduct of meetings dealing with Council business;
    - (C) better understanding of the process of conducting meetings; and
    - (D) the more efficient and effective use of time at meetings.
  - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and



- (iii) submissions about the proposed local law may be made to the Town of Cottesloe before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- (b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
- (c) Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

*Mr Andrew Jackson left the meeting at 7.21 pm and did not return.*

#### **AMENDMENT**

Moved Cr Strzina, seconded Cr Dawkins

That at item 8.5 the word 'shall' be replaced with the word 'may'.

Lost on the casting vote of the Mayor 3/4

#### **11.1.2 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Woodhill

**That Council:**

- (a) **Give Statewide public notice stating that -**
  - (i) **the Town of Cottesloe proposes to make *Standing Orders Local Law 2008* the purpose of which is to provide rules and guidelines which are to apply to the conduct of meetings of the Council and its committees and to meetings of electors in accordance with State Government legislation and regulations and the standing orders and the effect of which will result in:**
    - (A) **better decision making by the Council and committees;**
    - (B) **the orderly conduct of meetings dealing with Council business;**
    - (C) **better understanding of the process of conducting meetings; and**
    - (D) **the more efficient and effective use of time at meetings.**
  - (ii) **a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and**
  - (iii) **submissions about the proposed local law may be made to the Town of Cottesloe before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;**
- (b) **As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and**
- (c) **Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.**

Carried 6/0

**11.1.3 PROCOTT INC. - RELEASE OF 2008/09 FUNDING**

**File No:** SUB/47  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to agree to pay to ProCott the amount of money raised by a Specified Area Rate with the amount raised in rates becoming payable in one lump sum to ProCott on 15 October 2008.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The specified area rate agreement will raise \$72,000 on behalf of ProCott Inc in 2008/09. This amount has been provided for in the current budget.

**BACKGROUND**

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

Specifically, on or before 15th April 2008, ProCott is to prepare and deliver to the Town a programme for the next financial year which:

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

ProCott has fulfilled its obligations in this regard and the programme of expenditure was presented to Council at its May 2008 meeting.

At its June 2008 meeting, Council resolved to adopt a Specified Area Rate for the Town Centre for the 2008/09 financial year.

Now that Council has adopted a Specified Area Rate for 2008/09, Council is obliged to consider in detail the programme delivered to it under the legal agreement.

A copy of ProCott's program for 2008/09 is shown as an attachment.

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

Subject to Council agreeing to pay to ProCott the amount of money raised by the Specified Area Rate, the amount raised in rates becomes payable in one lump sum to ProCott on 15 October 2008.

**CONSULTATION**

Nil

**STAFF COMMENT**

The progress report and budget is the same as that which was presented to Council in May 2008.

**VOTING**

Simple Majority

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council agree to pay to ProCott the amount of money raised by the Specified Area Rate with the amount raised in rates becoming payable in one lump sum to ProCott on 15 October 2008.**

Carried 6/0

**11.1.4 METER EYE**

**File No:** SUB/198  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to support a decision not to invite tenders for the acquisition of the Meter-Eye parking system.

**STATUTORY ENVIRONMENT****LOCAL GOVERNMENT ACT 1995 - S3.57 -TENDERS FOR PROVIDING GOODS OR SERVICES**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

**LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS – REGULATION 11 TENDERS TO BE INVITED FOR CERTAIN CONTRACTS**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.
  - (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
    - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
    - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;
    - (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
      - (i) the supplier is either —
        - (I) an individual whose last employer was the local government; or
        - (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;
      - (ii) the contract —
        - (I) is the first contract of that nature with that individual or group; and
        - (II) is not to operate for more than 3 years;
- and

- (iii) the goods or services are —
  - (I) goods or services of a type; or
  - (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, that were provided by the individual (or persons) whilst employed by the local government;
- (c) within the last 6 months —
  - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
  - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;
- (ea) the goods or services are to be supplied —
  - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
  - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines.

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Within Council's Future Plan, Objective 3 relates to Beach & Foreshore Enhancement which is to enhance beach access and the foreshore. To this end, Strategy 3.4 requires the introduction of electronically timed parking

**FINANCIAL IMPLICATIONS**

An amount of \$170,691 has been set aside in the 2008/09 budget for the installation of Meter-Eye equipment. Additional income of approximately \$220,000 was anticipated from the installation of Meter-Eye to offset these costs.

**BACKGROUND**

In April 2007 the following motion was adopted by Council.

That Council

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

Council was subsequently advised that any analysis of long term parking requirements should not be undertaken in isolation from medium and short term parking requirements. As Council staff had neither the expertise nor the time to prepare a comprehensive report on parking requirements and solutions for the town centre, it was recommended that the work be contracted out so that a meaningful report could be brought back to Council.

Details of the parking study brief for a consultant were provided to the June 2007 meeting and extended to include the proposed Meter-Eye rollout for all metered parking spaces within the town rather than just confining it to the town centre.

Council considered the results of the parking study at its September 2007 meeting and amongst a number of other recommendations; it was agreed in principle to install Meter-Eye equipment throughout monitored parking areas on the beachfront as provided for in the 2007/08 budget subject to community consultation.

In November 2007 the following motion was adopted by Council.

That Council:

- (1) Receive this status report on Meter-Eye.
- (2) Note the lack of any opposition or support for the rollout of the Meter-Eye parking system for the timed parking areas on the Cottesloe Beachfront.
- (3) Proceed with the rollout of Meter-Eye subject to the CEO being satisfied with legal advice relating to contract documentation, local laws relating to parking and the legal requirement to call tender.

Delays in the receipt of contract documentation and ARRB test data for the Meter-Eye equipment necessitated a fresh allocation of funding during the consideration of the 2008/2009 budget which was adopted in June 2008.

The required information has now been as well as legal advice on the legal requirement to call tenders which is the subject of this report to Council.

**CONSULTATION**

Advertisements seeking submissions on the proposed rollout of Meter Eye were placed on the Council and Library notice boards for the whole of October and up until the closing date of Monday 12<sup>th</sup> November 2007.

A news item on Meter Eye was published in the October edition of *Cottesloe Council News* and published in the *Post* newspaper on Saturday 6<sup>th</sup> October, 2007.

Advertisements were also placed in the Saturday 13<sup>th</sup> and 27<sup>th</sup> October 2007 editions of the *Post* newspaper.

The Council's webpage also invited submissions and committee members of SOS were informed of the invitation for submissions by way of email notification on the 28<sup>th</sup> September 2007.

No submissions were received.

**STAFF COMMENT**

As the proposed expenditure is in excess of \$100,000 tenders would ordinarily have to be called. However Council has been previously advised that the product is unique. It is the only known parking system that integrates the data transmitted from the Meter-Eye unit into the ticket issuing machine thereby eliminating the duplication of data and reducing the likelihood of data entry errors and resulting in the write-off of incorrectly issued tickets. With only one hand held unit, the Meter-Eye system enables the Ranger to detect and interrogate the overstay signal, populate the infringement fields on the infringement notice and print the infringement notice.

Council was also advised that the Town of Cottesloe had "...good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier" that is capable of meeting the specific requirements of the Town of Cottesloe in requiring a system that eliminates duplication of data entry and provides illuminated signage.

In other words, the Town of Cottesloe could purchase the equipment without calling tenders.

To recap it is proposed that the following equipment will be purchased from Wilson Technology Solutions for a period.

550	Meter-Eye VDS units
2	VDS Handheld/Programmer units
19	Slave units
10	Street Signs
1	Dedicated computer and software

The proposed locations are:-

Number One Carpark	134 bays
Number Two Carpark	354 bays
Marine Parade between Forrest St and Napier Street	38 bays

Forrest Street	16 bays
John Street	44 bays
<b>Total</b>	<b>586 bays</b>

Contract documentation for the purchase and maintenance of the Meter-Eye system has been received and reviewed by Council's legal advisers to ensure that the interests of the Town of Cottesloe are protected. Their advice is attached to this report and will form the basis of ongoing negotiations with Wilson Technology before any order is issued for the purchase, installation and maintenance of the Meter-Eye technology forms the basis for the Officer recommendation below.

The legal advice also confirms that based on the advice given by the Town to McLeods, tenders need not be called for the purchase of the system from Wilson Technology Solutions.

This advice forms the basis of the Officer Recommendation below and is presented in order to remove any possibility of doubt concerning the legal requirement to call tenders for goods and services in excess of \$100,000.

#### **VOTING**

Simple majority

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council enter into a contract with Wilson Technology Solutions for the supply, installation and maintenance of a Meter Eye Road Mounted Vehicle Detection System, in accordance with the quotation from Wilson Technology Solutions, without Council inviting public tenders because the Council is satisfied that it has good reason to believe that, for the reasons identified in the above report, it is unlikely that there is currently another supplier of a system that is as well designed to suit Council's purpose as the system offered by Wilson Technology Services.**

Carried 6/0



**11.1.5 LIBRARY PROJECT STEERING COMMITTEE**

**File No:** SUB/547  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Report Date:** 23 July, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A summary of the Library Project Steering Committee meeting held on Wednesday 23 July 2008 is presented for information purposes.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

There have been ongoing significant developments with the Library Project Steering Committee. As only two Councillors and the Manager Corporate services attend the Library Project Steering Committee meetings, the CEO determined that it would be beneficial to provide full information to all Councillors on a regular basis to the Works and Services Committee and Council.

**CONSULTATION**

Nil

**STAFF COMMENT**

The following provides a summary of the discussions from the last Library Project Steering Committee:

Tender

The committee approved distribution of the tender document to each participating local government for approval. This was raised at the July meeting as a matter of urgent business.

Hydrogeological investigation

Mr Wetjen, a representative from the architects, provided a summary of the 4 options available regarding the required hydrogeological survey. The committee resolved to

go ahead with the planned approach as it met the initial specifications and had no additional cost.

#### Land amalgamation

Mr Simpson informed the meeting he had been informed the CEO of DPI had signed the papers and passed them on to the Minister for approval. There was no clear timeframe on when this was proposed to go before parliament. There was no indication of any complications with the process of amalgamation.

The minimum timeframe appears to be approval for September/October.

#### Fundraising proposal

The decision to undertake a Research & Action Study to determine the viability of conducting a fundraising campaign was made by the Project Steering Committee at its meeting on 26 September 2007 (Item 5 refers). To facilitate this decision each Council was asked to appoint two delegates each to form the sub-committee, Community & Library Fundraising Steering Committee.

The delegates are:

- Cottesloe - Cr Jo Dawkins (presiding member) and Cr Jay Birnbrauer
- Mosman Park – Cr Libby Eustance and Cr Ian Flack
- Peppermint Grove – Cr Brian Kavanagh and Cr Melanie Lynn

The function of this sub-committee was to assist the consultants by providing key contacts to be part of the research phase. It met three times and the last meeting, held on 23 June 2008, was to consider the Final Report and the Campaign Proposal from FMC and formulate recommendations on how to proceed. To assist with administrative and financing implications this meeting was also attended by the Corporate Finance Managers for Cottesloe and Mosman Park and the CEO of the Shire of Peppermint Grove. Throughout the process the Manager of Library Services has been the contact for both the sub-committee and the consultants.

#### *Final Report*

The report submitted by FMC outlined the case for support, identified the critical success factors, some barriers affecting a successful campaign, the possible outcome and finally a set of four recommendations were put forward. (See Attachment - Library Feasibility Study Report Executive Summary).

#### *Campaign Proposal*

The Campaign Proposal outlined the strategy, timing and investment required to achieve the desired fundraising goal. Also included was a Project Management Model, a schedule of contributions and cash flow projections. The cost of funding the Campaign on the proposed target of \$2million dollars equates to 10.5 cents in the dollar. Additional expenses associated with running the campaign was estimated at \$133,250 over an eighteen month period.

#### **Discussion**

The issues considered by the Community and Library Fundraising Steering Committee in making their recommendation included:

- to consider whether or not to proceed with the Fundraising Campaign;
- to determining the appropriate Committee to have carriage of the campaign phase;
- the process for appointing the consultants given that the fee will exceed \$100,000 requiring a tendering process;
- how the campaign can be funded; and
- the timeframe for conducting the campaign.

Delegates were in agreement that it would be desirable to establish an Endowment Fund for the future development of library and community initiatives. It was seen as a long term strategy that will capitalize on the substantial investment that the building of the new library and community facility will have for future generations, without always having to call on Councils for additional funds.

Concern was expressed that the purpose of the fundraising campaign funds should be clearly identified and the management of the fund should be independent. A Trust with an independent Board will be established in the early stages of the Campaign. It was considered that the Fundraising Steering Committee could continue to report to the Project Steering Committee until the building is nearing completion or when the Project Steering Committee is no longer required. Progress reports could then be directed through the Combined Library Committee.

Given that a tendering process is required based on the size of the consultancy fee there was extensive discussion on how to appoint the consultants to manage the campaign. It was considered desirable to begin the process with the advertising for Expressions of Interest. Through this method suitably qualified companies could be identified and invited to submit tenders.

Delegates were agreed that the process for appointing the consultants should not precede the tendering process for the building contract at which time it is guaranteed that the project will go ahead.

Options on how to fund the Campaign were discussed. It was agreed that seed funding could be provided by each council in the form a loan which would be repaid from monies raised. Because of the length of time that the campaign will run it may be possible to fund the loan over two or three financial years.

#### Lotterywest grant

The Library Project steering Committee has been successful in obtaining a grant of \$650,492 towards the project. There are 2 components of the grant:

1. \$371,059 has been allocated toward the construction of the Community Centre; and,
2. \$279,433 has been allocated for equipment and furniture.

Ms Tricia Hille, the Senior Librarian, was congratulated by the committee for her initiative on this successful outcome.

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Photo voltaic cells

At the May meeting the Committee resolved:

1. The proposed PV system utilizing 100 panels be listed in the tender document as a design and development component.
2. Engineering Technology Consultancy be engaged to write the brief for inclusion in the contract documents.

Mr Wetjen has had discussions with Engineering Technology Consultancy (ETC) and Mr Sabastian Corvaia.

It was agreed by the committee that

Engineering Technology Consulting be engaged to:-

1. Prepare an outline of the technical parameters for the 20kw PV system for a lump sum fee of \$2700 + GST.
2. Prepare a performance based specification for the 20kw PV system for inclusion in the documentation as a tender option, plus the evaluation of the technical data submitted with the tender option and contract administration services at a lump sum fee of \$6,300 + GST.

Pre-demolition hazardous materials survey

The committee authorized the Shire of Peppermint Grove to engage Coffey Environments Pty Ltd to undertake a Pre-Demolition Hazardous Material Survey for the Shire office and library buildings located on 1 Leake Street plus sample analysis as required.

Termite barrier

Earlier in the year the question was asked whether the Shire of Peppermint Grove has particular requirements with respect to "termite management" that may not have been addressed especially the use of chemicals, barriers or long term reticulation systems.

Mr Terry Mayor advised that:

*As the primary focus of the development is environmental sustainability it would be incongruous to use chemicals for the termite barrier. Therefore, I would suggest that if in fact a barrier is required, it would be appropriate to use the proprietary product 'Termimesh' for the termite barrier.*

*From my point of view, provided that there are no primary building elements that are or could be subject to attack by subterranean termites, it would be reasonable and logical to demonstrate that the building satisfies the Objectives and Functional Statements of the Building Code of Australia and therefore, a chemical or physical barrier may not be required.*

*It would however be appropriate for this matter to be presented to and discussed with John Massey Group, building assessment consultants, with the aim of determining and formalising the termite management for the buildings.*

Following discussion on this item it was agreed that there was no requirement for a termite barrier given the construction materials.

**VOTING**

Simple majority

**11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Birnbrauer

**That Council accept the report of the Manager of Corporate Services on the library project.**

Carried 6/0

**11.1.6 POLICY – UNIFORMS – OFFICE STAFF**

**File No:** SUB/85  
**Author:** Miss Kathryn Bradshaw  
**Author Disclosure of Interest:** The author is a recipient of benefits under this policy in common with all office staff.  
**Report Date:** 7 July, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

This policy replaces the existing uniform policy of February 2000 and aligns the provisions with those agreed in the office staff Enterprise Bargaining Agreement of 2001. This updated policy clarifies the options available to staff for the procurement of an approved corporate uniform. It does not provide any new or increased benefits.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Replaces policy adopted February 2000 under Council resolution C9.

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Since 2001, the Town of Cottesloe has provided \$400 per annum per person, adjusted annually by CPI, towards the purchase of a Corporate Local Government uniform, which is endorsed by the Australian Taxation Office and approved by the Chief Executive Officer.

The allowance now currently stands at \$533.63 per person, per annum.

**BACKGROUND**

The Town of Cottesloe's Enterprise Bargaining Agreement No. 3 2001 (ASU) contains a provision (Clause 13) for a payment of a uniform allowance to office staff who choose to wear the approved corporate uniform.

This policy update is a realignment of policy with practice and places the Council policy in agreement with the EBA provisions which are legally binding.

A copy of the draft policy follows with changes highlighted in blue:-

**UNIFORMS – OFFICE STAFF**

**References:** [Town of Cottesloe Enterprise Bargaining Agreement No.3, 2001 \(ASU\) Clause 13.](#)

**Related Policy:** Rangers' Uniforms/Depot staff uniform policy

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(1) **BACKGROUND**

The Town of Cottesloe EBA contains provision for payment of a uniform allowance to office staff who choose to wear the approved corporate uniform.

(2) **AIM OF THIS POLICY**

To stipulate the method of administering the EBA provision in relation to uniforms for office staff.

(3) **POLICY STATEMENT**

Each year Council will contribute the amount, agreed in the [Town of Cottesloe EBA of 2001](#) and as adjusted annually in accordance with this policy, to each eligible staff member who elects to wear an approved corporate uniform.

The following conditions apply:

- (a) [The approved corporate uniform for the purposes of this policy shall be that provided one of the following options in any given financial year:](#)
  - (i) [Neat n' Trim Uniforms Pty Ltd \(NNT\), StyleCorp Corporate Wear \(LGC\) companies to Local Government staff throughout Australia, unless other items are provided as a condition of employment \(e.g. to Rangers\); or](#)
  - (ii) [Country Road Corporate Wear, whereby the allowance will be paid to employees upon presentation of receipt\(s\) to the value of \\$300 or more and the money will be paid as a 'clothing allowance' through payroll and \*\*will be\*\* subject to tax.](#)
- (b) The amount due to each staff member under this policy may accrue from year to year, if unused, but it will not be paid out in cash on termination of employment. Unless otherwise stipulated in any EBA renegotiations the allowance will be adjusted annually by the prevailing CPI on 30 June.
- (c) The amount credited to each officer's account at the start of each financial year is to increase annually by the prevailing CPI for the previous 12 months as at 30 June each year.
- (d) Council will pay the contribution to the supplier of the uniform, up to the amount currently in the officer's credit, when the uniform is ordered through Council channels. The officer must meet any excess cost incurred in purchasing the uniform. This may be achieved by salary deductions over a period not to exceed 6 months, or by a lump sum payment.
- (e) Officers who are eligible to receive free uniform items as part of their employment conditions may access this provision to acquire additional uniform. In accordance with the EBA, only these officers may be paid in cash the outstanding balance in their uniform account at the end of each financial year.

**CONSULTATION**

Nil

**STAFF COMMENT**

Some confusion has arisen lately in regards to the exact requirements of the uniform policy and in particular, which suppliers are approved. This update will ensure that no further discrepancies arise.

**VOTING**

Simple Majority

**11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council adopt the new *Uniforms – Office Staff* policy.**

Carried 6/0



**11.1.7 COTTESLOE CIVIC CENTRE CONCERT**

**File No:** SUB/126  
**Author:** Ms Ruth Levett  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of the report is to present an application for a family style charity concert on the main lawn of the Cottesloe Civic Centre. It is recommended that the application be approved in principle.

**STATUTORY ENVIRONMENT**

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

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

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

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

**POLICY IMPLICATIONS**

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

Clause (4) Policy:

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

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

In accordance with the schedule of fees in the Guidelines for the hire of the Civic Centre the fee for a category 2 concert is \$500 with a bond of \$1,000.

**BACKGROUND**

An application to hold a concert on the Cottesloe Civic Centre main lawn has been received from the Edmund Rice Institute for Social Justice. The event, 'Just Music – Concert for Social Justice', is proposed to be held on Saturday, 6<sup>th</sup> December, 2008 from 5.00pm to 10.00pm. This date is chosen to commemorate the anniversary of the signing of the *Universal Declaration of Human Rights*.

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The proposal is for a concert that will attract a family audience. A crowd of up to 1500 patrons is anticipated to attend. The proposed style of music is 'folk' and 'choir' music.

Take away style food may be purchased from selected food stalls or patrons may bring a picnic basket. A liquor licence is not proposed but permission is sought for BYO to allow patrons to bring alcohol if they wish.

## CONSULTATION

Nil

## STAFF COMMENT

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

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

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

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

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

The proposal is similar to the style of family concert held as part of the Seadragon Festival in the past. Given the style of music and the popularity of the artists performing it is believed that there is a cultural benefit to the community. Folk and choir music represent a desirable style of entertainment to a large portion of the community. Catering will be provided by a select few mobile food stalls who will apply separately for a licence for the event. As a family event the emphasis will be on people bringing children and picnic hampers.

The promoter, the Edmund Rice Institute for Social Justice (ERISJ), is engaged in community building, fostering an environment where communities are encouraged to care for those less fortunate. The organisation employs a Major Events Coordinator who has competent skills in the management of events. If successful, it is proposed that this concert will become an annual event to promote the anniversary of the signing of the *Universal Declaration of Human Rights* and global humanity.

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It is anticipated that the impact of the concert on residents will be minimal. The number of patrons and the time and duration of the concert are insufficient to cause any major impact. Noise levels will be managed by setting appropriate noise levels in accordance with the Environmental Protection (Noise) Regulations. Background noise levels drop at around 10.00pm by which time the concert will have ceased, further reducing the impact on the community. Being a family concert, this event will not be a Regulation 18 event. Permissible noise levels and conditions at certain locations, monitoring requirements and complaint procedure will be specified.

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

There has not been a 'large public event' held in the Civic Centre grounds within the past 12 month period, therefore, this concert is in accordance with clause 4 (c) of the Town's Policy for *Outdoor Concerts and Large Public Events* and can be supported.

It is recommended that this application be approved 'in principle' subject to compliance with the *Guide to Outdoor Concerts and Large Public Events*.

#### **VOTING**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council:

- (1) Supports the application from the Edmund Rice Institute for Social Justice to hold a family style concert on the main lawn of the Cottesloe Civic Centre for up to 1500 patrons on Saturday, 6 December 2008 from 5.00pm to 10.00pm; and
- (2) Authorises the Chief Executive Officer to approve the event providing that compliance with the requirements of the *Guide to Outdoor Concerts and Large Public Events* are satisfactorily met.

#### **11.1.7 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council refuse the application from the Edmund Rice Institute for Social Justice to hold a family style concert on the main lawn of the Cottesloe Civic Centre for up to 1500 patrons on Saturday, 6 December 2008 from 5.00pm to 10.00pm.**

Carried 4/2

## 11.2 ENGINEERING

### 11.2.1 2009/10 STATE AND FEDERAL BLACKSPOT SUBMISSIONS

**File No:** SUB/573  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

Submissions for the 2009/10 State and Federal Blackspot grants closed on 1 August, 2008. Submissions for seven locations were submitted on behalf of the Town of Cottesloe.

This report recommends the acceptance of these grants if the grants are approved and the provision of a one-third contribution towards the total cost during the 2009/10 financial year.

#### STATUTORY ENVIRONMENT

Main Roads WA (MRWA) is responsible for all traffic control signs and linemarking, including 'Stop', 'Give Way' and speed control signs. The Police Department enforces the law in relation to these lines and signs as well as driver compliance with all posted speed limits. Apart from West Coast Highway and Stirling Highway, all road reserves within the town are vested in the Town of Cottesloe. Therefore responsibility for all road surfaces, kerbing, installation and maintenance of traffic control devices and warning signs rests with the Town of Cottesloe.

Blackspot funding is available to assist local governments to install properly designed traffic treatments which will improve the safety of the built road system - particularly at proven accident sites.

#### POLICY IMPLICATIONS

The only associated policy is the *Traffic Management* policy, adopted in 2002. The policy deals with road hierarchy, general overall objectives, the need to foster cycling, pedestrian activity and the use of public transport plus an elaborate series of intervention guidelines when complaints are received regarding potential dangerous sites.

#### STRATEGIC IMPLICATIONS

The most applicable provision within the Cottesloe Future Plan 2006-2010 is under *Objective 1 – Protect and enhance the lifestyle of residents and visitors.*

Strategy 1.1 states "Develop an integrated transport strategy that includes park and ride, Cot Cat, Travel Smart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic". Blackspot and similar safety improvements would be part of this objective.

**FINANCIAL IMPLICATIONS**

State Blackspot grants are approved on the basis of a \$2:\$1 State:Council contribution level. Federal Government Blackspot grants provide for 100% of the cost for each approved project.

All seven projects have been submitted for State Blackspot funds, with two of these projects also being included for Federal funding.

The total estimated cost of all works is \$261,000 of which Council would contribute \$87,000 if all were approved State Blackspots. Council's contribution would reduce to \$32,000 if the two projects submitted for Federal funds are approved.

**BACKGROUND**

Every year, MRWA makes the data collected on crash statistics available to each local government for their immediate area. Requests are then made for funding submissions under the State and Federal Blackspot programs for solutions to the sites most affected by injuries and damage to property.

A specialist consultant then analyses the data provided and works with the Manager for Engineering Services to determine the sites most likely for success as well as the most applicable treatments.

The data collected is over a five year period and pre-computed costs are assigned to each type of accident to determine a total community cost of accidents occurring at each site. The cost of the proposed treatment is determined and a Benefit Cost Ratio (BCR) is then determined.

The higher the BCR, the better chance of the site crash solution being funded from the grant level available.

A high BCR may also indicate that the Federal Blackspot program may fund 100% of the treatment rather than two-thirds by the State program.

**CONSULTATION**

No public consultation has occurred on this matter. The submissions for Blackspot funding are based on the crash statistics for each site, the applicability of the solution and the benefit cost ratio of the solution.

**STAFF COMMENT**

Prior to these Blackspot submissions being prepared, a Road Safety Audit was undertaken by Porter Consultants in addition to the specific examination of the section of Broome Street between Jarrad Street and Eric Street.

The improvements recommended in the Safety Audit are acceptable to MRWA as an alternative to submissions based on the data included on the annual crash disk, where a Benefit Cost Ratio (BCR) is completed and the result, if over 1.0 is used to justify the proposed treatment.

Staff worked with the consultant to analyse the most accident prone sites and the most applicable Broome Street Safety Audit issues, the types of accidents occurring and the most applicable solutions for a total of eleven different sites. Submissions were then developed for funding under the 2009/10 State and Federal Black Spot programs. These submissions were:

- 1) North Street/Elizabeth Street Intersection  
Proposal: Install two islands in North Street and one in Elizabeth Street at the intersection. Reinforce priority signs with linemarking and signage on Elizabeth Street.  
Accidents: 5 over 5 years  
Benefit Cost Ratio: 1.99  
Project Cost: \$18,000  
State Project
  
- 2) Grant Street/Mann Street Intersection  
Proposal: Install half seagull island in Main Street (south) to prevent right turn through and median islands in Grant Street to prevent 'U' turn and straight through movement.  
Accidents: 5 over 5 years  
Benefit Cost Ratio: 6.15  
Project Cost: \$75,000  
State & Federal grant submissions
  
- 3) Curtin Avenue/Napier Street Intersection  
Proposal: Install two intersection islands in Curtin Avenue and one in Napier Street and reinforce priority (Give Way) in Napier Street  
Accidents: 5 in 5 years  
Benefit Cost Ratio: 1.07  
Project Cost: \$18,000  
State Project
  
- 4) Broome Street – Eric Street to Jarrad Street  
Proposal: Upgrade street lighting to comply with Australian Standards AS 1158.  
Accidents: Proposal based on Road Safety Audit  
Benefit Cost Ratio: Not applicable. Number of night accidents exceeds normal rate.  
Project Cost: \$90,000  
Submitted for State and Federal funding
  
- 5) Broome Street – Forrest Street Intersection  
Proposal: Install intersection lighting (2 extra) to comply with Australian Standard AS 1158

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- Accidents: Submission made through the Safety Audit findings.  
Also 6 over 5 years
- Benefit Cost Ratio: 2.25
- Project Cost: \$12,000  
Submitted for State Blackspot
- 6) Marine Parade – Eileen Street Intersection
- Proposal: Install intersection island in Eileen Street, reinforce priority (Give Way) and ban parking adjacent to the intersection.
- Accidents: 6 over 5 years
- Benefit Cost Ratio: 2.16
- Project Cost: \$18,000  
Submitted for State Blackspot
- 7) North Street – Lyons Street Intersection
- Proposal: Install median islands on all 4 legs of intersection and reinforce stop sign controls in Lyons Street.
- Accidents: 7 over 5 years
- Benefit Cost Ratio: 2.75
- Project Cost: \$30,000  
State Project/Possible National Project

Of these 7 projects, 3 were submitted for 2008/09 but could not be fitted into the available MRWA Black Spot funding. These were the Marine Parade/Eileen Street intersection, the lighting upgrade of the Broome Street/Forest Street intersection and the lighting upgrade of Broome Street from Eric Street to Jarrad Street.

These have been submitted again.

Of the remaining 4 projects, North Street/Elizabeth Street requires intersection islands on all 4 street 'legs', North Street/Lyons Street is similar to North Street/Elizabeth Street, Curtin Avenue/Napier Street is similar to the completed treatments (2007/08) at Warton Avenue and Hawkstone Street and Grant Street/Mann Street is a 'V' shaped or 'seagull' island on the south side of Grant Street in Mann Street to make it a left in, left out traffic movement. This would also greatly reduce the 'rat run' traffic using Mann Street and Grant Street.

If approved by MRWA, the 2 projects on North Street will also require approval from Nedlands Council and a minor funding contribution in 2009/10 i.e. half of the third local government contributions.

Blackspot approvals for funding to other Councils to improve intersection and longer lengths of street lighting are now becoming more regular, where lighting is seen to be a road safety issue and night time accidents are increasing above average levels.

Solar lighting would be one consideration if these projects are approved.

Main Roads WA is now investigating received proposals to establish an initial approval list. Council will not be informed of any successful project approvals until early in 2009. Detailed design plans would not be commenced until Council resolves to include its funding for such projects in the next budget. (2009/10)

**VOTING**

Simple Majority

**11.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council resolve to agree in principle that the 2009/10 budget include up to one-third contributory funding towards the following seven State and Federal Blackspot submissions, subject to these submissions being approved by Main Roads WA and the Minister for grant funding:**

- (1) **North Street/Elizabeth Street Intersection – median islands.**
- (2) **Grant Street/Mann Street Intersection – seagull and median islands.**
- (3) **Curtin Avenue/Napier Street Intersection – median islands.**
- (4) **Broome Street/Eric Street to Jarrad Street Intersection – improved lighting.**
- (5) **Broome Street/Forrest Street Intersection – intersection lighting.**
- (6) **Marine Parade/Eileen Street Intersection – intersection island.**
- (7) **North Street/Lyons Street Intersection – intersection islands.**

Carried 6/0



**11.2.2 DISABLED ACCESS RAMP, BARCHETTA SHOWERS/TOILETS**

**File No:** SUB/544  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 7 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

At its June 2008 meeting, Council resolved, in regards to the provision of a disability access ramp at North Cottesloe toilets/showers/change rooms, the following:

That Council:

- (1) Ensure that the disability access ramp at the Barchetta toilets/showers/change rooms is in place by the end of September 2008.
- (2) Send an application to the Western Australian Planning Commission for approval to be gained for the ramp as soon as possible.
- (3) Advertise the project for public comment in accordance with Council's *Public Consultation* policy.

A letter was sent to WAPC on the 27 June, 2008 requesting approval. No answer has yet been received. The public consultation process has been completed and this item presents the results of this process and recommends that Council:

- (1) Note that there has only been public support received as a result of public consultation regarding the proposed disability access ramp to the North Cottesloe public toilets/showers/change rooms.
- (2) Have staff ensure that, as soon as WAPC approval is received for this project, installation works be commenced to have the ramp available for use by the end of September 2008.

**STATUTORY ENVIRONMENT**

The *Western Australian Disability Act 1993* requires local governments to develop and implement a Disability Access and Inclusion Plan to ensure that people with disabilities can access facilities and services provided by local governments.

Council adopted such a plan in 2001.

An access ramp between the beach and toilets/change rooms/showers at Barchetta is a high priority in that plan.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Town of Cottesloe's *2006-2010 Future Plan* includes, under Objective 1: Lifestyle, item 1.7 Develop a strategy to ensure access and inclusion of aged persons and persons with disabilities.

Under Objective 3: Beach & Foreshore Enhancement, item 3.5 Improve bicycle and disabled access to beach facilities.

### **FINANCIAL IMPLICATIONS**

\$35,000 approved for construction in the 2007/08 budget, but not expended. A general provision of \$60,000 has been made in the 2008/09 budget for disability access projects.

### **BACKGROUND**

The major project to improve disability access in the Town of Cottesloe in 2007/08 was to be an access ramp between the floor level of the toilets, showers and change rooms under the Barchetta Café and the dual use path.

The site was inspected and the best alignment pegged. Discussions took place with the operator of the Barchetta Café, Cottesloe Coastcare and Council staff involved with disability access.

Vegetation was cleared and the slope roughly shaped. Quotes were arranged for installation.

After the June 2008 Council discussions, it was resolved that the installation must be completed before the start of the main beach season (end of September) on the basis that WAPC has given approval and the public consultation process provides support.

### **CONSULTATION**

This item provides the results of the completed public consultation process.

### **STAFF COMMENT**

A total of six public comments were received (included in the 'attachments'), all in favour of the installation.

As soon as the Western Australian Planning Commission approval is received, it is proposed that this project would be undertaken, as the highest priority project for disability access improvement to Council facilities.

### **VOTING**

Simple Majority

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

Moved Mayor Morgan, seconded Strzina

**That Council:**

- (1) Note that there has only been public support received as a result of public consultation regarding the proposed disability access ramp to the North Cottesloe public toilets/showers/change rooms.**

- (2) Have staff ensure that, as soon as WAPC approval is received for this project, installation works be commenced to have the ramp available for use by the end of September 2008.

Carried 6/0

**11.2.3 TOWN OF COTTESLOE - LOCAL BIKE PLAN**

**File No:** SUB/63  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

In the 2007/08 budget, \$15,000 was allowed for a 50% contribution towards a new Bike Plan Study. A submission was made to the Department for Planning and Infrastructure (DPI) under the Perth Bike Network grant system for \$15,000, to create a \$30,000 budget for a consultant study.

The grant was approved, quotations were requested from three transport consultants and Opus International Consultants were appointed.

After widespread advertising to gain public comments, a public meeting, study of all previous reports on the subject and the study of comments, complaints and requests regarding bike paths in Cottesloe, the draft Cottesloe Bike Plan has now been provided.

This item comments on the draft study and recommends that Council resolve to advertise the draft Town of Cottesloe Local Bike Plan 2008-2013 for public comment, with reconsideration of the draft plan at the October meeting, once public comments have been received.

**STATUTORY ENVIRONMENT**

There is no legal reason why a Bike Plan for any municipality must be created, however bike paths and public facilities for bicycle use on road reserves must meet various standards for safety and liability reasons.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

No specific budget allocation exists in the 2008/09 budget regarding new bike path improvements or works.

The cost of the study was covered 50/50 by DPI plus Council, for a budget cost in 2007/08 of \$30,000.

**BACKGROUND**

The Western Suburbs Bike Plan was adopted by Cottesloe, Claremont and Nedlands municipalities in 1999. The actions and strategies proposed covered all three Council areas. Since that time, a large variety of works have been undertaken by the three Councils to achieve the original objectives. Roadworks, Blackspot improvements and other developmental changes to the road reserves have improved conditions for cyclists. However, in some cases, such works have raised a variety of complaints by cyclist with requests for improvements.

In some cases, State Government promises have not been met regarding strategic cycling improvements. An example is the failure to complete the Principal Shared Path route beyond Grant Street to Fremantle, regardless of MRWA and Government commitments for completion of this strategic link.

Since 1999, there has also been a growth in community objectives regarding the need to reduce the reliance on powered vehicles for travel needs, population growth has both increased the number of vehicles on the road system as well as increasing the demand for improved alternative transport facilities and recently, the rapidly increasing fuel cost is pushing the need for more and safer provisions for cyclists.

The Town of Cottesloe has a variety of sustainability, Travelsmart and Integrated Transport commitments all of which promote the need to reduce powered vehicle reliance and increase alternative transport modes.

Annual cycling grants through DPI have tapered off in the past two years, mainly due to a lack of forward vision which, in turn, relies on an applicable Cycle Plan.

Once this plan has been finalised and adopted, the potential increases for successful grant income form DPI to achieve the plans objectives in Cottesloe.

**CONSULTATION**

The development of this draft plan has included extensive public consultation. It is also proposed that the draft document be put out for public comment before final Council adoption.

**STAFF COMMENT**

The draft Cottesloe Local Bike Plan supplied by the consultant has provided all requirements listed under the scope of works listed in the Request for Quotation.

The proposed actions and works in the Plan are listed on pages 24 and 28.

The 'Spot' and Minor Route Improvements/Studies on page 24 create no major issues.

The proposed Major Improvements/studies on page 28 total only 5 items but the first two items – extension of the Principal Shared Path along Curtin Avenue and a new railway bridge on Eric Street, are both totally dependant on State Government agreement and funding. Council can continue to press for these works.

Increased pedestrian and bicycle activity on the foreshore dual use path will require consideration, over a period of years, for the widening/upgrading of this path.

A major dual use path upgrade of the Forrest Street footpath from Marine Parade to Curtin Avenue is, again, possible dependant on Council priorities and public/resident acceptance.

Removal of either east side or west side parking bays on Marine Parade to provide for pedestrian and cycling would have a major impact on the use of Marine Parade from Forrest Street to Grant Street, particularly during the summer months when parking is a priority for beach users.

This matter can be re-addressed after the receipt of public comments on the draft plan.

Once a final version of the Local Bike Plan is adopted by Council, it is proposed that a 'forward' plan is developed to prioritise Council requirements over a 5 year period. Annual DPI Cycling grants would then be sought to fund at least 50% of such improvements.

## **VOTING**

Simple Majority

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council resolve to advertise the draft Town of Cottesloe Local Bike Plan 2008-2013 for public comment and reconsider the draft plan at the October 2008 meeting of Council once the period for public comments has closed.**

Carried 6/0

**11.2.4 TRAFFIC MANAGEMENT STUDY**

**File No:** SUB/222  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 7 August, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Council received this Traffic Management Study from its consultant, Porter Consulting, in May 2008.

Council resolved at its May 2008 meeting:

That Council resolve to advertise the contents of the draft Town of Cottesloe Traffic Management Study for public comment including:

- (a) personal notification to all parties who participated in the study and made a submission; and
  - (b) those people who reside adjacent to the proposed installations
- and that the results of this consultation be considered by Council at its ordinary August 2008 meeting.

The public consultation process has been completed.

This report provides the results of this process and recommends, that Council:

- (1) Consider a new 5 Year Program for Road Safety Improvement and Speed Restriction in February 2009, with Year 1 to be 2009/10.
- (2) Inform the authors of both comments on the 2008 Traffic Study of Council's decision in this matter.

**STATUTORY ENVIRONMENT**

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

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

**POLICY IMPLICATIONS**

Council's *Traffic Management Policy* applies.

**STRATEGIC IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The study cost was met by funds budgeted for expenditure in 2007/08.

Any actions and works to be undertaken as a result of this study are proposed to be included in a new five year Traffic Management Plan, to be presented to Council in 2008/09, with funding levels included.

**BACKGROUND**

In February 2007 Council was advised of a list of eight streets and roads where the trigger points had been exceeded for engineering intervention under Council's *Traffic Management Policy* (particularly in relation to vehicle speeds).

In addition, there are a number of locations which regularly generate comments relating to

- dangerous intersections,
- 'rat runs' through normally quiet residential streets,
- improvements which could either improve safety for pedestrians or cyclists on the road network, and
- the removal of potential black spot locations for all road users.

The February 2007 report proposed the development of a traffic management scheme to include:

- Public participation to locate particular issues and to comment on options for solution.
- Consideration of the three previous traffic management studies (1989, 1994 and 2001) within the Town of Cottesloe.
- The provision of an extensive range of options for the solution of this speeding issue in residential streets, for the consideration and debate by residents, staff and Councillors.
- The consideration of all traffic speed and volume data collected for all roads and streets within the Town of Cottesloe.
- The production of *Traffic Management Plan*.

A 'brief' for a consultant Traffic Management Plan was developed and adopted by Council.

The main requirements for the study, as included in the 'brief' were:

- The study of the last three Traffic Management Plan studies (1989, 1994 and 2001) to ensure that any unanswered or unresolved traffic problems covered in those plans are included for resolution in any new plan.



- Extensive advertising via newspapers, web page, public notice and direct contact to ensure the maximum coverage is achieved to generate comments, proposals and complaints for subjects to be addressed by the study.
- Details to be taken from all Council files of past and present issues communicated by ratepayers, residents and visitors on traffic management issues for inclusion in the study deliberations.
- All traffic count information, road safety audits and black spot crash statistics available from the Town of Cottesloe to be studied for details of locations requiring controls to be put in place.
- The creation of an extensive list of traffic management solutions and devices for consideration by all stakeholders when developing specific solutions to particular traffic management issues.
- Extensive on site and/or public meeting discussions with groups of residents and ratepayers concerning specific traffic management issues.
- A general public meeting using a professional meeting facilitator, to present and receive feedback on, a draft list of proposed traffic management solutions, prior to the plan being finalised.

A requirement was also included for the consideration of non-vehicular traffic issues.

Three consultants were requested to provide quotations, from which Porter Consulting was selected.

The development of this document has taken longer than expected, mainly due to the problem of achieving significant depth and spread of comments from the general public.

The content of applicable files going back several years were studied regarding traffic complaints. Three previous studies were analysed, to find any issues never dealt with. Crash statistics normally used for Black Spot submissions were also studied.

A public meeting was held where people were invited to attend based on their expressed concerns regarding traffic problems in past years. Letters were sent out, and comments were received via e-mail and written letters.

Inspections were then made on site to determine if the concern was genuine and if a solution was available to the expressed concern.

Matters concerning the need to redevelop or realign Curtin Avenue as a future West Coast Highway extension plus requests for major changes on Stirling Highway were seen to be outside the capacity of the study to address and propose solutions for inclusion in a five-year Council program.

In a lot of cases, concerns raised over the last few years have either been dealt with by the use of Black Spot funding, are proposed to be addressed in the 2008/09

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'round' of Black Spot projects or have been judged as no longer applicable to works in the area which have removed the cause for concerns.

The remainder of the locations where traffic movement concerns have been expressed were inspected and recommendations provided for improvements or traffic controls to be installed.

The consultant company has three very experienced ex-local government engineers who all checked the recommendations. All proposed installations are based on pragmatic solutions which are standard to the metropolitan area. In many cases, extra 'reminder' signs are proposed to reduce traffic speeds on residential streets. Such signs already exist on certain streets but have not solved the high speed issues.

The remaining solutions concentrate on the 'retro-fitting' of new obstructions to traffic flow in the form of median islands, roundabouts, blister islands and plateaux. Such installations are often supported by the majority, apart from property owners who will have installations built in front of their properties e.g. plateaux in Broome Street.

Council resolved to seek comments from the total public, including an additional effort of informing property owners likely to be affected by proposed traffic control installation.

### **CONSULTATION**

This matter was advertised in a local newspaper, on Council's website, on the notice board and by a large number of letters sent to people who participated in the study in any way and to people who may live beside a future installation.

### **STAFF COMMENT**

Even with the extensive advertising undertaken, only two comments were received, one relating to the southern end of Marine Parade and one regarding the need for an improvement for pedestrians trying to cross Curtin Avenue at Napier Street.

With regards to a crossing of Curtin Avenue at Napier Street, recent submissions for possible Black Spot works in 2009/10 have included a request for funding to install median islands on all three 'legs' of this intersection, for traffic control, similar to the installation on Curtin Avenue at Hawkstone Street and Warton Street during 2007/08.

A pedestrian refuge 'gap' on one of the Curtin Avenue islands would greatly improve pedestrian safety during the crossing of Curtin Avenue at that location.

With regards to the comments made about the southern end of Marine Parade, the proposed reduce speed structure is a low rise speed plateau, not a speed hump. Two of these plateaux have existed in Railway Street near Seaview Terrace, with no noise complaints.

There is no factual evidence that traffic lights on West Coast Highway at North Street and the roundabout on Curtin Avenue at Marine Parade have caused an increase in traffic use of Marine Parade as a diversion.

The main complaints regarding Marine Parade at the southern end, has been speed complaints. This has been borne out by the results of traffic/speed counts on Marine Parade.

The proposal to install time-restricted on-street parking signage on Beach Street related to complaints that the nearby boat ramp on Marine Parade generated the need for extra parking, which impacted on Beach Street.

This item will be discussed with Council's rangers regarding a trial on controlled parking for Beach Street.

The Salvado Street/Avonmore Terrace issue will be monitored, with possible changes as proposed being considered several years into the 'rolling' road safety improvement program, particularly with any accidents registered through the annual 'crash disc' system.

The Salvado Street level crossing is a part Cottesloe, part Mosman Park issue, with the municipal boundary being the railway line. Unless the issue is raised by the Town of Mosman Park, no changes are proposed at this level crossing.

Given that these two public comments were the only results from the advertised public consultation process, including letters being delivered to properties to be possibly impacted on by proposed traffic installation, it is now proposed that a new 5 Year Road Safety Improvement and Speed Restriction Program be created, based on the 2008 Traffic Study, with Year 1 to be 2009/10.

#### **VOTING**

Simple Majority

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Consider a new 5 Year Program for Road Safety Improvement and Speed Restriction in February 2009, with Year 1 to be 2009/10.**
- (2) Inform the authors of both comments on the 2008 Traffic Study of Council's decision in this matter.**

Carried 6/0

**11.3 FINANCE****11.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY, 2008**

<b>File No:</b>	<b>SUB/137</b>
<b>Author:</b>	<b>Mr Graham Pattrick</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Period Ending:</b>	<b>31 July, 2008</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2008, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$244,106 as at 31 July 2008. Operating Revenue is ahead of budget by \$10,617 (0.16%). Operating Expenditure is \$386,227 (50%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 July 2008 is shown on page 7.

The year end accounting is in full swing for 2007/2008. Until this is finalised there are some significant tasks that cannot be carried out. The most important is running depreciation. This is worth around \$120,000 per month. In addition there are a number of timing issues around waste debtors and grant recoups that will adjust over the next few months. The good news is that these variances are all positive in the current months accounts.

The Capital Works Program is listed on pages 18 & 19 and shows total expenditure of \$63,416 compared to YTD budget of \$468,419. Again it is very early – all indications are that capital expenditure will be as per budget.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

The Committee acknowledged the efforts of Mr Wayne Richards and other team members in preparing the accounts on a timely basis after end of financial year.

**11.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2008, as submitted to the 19 August, 2008 meeting of the Works and Corporate Services Committee.**

Carried 6/0

**11.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 JULY, 2008**

**File No:** SUB/150 & SUB/151  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 July, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 July, 2008, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

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

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 13 of the Financial Statements shows that \$2,506,707.85 was invested as at 31 July, 2008

Reserve Funds make up \$2,498,613.75 of the total invested and are restricted funds. Approximately 67% of the funds are invested with the National Australia Bank, 23% with Home Building Society and 10% with BankWest.

The Schedule of Loans on page 14 shows a balance of \$220,384.02 as at 31 July, 2008. There is \$142,456.50 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**11.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 July, 2008, as submitted to the 19 August, 2008 meeting of the Works and Corporate Services Committee.**

Carried 6/0

**11.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 JULY, 2008**

**File No:** SUB/144  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 July, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 July, 2008, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$107,051.14 to Roads 2000 for roadworks at Curtin Avenue
- \$17,504.04 to Civica for renewal fee for Authority and e-services
- \$18,257.81 to LGIS for property insurance for 2008/2009
- \$22,786.08 to LGIS for assorted insurances
- \$11,209.29 to Town of Mosman Park for road construction costs
- \$13,548.09 to Cobblestone Concrete for work on footpaths and ramps
- \$122,410.09 for staff payroll for July 2008

**VOTING**

Simple Majority



**11.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 31 July, 2008, as submitted to the 19 August, 2008 meeting of the Works and Corporate Services Committee.**

Carried 6/0

**11.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD  
ENDING 31 JULY, 2008**

**File No:** SUB/145  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 July, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 July, 2008, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 15 to 16 of the Financial Statements shows a balance of \$283,549.60 of which \$45,893.21 relates to the current month. The balance of aged debt greater than 30 days stood at \$237,656.39 of which \$96,410.51 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 17 of the Financial Statements and show a balance of \$6,536,666.70. Of this amount \$234,463.85 and \$772,981.82 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$6,992,543 in 2008 compared to \$6,643,590 last year.

**VOTING**

Simple Majority

**11.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the period ending 31 July, 2008; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 July, 2008.**

Carried 6/0

**12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7.50 pm.

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