

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 25 JULY, 2005**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	4
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	4
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	5
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
8	PUBLIC STATEMENT TIME.....	5
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	6
10	REPORTS OF COMMITTEES AND OFFICERS.....	7
11	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 JULY 2005.....	7
11.1	PLANNING	7
11.1.1	NO 345 (LOT 41) MARMION STREET - TWO-STOREY SINGLE RESIDENCE	7
11.1.2	NO 27 & 27A DEANE STREET – FRONT FENCE/SCREEN WALL	18
11.1.3	NO 459 (LOT 100) STIRLING HIGHWAY - NEW SOLID FRONT FENCE AND ILLUMINATED SIGN	23
11.1.4	42 JOHN STREET – REMOVAL OF PINE TREES – STATUS REPORT	30
11.1.5	ROW 2 BETWEEN LITTLE MARINE PDE & MARGARET ST – REQUEST FOR CLOSURE OF WESTERN PORTION – FURTHER CONSIDERATION	33

11.1.6	COTTESLOE BEACH HOTEL – STATE ADMINISTRATIVE TRIBUNAL – UPDATE	37
11.1.7	NO. 88 (LOT 39) MARINE PARADE – APPLICATION FOR PLANNING CONSENT FOR A CHANGE OF USE FROM RESIDENTIAL TO CAFÉ – FURTHER CONSIDERATION – REVIEW OF LAST DECISION	41
12	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 19 JULY 2005	44
12.1	ADMINISTRATION	44
12.1.1	PARKING RESTRICTIONS MARINE PARADE	44
12.1.2	COTTESLOE PLAYGROUP - RUBBISH COLLECTION CHARGES	47
12.1.3	COTTESLOE PRIMARY SCHOOL P&C SAFETY HOUSE CAMPAIGN - DONATION REQUEST	50
12.1.4	NORTH COTTESLOE PRIMARY SCHOOL - DONATION REQUEST	53
12.1.5	EARLY INTERVENTION CENTRE FOR DEAF AND HARD OF HEARING - DONATION REQUEST	56
12.1.6	EMERGENCY SERVICES LEVY - ADMINISTRATION ARRANGEMENT	59
12.1.7	DISABILITY SERVICES - ADVISORY COMMITTEE	62
12.1.8	SEA DRAGON FESTIVAL	66
12.1.9	CEO'S PERFORMANCE REVIEW	69
12.2	ENGINEERING	73
12.2.1	RIGHT OF WAY NO. 66 - OFFER OF SALE TO COUNCIL	73
12.2.2	REQUEST FOR RIGHT OF WAY NO. 14 TO REMAIN UNSEALED	81
12.2.3	BROOME STREET SPEED CONTROL INSTALLATIONS	89
12.2.4	2006-2007 STATE AND FEDERAL BLACKSPOT SUBMISSIONS	98

12.3	FINANCE.....	101
12.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 11 JULY, 2005	101
12.3.2	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 JUNE, 2005	103
12.3.3	ACCOUNTS FOR THE PERIOD ENDING 30 JUNE, 2005	105
12.3.4	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 JUNE, 2005	107
13	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	109
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	109
15	MEETING CLOSURE.....	109

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Mayor announced the meeting opened at 7.00pm.

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

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

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Alan Lamb	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Mayor Kevin Morgan

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Furlong

The Minutes of the Ordinary Meeting of Council held on Monday, 27 June, 2005 be confirmed, subject to the following amendment.

Carried 10/0

Item 10.3.11 Draft Budget for the Period 2005/06

Amend (2) (g) to read as follows:

(g) Specified Area Rate – Section 6.37 Local Government Act, 1995

Include for the purposes of area promotion, the raising of a specified area rate of 1.39 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.1 Formal notice has been received from the Minister for Planning & Infrastructure that the review of the Town Planning Scheme No. 2 is to be completed by 17 December, 2005 otherwise the State Government will complete the review. A special Council meeting has been scheduled for Monday, 1 August, 2005 to address this issue. The Minister has also expressed a strong interest to hold community forums in relation to the foreshore and Ocean Beach Hotel.

8 PUBLIC STATEMENT TIME

Mr P Langsford, - Item 11.1.5, Right of Way No. 2 Between Little Marine Parade & Margaret Street Request for Closure of Western Portion

Mr Langsford is the owner of Right of Way No. 2 and No. 15. He owns them because the then Town Clerk wrote to him suggesting that he purchase the ROW's. In September, 1990 the Council put out an expression of interest for purchase of the ROW's. In 1994 he applied to Council to have the western part of the ROW closed and was refused. After his appeal the result was a partial closure. Mr Langsford stated that ROW's are a haven for undesirables and that the ROW's in Cottesloe are causing problems. Mr Langsford requests that Council close the ROW which will solve the ongoing problems.

Mrs R Walsh, 35 Grant Street - Item 12.2.2, Request for Right of Way No. 14 to Remain Unsealed

Mrs Walsh stated that she understands that a condition of development or redevelopment is for the rights of way/laneways to be sealed. Hence, eventually all ROW's in Cottesloe will be sealed. Mrs Walsh said that a simple majority would be more equitable than two-thirds. The ROW's are a part of

Cottesloe, provide buffer zones between back yards and that she treasures her laneway. Mrs Walsh asked Council to leave the laneway unsealed.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Woodhill presented a petition in request for upgrading of the current street lighting system on Marine Parade, North Cottesloe. He stated that the petition has been signed by 12 residents. He read the letter, which follows, aloud:

"We the undersigned request that the Council consider upgrading the current street lighting system on Marine Parade, North Cottesloe, for the following reasons:

- 1. The current system is unsuitable as residents find the glare and overspill from the streetlights to be extremely invasive. The considerable overflow of light onto houses makes sleeping difficult and illuminates living and bedroom areas to the street, causing potential security and privacy issues.*
- 2. The provision of bright 'highway/freeway' style lighting, encourages motorists to use excessive speed along this section of Marine Parade.*

Council staff have acknowledged, that the current style of lighting is in use, in order to illuminate both the road and the dual use path at once. While acknowledging the need for both the road and the combined use path to be lit, we feel that a more environmentally suitable alternative should be investigated, as the current system is clearly to the detriment of residents.

Mr Geoff Fulford of the Environmental Protection Authority has indicated that he is prepared to assess and investigate the situation and discuss a possible solution with residents and Council. Mr Fulford has had extensive Community and Council liaison experience through his involvement with the lighting of Subiaco Football Oval.

Thank you for your consideration in this matter, and we look forward to a response. For any further details please contact Mr Paul Nelson on 9385 6252.

COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Strzina

That the petition be received and referred to the Works & Corporate Services Committee.

Carried 10/0

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 JULY 2005**

Item 11.1.6 was withdrawn for further discussion and dealt with as the second last item of the meeting.

11.1 PLANNING**11.1.1 NO 345 (LOT 41) MARMION STREET - TWO-STOREY SINGLE RESIDENCE**

File No:	345 Marmion Street
Author:	James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Submission (2) Correspondence from applicant Submission (1)
Report Date:	5 July, 2005
Senior Officer:	Andrew Jackson
Property Owner:	David Griffiths
Applicant:	Honest Holdings Pty Ltd
Date of Application:	26 May 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	642m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two-storey residence at No 345 Marmion Street.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights

Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 (c)	Wall height – 6.0m Roof Ridge Height – 8.5m	Wall height – 6.3m Roof Ridge Height – 9.3m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
N/A	N/A	N/A

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Side setback required	Side setback provided	Clause 3.3.1 – P1
North Lower Alfresco, Family, Ens, Bed 4	1.5	1.0 - 1.6	Clause 3.3.1 – P1
South Lower Whole	1.5	1.0-1.8	Clause 3.3.1 – P1
No.9 - Design for Climate	25% on adjoining site	25%	Clause 3.9.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

347 Marmion Street

- *The two-storey roof height appears to exceed the maximum building height allowedand would have a negative impact on the adjoining properties...*
- *The plans for the proposal show that the building does not comply with Residential Design Codes for the northern boundary setbacks.*
- *The upper storey bathroom windows on the northern side of the property should be glazed with obscure glass so that the northern upper wall setback conforms to Residential Design Codes.*
- *The upper level rear balcony requires a 1.65m high obscure screen on the northern side to comply with the residential Design Codes.*
- *The rear alfresco area is elevated in excess of 1.0m above natural ground level and is positioned only 1.6m from the northern boundary. We strongly believe that this would have a significant impact on our privacy and lifestyle.*

343 Marmion Street

- *The plans indicate an overshadowing of 25.39%, an amount which is in excess of the council limit of 25%. As the proposed house will be located in the middle of the lot, the majority of the overshadowing is over the main living and outdoor areas of our home.*
- *The upper-storey gutter height of 66 courses (being 7 courses higher than our own) results in an extremely high, very substantial, monotonous wall which spans the length of our main living and outdoor areas. This is accentuated by the differing floor levels...*

STAFF COMMENT**Building Heights**

Clause 5.1.1 (c) of the TPS 2 states the following:

“For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.

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

- | | |
|---------------------------|--|
| <i>Single Storey</i> | <i>- Roof Height: 6.0 metres</i> |
| <i>Two Storey</i> | <i>- Wall Height: 6.0 metres</i>
<i>- Roof Height: 8.5 metres</i> |
| <i>Subsequent Storeys</i> | <i>- Wall Height: 6.0 metres plus; 3.0 metres per storey</i>
<i>- Roof Height: 8.5 metres plus; 3.0 metres per storey</i> |

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

The Natural Ground Level (NGL) at the centre of the subject property was determined to be AHD 10.4m for the purpose of heights calculation.

The proposed wall height is AHD 16.7m, which is 300mm over the required 6.0m height limit. The proposed roof ridge height is AHD 19.7 m, which is 800mm over the required roof ridge height.

Council received objections from the adjoining property owners to the north and south pointing out the excessive height of the proposed two-storey residence.

The land on the subject lot has a gradual slope from front to rear. The level of the footpath at the front of the property is 700mm higher than the existing NGL at the centre of the site. It is considered that the topography of the site would not warrant a variation on the wall and roof ridge height levels.

It is recommended that the applicant be required to submit amended plans showing the wall and the roof ridge height of the proposed development being lowered to comply with the height restrictions under the Clause 5.1.1 of the TPS 2.

Proposed Undercroft Level

Clause 5.1.1(a) states:

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

rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council.

It is proposed to construct a cellar within the basement level as part of the development. Cellar is not one of the uses specified as uses permitted within the undercroft level in the above clause.

Council initiated an amendment to the TPS 2 to widen the scope of the uses permitted in the undercroft level. Amendment 35 has been advertised to the community and is currently with the WAPC for final approval. Cellars would be permitted in the undercroft level in accordance with the proposed wording of Clause 5.1.1 (a) in the Amendment 35.

It is recommended that the proposed cellar in the undercroft level be permitted as it is the intention of Council to allow such non-habitable spaces in the undercroft without it being considered an additional level in accordance with the proposed Amendment 35, which is at its final stage of approval.

Boundary Setbacks

The following setback variations are proposed:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
North Lower	Alfresco, Family, Ens, Bed 4	3.4	17.6	Yes	1.5	1.0-1.6
South Lower	Whole	3.4	25.3	Yes	1.5	1.0-1.8

As the above setback variations do not comply with the Acceptable Development Standards of the Design Element 3 – Boundary Setbacks, they are required to be assessed under the following Performance Criteria:

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

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

The sections of walls to the garage and laundry/kitchen have a 1.0m setback, which is not in accordance with the required setback of 1.5m, as per the above table.

The reduced setbacks combined with the increased height of the proposed dwelling contribute to the increased overshadowing of the adjoining property to the south.

If wall height of the proposed dwelling is lowered to comply with the Scheme requirements (as recommended in Building Heights section of this report) the amount of overshadowing and the impact of building bulk would be reduced.

On the northern side the only portion of the wall that does not comply with the required 1.5m side setback is the 2.8m wide wall to Ensuite. It is considered that the proposed 1.0m setback to the Ensuite wall is acceptable as it does not contribute to overshadowing or impact on privacy of the adjoining property. And again once the wall height of the proposed dwelling is reduced it would also reduce the impact of the proposed minor side setback variations.

Overshadowing

The proposed development results in overshadowing of 25.39% of the adjoining property. In areas coded R20, 25% overshadowing of the adjoining property is an Acceptable Development Standard under Clause 3.9.1 (A1) of the Residential Design Codes (R-Codes). Council received an objection to the proposed increased overshadowing from the affected property owner on the south side. Subsequently the applicant amended its calculations to reduce the total overshadowing to 24.33%, being under the required amount.

Notwithstanding the above the Performance Criteria of the R-Codes states:

“3.9.1 Solar Access for Adjoining Sites

P1 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *...*
- *...”*

Although complying with the Acceptable Development Standards of the R-Codes, the shadow created by the proposed building falls entirely on the southern neighbour's alfresco/outdoor area and access to that area from their activity room, kitchen and dining area.

In general terms development should be designed so that it does not seriously affect solar access for neighbours. It is recognised that east-west facing sites are most vulnerable to overshadowing. This is further compounded by the:

- height of proposed buildings,
- the position of buildings,
- the orientation of the site and its neighbours,
- the relative dimensions of the site and the degree and orientation of slope of the land

In such cases where solar access to neighbouring sites is negatively affected, further restrictions may be imposed to alleviate the impact of building design on adjoining

neighbours. It should be noted that the Standards in both the R-Codes and Town Planning Scheme No.2 (TPS2) are levels at which development can reach before they are deemed non-compliant, in other words an 8.5m height limit is the maximum allowed, but heights less than that are acceptable, and can be imposed if required. The reduced wall and ridge height proposed under the 'building heights' section of this report would see the roof reduced by 800mm and the wall by 300mm. A reduction in roof pitch will not affect overshadowing, and a reduced wall height of 300mm will do little to alleviate solar access issues on the adjoining neighbours.

TPS2 also has regard to overshadowing, stating:

"Section 5.1.2 – General:

(f) the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylight, sunshine or privacy or to avoid visual monotony in the street scene as a whole;

(j) in respect of overshadowing, the impact of the utilisation of solar energy by neighbouring properties."

In this regard the proposed development will impact on solar utilisation and daylight/sunshine to the neighbouring property.

The issue before Council is that the proposed building, after conditions, will comply with the Acceptable Development Standards of the R-Codes for overshadowing and setbacks, and comply with building height requirements under TPS2. If further restrictions were placed on the development outside of those required by the R-Codes and TPS2, overshadowing would be reduced on the adjoining neighbour. Further to this, if conditions were imposed that dramatically altered the building, it may be deemed better to defer the application in light of more extensive design alterations.

As previously mentioned the maximum overshadowing allowed under the R-Codes on an adjoining property is 25%. This figure is deemed Acceptable Development and the proposed building complies with this. However, under the Performance Criteria of the R-Codes the location of the shadow is taken into account. In this instance the location of the shadow falls over the neighbouring outdoor areas and major openings to habitable areas, which according to the Codes development should have regard to.

It is therefore recommended that FFL of the entire building be reduced by a further 570mm to AHD 10.4m. A condition of this nature would address the over-looking issues created by the proposed alfresco area and games room (refer privacy section of this report). This condition, coupled with a further reduction in wall and ridge height should help alleviate issues relating to overshadowing.

Further to this, overshadowing would be reduced by increasing the first floor setback. At present the setbacks for the wall comply, however, it is recommended that the setback be increased from 1.8m to 2.5m in order to further alleviate overshadowing on the adjoining neighbour. A condition of this nature will be over and above the requirements of the R-Codes.

Privacy Issues

Council received an objection from the adjoining property owner to the north regarding overlooking from the proposed alfresco area at the rear. The proposed FFL of the alfresco area is 1.1m above the natural ground level in the north-western corner. In accordance with the R-Codes unenclosed outdoor active habitable spaces with a floor level more than 500mm above the natural ground level should either be setback 7.5m within the cone of vision from the property boundary or be provided with effective privacy screening. The proposal does not comply with these requirements.

Further to this an objection was received for the southern neighbour regarding the Games room. The proposed FFL of the Games room is 1.1m above natural ground level (being level with the alfresco area). In accordance with the R-Codes an enclosed habitable room more than 500mm above natural ground level should either be setback 6.0m from the property boundary or appropriately screened. The cone of vision from the games rooms will overlook the neighbour's swimming pool area. The proposal does not comply with the R-Codes requirements.

As it was discussed in the Building Heights section of this report, the proposed building is overheight and it was recommended that the wall and roof ridge height be lowered to comply with the Scheme requirements. In order to achieve compliance with the height restrictions the finished floor level of the proposed house would need to be lowered and it would be reasonable to expect that the FFL of the alfresco area would also have to be lowered to match the amended FFL of the house.

Screening of the alfresco area and games room could also achieve the desired privacy outcome for the adjoining property, but it would also result in the height of the screen being approximately 3.0m measured from the NGL at the boundary.

Given conditions relating to lowering the FFL of the building under the overshadowing section of this report, over-looking from these two areas should be alleviated.

The rear balcony is shown on the plans as being provided with a solid screen on both northern and southern sides. The height of the screen appears to be 1.5m measured from the FFL of the balcony, which is not sufficient to ensure privacy for the adjoining properties.

It is recommended that the applicant be required to submit amended plans showing the height of the screens being increased to 1.65m in accordance with the R-Code requirements.

CONCLUSION

It is recommended that the application be approved subject to the following:

- The FFL of the entire building being lowered to not higher than ANGL being AHD 10.4m.
- The wall height and the ridge height being further lowered to alleviate overshadowing impact.
- The setback to southern upper floor being increased to 2.5m.
- The screening on the northern and southern sides of the rear balcony being a minimum of 1.65m high measured from the FFL of the balcony.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee moved that an additional condition be added for the setback to the southern wall on the ground floor being increased to 1.5m to bring it into compliance with the R Codes.

OFFICER RECOMMENDATION

That Council:

- (1) Determines the Natural Ground Level at the centre of the site to be AHD 10.4m for the purpose of calculation of the building height requirements under the Clause 5.1.1.(c) of the TPS 2.
- (2) GRANT its Approval to Commence Development for the Two-Storey Single Residence at No 345 (Lot 41) Marmion Street, Cottesloe, in accordance with the plans submitted on the 26th May 2005, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (g) The proposed crossover being located to ensure the retention of the existing street tree and the Works Supervisor determining the distance that the crossover shall be located away from the base of the street tree.
 - (h) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.

- (i) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (j) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (a) the Finished Floor Level of the entire building being lowered 570mm to AHD 10.4m maximum;
 - (b) the wall height being further lowered to 5.8m (being AHD 16.2m) and the roof ridge height being further lowered to AHD 18.7m;
 - (c) the setback of the southern wall to the first floor being increased to 2.5m; and
 - (d) the screens on the northern and southern sides of the rear, upper-level balcony being a minimum of 1.65m high measured from the Finished Floor Level of the balcony.
- (3) Advise the submitters of this decision.

COUNCIL COMMENT

Cr Woodhill stated that he has viewed the site and recognises that although the proposed development conforms with the R-Codes the balcony will overlook the back yard at 42 Lyons Street. He requested that Council write the owner of 42 Lyons Street, Mrs Finn, recognising her position and explaining the position of Council.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **Determines the Natural Ground Level at the centre of the site to be AHD 10.4m for the purpose of calculation of the building height requirements under the Clause 5.1.1.(c) of the TPS 2.**
- (2) **GRANT its Approval to Commence Development for the Two-Storey Single Residence at No 345 (Lot 41) Marmion Street, Cottesloe, in accordance with the plans submitted on the 26th May 2005, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (g) The proposed crossover being located to ensure the retention of the existing street tree and the Works Supervisor determining the distance that the crossover shall be located away from the base of the street tree.
 - (h) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (i) Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.
 - (j) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (a) the Finished Floor Level of the entire building being lowered 570mm to AHD 10.4m maximum;
 - (b) the wall height being further lowered to 5.8m (being AHD 16.2m) and the roof ridge height being further lowered to 8.3m (being AHD 18.7m);
 - (c) the setback of the southern wall to the first floor being increased to 2.5m;
 - (d) the screens on the northern and southern sides of the rear, upper-level balcony being a minimum of 1.65m high measured from the Finished Floor Level of the balcony; and
 - (e) the setback of the southern wall on the ground floor being increased to at least 1.5m.
- (3) Advise the submitters of this decision.

Carried 10/0

11.1.2 NO 27 & 27A DEANE STREET – FRONT FENCE/SCREEN WALL

File No:	No 27 & 27a Deane Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans & correspondence – 27 Deane Street Plans & correspondence – 27A Deane Street
Report Date:	13 June, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Allison & Horst Schmidt
Applicant:	Yael K Design
Date of Application:	13 June, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	465m² (each)
M.R.S. Reservation:	N/A

SUMMARY

The original parent lot was approved for subdivision into two by the Western Australian Planning Commission on 21st December 2001. Each lot, being 27 and 27A Deane Street, have since been the subject of separate Development Applications for two storey dwellings. Both were approved on the 21st May 2004 under delegated authority.

This report is for a front fence for both 27 and 27a Deane Street.

POLICY IMPLICATIONS

Town of Cottesloe's Fencing Local Law

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

- Town of Cottesloe's Fencing Local Law

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners. There were 5 letters sent out. No submissions were received.

BACKGROUND

Amended plans for 27 Deane Street were received on the 5th July 2005. The amended plans were signed off by the adjoining neighbour (No.23).

STAFF COMMENT

It is proposed that the front portions of both 27 and 27a Deane Street be a semi-permeable fence with a 50% open aspect design generally in keeping with Council's Fencing Local Law. However, part 3 – General, of Council's Fencing Local Law States:

'8. Fences within front Setback areas.*(1)..**(2)...**(3) Side boundary or secondary street boundary fences which fall within the front setback areas, must comply with requirements of front setback fencing i.e. no greater than 900mm unless of an open aspect design.'*

The portions of side fence within the front setback area, being a 6.0m setback from the front boundary, are proposed to be of a solid construction. Council's Fencing Local Law applies a 50% open aspect design to all fence/walls within this front setback area, and as such the proposed fences for both 27 and 27a Deane Street do not comply.

Notwithstanding this, the applicant provided justification for the proposed solid boundary walls (as attached) stating (in summary):

- *Although not complying we have endeavoured to achieve a balance between both 'open' and 'private' attributes.*

- *The northerly aspects of the two blocks have made it desirable to locate the private courtyards at the front of the dwellings. Therefore, to achieve privacy to the courtyard it is paramount to maintain a solid wall on sides that overlook’.*

Council has the ability to grant variation to its Local Law in the event that it is deemed acceptable. Part 3 of the Law states:

‘10. General Discretion of the Local Government

(1) Notwithstanding clause 6, the local government may consent in exceptional circumstances, to the erection or repair of a fence which does not comply with the requirements of this local law.

(2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on:

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

Deane Street is a narrow local street bordered to some extent by retaining walls with no vehicular access on its northern side and an upwards gradient on its southern side. The natural ground level (for the south side, the subject of this application) rises approximately 1.3m from the street kerb to the front boundary, before falling approximately 3.5m to the rear boundary. As a result, the front fences are elevated and the side boundary walls fall away from street level. This fall will reduce any impact of solid side walls on streetscape from street level.

Further to this, as the applicant mentioned, the proposal seeks front courtyard areas for both dwellings. Given the north/south nature of the lot the front setback area will attract better solar access and hence the buildings have been designed accordingly. In particular number 27a Deane Street has designed its habitable areas solely at the front of the lot, with a proposed swimming pool, deck and court yard area. For that reason the proposed side screen walls, particularly abutting the pool to the neighbouring forecourt, would provide increased privacy. The portion of the fence abutting Deane Street is to be open aspect in accordance with Council’s Fencing Local Law. The adjoining wall to the eastern is existing.

With regard to 27 Deane Street a similar forecourt area is proposed, however a smaller courtyard area is also proposed in the middle of the block. The adjoining buildings at 23 and 25 Deane Street (both on the west boundary), have an access leg which runs along the western boundary. This access leg services 2 houses and the extra vehicle usage may decrease privacy. The owners of 23 Deane Street have provided written agreement for the proposed solid wall. The access leg also joins the right of way at the rear which would disperse some traffic. There is a 1.0-2.0m fall from the adjoining property to the garden bed at the front of 27 Deane Street, which compounds overlooking into the front courtyard.

Aside from the above, Part 2 (a) and (b) of Section 10 of Council’s Fencing Local Law states: ‘(a) *the safe or convenient use of any land;* (b) *the safety or convenience of any person.*’ Both 27 and 27a have proposed front carport areas. Further to this, the two adjoining properties (23/25 Deane and 29 Deane) have vehicular access immediately

abutting the subject lots. The pedestrian footpath is located along the front of the lots on Deane Street, thus any solid boundary walls for both 27 and 27a would reduce sight lines for pedestrians. Notwithstanding this, the proposed forecourt areas are integral to each lot, being the primary outdoor areas and Deane Street is no strange to crossovers and solid boundary walls. Deane Street is also not a busy distributor, and pedestrian numbers would not be high.

Given the above analysis it is recommended that the western boundary wall for 27 Deane Street and the dividing wall between 27 and 27a Deane Street be approved subject to a portion of the wall 25m from the front boundary being open aspect. This distance should maintain decent levels of privacy for the owners of 27 and 27a Deane Street, while also providing adequate sightlines for pedestrian traffic. It is noted that the wall to the east of 27a is existing.

CONCLUSION

The proposed front fences for both 27 and 27a Deane Street do not comply with Council's Fencing Local Law. Part 10 of this Law states that Council has powers to grant variation where it is deemed acceptable. In this case streetscape will not be diminished by the proposed boundary walls, however safe pedestrian usage must be considered.

Given the above it is recommended that the application be approved subject to conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee moved that condition (1) be deleted from the recommendation as the only reason to impose this condition was for safety reasons and they felt that as the property was located high on the hill vision was not restricted when driving in and out of the property.

Committee voted on this recommendation however the vote was 3/3 and the officer's recommendation was then voted on and carried.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Front fence/screen wall at No (20) 27 & 27a Deane Street, Cottesloe in accordance with the plans submitted on 13 June, 2005, subject to the following conditions:

- (1) Revised plans being submitted to the satisfaction of the Manager, Development Services, showing the western boundary wall of 27 Deane Street and the dividing wall between 27 and 27a Deane Street being open aspect for a distance of 2.5m from the front boundary.
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.

AMENDMENT

That Council GRANT its Approval to Commence Development for the Front fence/screen wall at No (20) 27 & 27a Deane Street, Cottesloe in accordance with the plans submitted on 13 June, 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.
- (2) 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.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Front fence/screen wall at No (20) 27 & 27a Deane Street, Cottesloe in accordance with the plans submitted on 13 June, 2005, subject to the following conditions:

- (1) Revised plans being submitted to the satisfaction of the Manager, Development Services, showing the western boundary wall of 27 Deane Street and the dividing wall between 27 and 27a Deane Street being open aspect for a distance of 2.5m from the front boundary.**
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction Sites.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**

Carried 10/0

11.1.3 NO 459 (LOT 100) STIRLING HIGHWAY - NEW SOLID FRONT FENCE AND ILLUMINATED SIGN

File No:	No 459 (Lot 100) Stirling Highway
Author:	Mr James Atkinson
Attachments:	Location plan Plans Comments from DPI Comments from Main Roads WA Comments from Planning Consultant (2) Submission (1)
Author Disclosure of Interest:	Nil
Report Date:	4th July, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Lanobelle Pty Ltd
Applicant:	Icon Group Management Pty Ltd
Date of Application:	31 March, 2005
Zoning:	TPS - Residential
Use:	N/A
Density:	R20
Lot Area:	852m²
M.R.S. Reservation:	Primary Regional Road Reservation

SUMMARY

Council is in receipt of an application for a front wall and illuminated sign. The application was deferred by the applicant at the April round of Council meetings.

The proposed wall ranges in height from 595mm to 1.8m and is constructed of solid precast concrete panelling. The sign is 2.7m high and 600mm wide with illuminated lettering.

The applicant, Icon Group Management – Architect Designed and Built, operates from offices on the premises.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2.
- Metropolitan Region Scheme.
- Town of Cottesloe Policy No.10 – Advertising.
- Town of Cottesloe Fencing Local Law – Gazetted on 9th August 2001.
- Town of Cottesloe By-Law No.33 Signs, Hoardings and Billposting – Latest gazettal 25th November 1988.

POLICY IMPLICATIONS

Town of Cottesloe Policy No. 010 Advertising - Adopted by Council 26th May 1993.

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

The proposed front wall does not comply with the requirements of the Town of Cottesloe Fencing Local Law.

The proposed sign does not comply with the Town of Cottesloe By-Law No.33 Signs, Hoardings and Billposting, Town Planning Scheme No.2 or Town of Cottesloe Policy No. 010 Advertising.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION**REFERRAL**

Internal
Building

External

The subject land is located within the Metropolitan Region Scheme reserve for Primary Regional Roads. All applications for development in this reserve need to be referred to the Department for Planning and Infrastructure (DPI) for their comment. The application was referred to the DPI for comment on the 4th April 2005. Council received comments from the DPI on the 14th April 2005, wherein they noted that they objected to the proposed development in its current form. They further noted they would support a revised proposal subject to:

- *The application being referred to Main Roads WA for comment regarding signage standards.*
- *The proposed fence and sign being aligned to correlate with the 5 metre development setback.*

Further to the above the applicant lodged a revised set of plans with an associated report outlining their rationale for the design (as attached). These plans were forwarded to the DPI for comment. The DPI noted that they were prepared to vary their original advice and support the application subject to the following conditions:

- *The application being referred to Main Roads WA for comment regarding signage standards.*
- *The landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Cottesloe or the WAPC compensation for any loss, damage or expense to remove the approved works when the road reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title.*

The application was subsequently referred to Main Roads WA for comment, where they stated they had no objection to the sign, subject to conditions (as attached).

ADVERTISING OF PROPOSAL

The Application was re-advertised as per the requirements of the Town of Cottesloe Town Planning Scheme No 2.

The advertising consisted of:

- Letter to Adjoining Property Owners

SUBMISSIONS

There were 4 letters sent out. There was 1 submission received, which was an objection. Details of the submission received are set out below:

121 Eric Street

- *The proposed wall exceeds the maximum 1.8m allowed.*
- *The proposal does not comply with the setback requirements of the DPI and MRWA.*
- *The sign is "unacceptably massive, inappropriate and would present an overpowering edifice on the site", and contravenes planning regulations.*
- *Notes that the illuminated sign would attract an "undesirable element" to the area.*
- *Living on site the owners would bear the brunt of any vandalism or disruptive behaviour resulting from the sign.*
- *Concerns regarding the effect the illuminated sign may have on traffic.*
- *The illuminated sign would negatively impact on them, particularly when the building is unattended outside office hours, It would interfere with their "visual amenity and detract from our enjoyment of our property".*
- *That the proposal should be considered with regard to the WESTROC Integrated Revitalisation Plan for Stirling Highway.*

STAFF COMMENT

The applicant seeks planning approval for a solid precast concrete panel front screen wall with an illuminated vertical sign finished in weathered steel.

Metropolitan Region Scheme Requirements

A review of the road reserves in the Metropolitan Region Scheme in 1991 concluded that the reserve for Stirling Highway should be modified, and its width reduced from the nominal 80m wide Primary Regional Road (PRR) reserve that currently exists. As noted in the DPI's attached correspondence the Western Australian Planning Commission has adopted a minimum 5 metre development setback along both sides of Stirling Highway until a further planning study is completed to define a new road reserve. The proposed wall and sign are located within the 5 metre development setback.

Notwithstanding this, the DPI has lent its support to the proposal, subject to conditions, as has Main Roads WA.

Town of Cottesloe Fencing Local Law

Assessment of the fence needs to be in accordance with Council's Fencing Local Law which states (in summary):

'That the fence be of an open aspect design:

- Lower portion of infill panel may be solid to a height of 900mm;*
- The remainder of the infill panel above 900mm shall be 50% open aspect, with a minimum gap of 50mm between palings, to a maximum height of 1.8m;*
- Columns, piers and posts not to be higher than 2.1m, and not to exceed 600mm x 600mm in depth and breadth and shall not be closer than 1.8m from adjoining piers.'*

The proposed fence has not been designed parallel with the gradient of the footpath. The fence is a solid construction with a maximum height of 1800mm and a minimum height of 595mm at its northern end (refer attached plans). It has an access point at the middle where the proposed sign is positioned. The fence is not open aspect as per Council's Fencing Local Law and therefore on the strength of the policy cannot be supported. However, It should be noted that the adjoining two properties have solid screen walls, and there are a number of similar cases along Stirling Highway. The proposed fence will be replacing an existing solid wall with an approximate height of 600mm. Furthermore any passing pedestrians will be able to see over most of the wall from the existing footpath level.

Clause 10 of Council's Fencing Local Law states that in exceptional circumstances Council may grant discretion to the erection of a fence which does not comply with the requirements of the Law. In determining how to grant its consent Council needs to have regard to:

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

Stirling Highway is a regional road; it carries high traffic volumes and represents the primary link between Perth's northern suburbs and Fremantle to the south. Because of this the streetscape value of Stirling Highway is already limited, and cannot be compared to that of a local street. An open aspect fence would do little to increase the desired streetscape referred to in Council's Fencing Local Law, and would not allow any relief from the noise and safety issues created by this road, particularly the busy intersection that is Eric Street.

The proposed wall would act as acoustic screening from high traffic levels, as well as contributing to safety by creating a solid barrier to avoid potential vehicle accidents. As the plans will attest, the wall itself ranges in height from 595mm to 1.8m, being only 1.8m in height at one point, and will not create a typical 'screen wall' as it is not parallel to the street's natural gradient (refer attached plans).

Given the above comments and the many number of screen walls in excess of this proposal, it is recommended that Council grant its discretion to approve the solid wall as proposed by this application.

Signage Requirements

Clause 5.7.1 (c) of Town Planning Scheme No.2 states:

'With the exception of "Exempted Advertisements" referred to in sub-clause 5.7.4 and Schedule 4 of the scheme:

(i) no advertisement is permitted within the Residential Zone'.

It should be noted that the proposed sign is located on a busy road, being Stirling Highway, and would have little effect on the general streetscape of the area. Furthermore, there are a number of sign examples along the Highway, namely, but not exclusively to, number 461 Stirling Highway (next door) for a dentist, 110 Stirling Highway for a physiotherapist, 493 Stirling Highway as a Dental Surgery, 551 Stirling Highway for a Jeweller and 441 Stirling Highway (the old fire station) as an Architects. It is noted that apart from the Architects at 441 Stirling Highway who have erected a vertical sign similar to that of this application, all other signs on Stirling Highway are wall-mounted.

Council's Planning Policy No.10 – Advertising, states that *"Council may permit illuminated advertising in all zones except the Residential zone provided there is no light 'over spill' and that no residences would be adversely affected"*.

Aside from the above, the current use of the site is *not* for residential. The premises is a working business, as is the neighbouring property (dentist), and as such some form of advertising seems a reasonable request. However, in this instance Town Planning Scheme No.2 and Council's Planning Policy No.10 – Advertising, afford no latitude or variation to signage requirements within Residential Zones. The sign application is not in keeping with the provisions of both Town Planning Scheme No.2 and Council's Planning Policy No.10, by being located within a residential area and being illuminated, and therefore cannot.

Under Schedule 4 - 'Exempted Signs' of Town Planning Scheme No.2, a professional name-plate of 0.2m² is acceptable for buildings classified as *"All classes of buildings other than single family dwellings"*. It is therefore recommended that the applicant is informed of their rights in this regard.

Conclusion:

It is recommended that the proposed solid front screen wall be approved and the sign be refused.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee were in support of the fence, however, requested the Manager, Development Services to look at the matter of approval for the sign under the Metropolitan Region Scheme regional road reservation, and whether approval is to be granted by Council (possibly by the Manager, Development Services under delegation) or by the Western Australian Planning Commission.

OFFICER RECOMMENDATION

That Council:

- (1) REFUSE its Approval to Commence Development for a back-lit sign at No 459 (Lot 100) Stirling Highway, Cottesloe, in accordance with the plans submitted on 12th May, 2005, as Council is of the opinion that:
 - (a) The proposal does not comply with the provisions of Town Planning Scheme No.2 and Council's By-Law No.33 Signs, Hoardings and Billposting; and
- (2) Advise the submitters of Council's decision. (3) Advise the applicant of their right to display a sign under Schedule 4 - Excepted Signs, of the Town Planning Scheme, where any building other than a single family dwelling can have one sign with a maximum size of 0.2m² as per the requirements of that Schedule.

And;

That Council:

- (4) GRANT its Approval to Commence Development for the New solid front fence and back lit sign at 459 (Lot 100) Stirling Highway, Cottesloe, in accordance with the plans submitted on 12th May 2005, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.
 - (b) 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.
 - (c) The landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Cottesloe or the WAPC compensation for any loss, damage or expense to remove the approved works when the road reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title.

COUNCIL COMMENT

Council noted that point (2) of the Committee Recommendation is incorrect as it contains the words 'and back lit sign' which the committee had requested to be removed. The Committee Recommendation was voted on subject to the deletion of these words.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) DEFER its Approval to Commence Development for a back-lit sign at No 459 (Lot 100) Stirling Highway, pending further investigation by the Manager, Development Services.**
- (2) GRANT its Approval to Commence Development for the New solid front fence at 459 (Lot 100) Stirling Highway, Cottesloe, in accordance with the plans submitted on 12th May 2005, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.**
 - (b) 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.**
 - (c) The landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Cottesloe or the WAPC compensation for any loss, damage or expense to remove the approved works when the road reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title.**

Carried 10/0

11.1.4 42 JOHN STREET – REMOVAL OF PINE TREES – STATUS REPORT

File No:	42 John Street
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence to owner 28/06/05 Correspondence from owner 24/06/05 Correspondence to owner 23/06/05 Correspondence to owner 24/05/06
Report Date:	12 July, 2005
Senior Officer:	Mr Stephen Tindale

BACKGROUND

- In June 2005 the owner commenced the removal of two Pine trees on this heritage-listed property.
- The Town was alerted and intervened, whereby the partial removal ceased by agreement with the owner.
- The Town then wrote to the owner advising that the unauthorised removal was in contravention of the Scheme, and pointing out that a similar breach had occurred in 2000 when the owner was also advised of the statutory situation.
- The owner wrote to the Town in reply.
- The Town wrote again to the owner advising that a report on the matter would go to the July round of meetings, inviting an aboricultural report from the owner, and advising that the matter was also of relevance to the Heritage Council.
- HCWA learnt of the matter in the local press and the Town subsequently liaised with that authority.
- Copies of relevant correspondence are attached.
- At the time of writing no further correspondence, information or advice had been received.
- The purpose of this report is to inform Council of the status of the matter pending a course of action.

STATUTORY ENVIRONMENT

- TPS2
- Heritage Act

POLICY IMPLICATIONS

- Aside from the Scheme (and the State Register of Heritage Places), the property is listed in Council's MHI, which is a significant policy instrument.
- The tree removal goes against the spirit and intent of that listing.

STRATEGIC IMPLICATIONS

- This action relates to the protection of heritage places as classified by Council or other authorities, as well as the administration of TPS2.

FINANCIAL IMPLICATIONS

- Compliance action by staff is a resource cost to Council.
- Prosecution action by solicitors for Council would generate legal costs, which may be recoverable.

OFFICER COMMENT

- Pine trees and trees generally are an important component of the character of Cottesloe and where they form part of a heritage-listed place are protected by the Scheme or other conservation classifications.
- Part 6 of the Scheme is specifically designed to deal with conservation and preservation of places, trees, etc and the associated Schedule 12 of the Scheme means that places listed therein have the force and effect of the Scheme, over and above the MHI and Council Policy 012.
- The Scheme makes itself clear that it must be complied with and the provisions in Part 6 are plainly prescriptive and proscriptive.
- Unauthorised removal of the Pine trees is in contravention of the Scheme whether or not the owner is aware, which the Town has made clear in earlier advice and which was raised as an issue when the owner undertook previous unauthorised tree removal.
- In the absence of express retrospective consent power in the Scheme, the owner is in the position of having to justify the removal to inform Council's deliberation regarding prosecution of the breach.
- The arboricultural report may assist Council's deliberation, but will be constrained by being after the event whereby evidence is limited.
- The question arises as to what, if any, alternative remedy might be considered:
 - Tree replacement may be an option (of suitable species and location).
 - Further control over trees on the property by way of a restrictive covenant may be an option.
 - Further control over trees on the property by way of a deed of agreement with the owner may be an option, together with a notification on title – clause 6.4 of the Scheme provides for such agreements in respect of such heritage matters.
- While the Scheme provisions should stand to protect the place, including trees, given the two successive incidents of non-compliance, some reinforcing mechanism appears warranted.
- Prosecution would be consistent with the Scheme and may encourage future compliance.
- However, fuller consideration of the matter awaits the receipt and assessment of more information and a further report to Council.

VOTING

Simple majority

COMMITTEE COMMENT

Committee noted that further to the preparation of the agenda the arboricultural report from the owner has been received, but not yet assessed.

A copy was circulated to Councillors via a memo and it is recommended that the matter be referred back to Council in August.

OFFICER RECOMMENDATION

That Council:

- (1) Note this status report and defer a decision on any remedial or prosecution action, pending receipt of an arboricultural report from the owner, advice from the Heritage Council, and/or a further officer report on the matter at the earliest opportunity.
- (2) Authorise the administration to write to the owner:
 - (i) advising of this interim decision;
 - (ii) urging submission of the arboricultural report (if not received);
 - (iii) reiterating that no continued or additional tree removal should occur without the written consent of Council;
 - (iv) inviting the owner to suggest suitable rectification of the matter; and
 - (v) inviting the owner to enter into a deed of agreement with Council to abide by the Scheme requirements for Council consents and approvals.

11.14 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) Note this status report and receipt of the arboricultural report, and DEFER a decision on any remedial or prosecution action, pending assessment of the arboricultural report from the owner, advice from the Heritage Council, and a further officer report on the matter at the August round of meetings.**
- (2) Authorise the administration to write to the owner:**
 - (i) advising of this interim decision;**
 - (ii) reiterating that no continued or additional tree removal should occur without the written consent of Council;**
 - (iii) inviting the owner to suggest suitable rectification of the matter; and**
 - (iv) inviting the owner to enter into a deed of agreement with Council to abide by the Scheme requirements for Council consents and approvals.**

Carried 10/0

11.1.5 ROW 2 BETWEEN LITTLE MARINE PDE & MARGARET ST – REQUEST FOR CLOSURE OF WESTERN PORTION – FURTHER CONSIDERATION

File No:	E13 02
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Council MINUTES – December 2004 Correspondence from owner – May 2005 Correspondence from 8 Grant Street Correspondence from owner – June 2005 Correspondence from 6 Grant Street
Report Date:	14 July, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

- In December 2004 Council considered a report on the requested closure of portion of ROW 2, being the western end between Little Marine Parade and Margaret Street.
- Council resolved to inform the applicant that it did not wish to proceed with the closure process.
- A copy of that report is attached and in essence the assessment was that:
 - Previously Council had not favoured complete closure of this portion.
 - The privately-owned ROW is of no value to Council and not its responsibility.
 - Procedures for closure can be complex and a resource cost to Council.
 - Long term infrastructure might seek to utilise such a ROW (although this is evolutionary rather than definitive).
 - The sewer is an impediment.
- In summary, the report recognised the administrative and engineering aspects to be taken into account, but did not give consideration to any planning aspects.
- This report considers whether there is a planning basis for Council to support closure.

STATUTORY ENVIRONMENT

- ROW is privately owned.
- Statutory procedures for ROW closure.

POLICY IMPLICATIONS

- Council adopted a Rights of Way / Laneways Policy in December 2004 (when it also previously dealt with this matter).
- The thrust of the policy is to guide and facilitate the upgrading of ROWs for (primarily) vehicular access and to manage them as public land.
- It does not deal specifically with closures, pedestrian-only width ROWs or situations such as the subject of this report.
- Hence the policy does not give express direction to or proscribe Council in the consideration of this closure proposal.

STRATEGIC IMPLICATIONS

- Different strategies towards ROWs can be applicable depending on the varying circumstances.
- It is desirable to progressively resolve individual or long-standing ROW issues, as reflected by Council's policy.
- There would appear to be no great strategic disadvantage to Council if it were to support this particular partial closure.

FINANCIAL IMPLICATIONS

- Administrative cost to Council – owner could be asked to pay.

BACKGROUND

There is a history to the previous partial closure:

- In the 1980s a Council report saw the ROW as of limited relevance.
- In the 1990s Council had an attitude of disposing of ROWs and the current owner acquired this ROW then pursued closure.
- A range of factors were considered, and following intervention by the Ombudsman and a formal closure process the partial closure occurred to accommodate the encroaching residence.
- In this connection, Council resolved that in the event of any future development application for 170 Little Marine Parade it would not be prepared to permit expansion of the existing building envelope affecting the portion of ROW that is to be closed; ie the development potential should not to be increased by virtue of the additional land gained.
- Note that this position may be difficult to sustain, as a development application is entitled to be assessed on merit under today's planning parameters – any further development or redevelopment would have to meet site cover, setback and other standards in the normal manner, and the whole of the lot ought to be allowed to determine development potential.
- In 2004 Council considered the last request to close the remaining portion, but declined to support this.
- In 2005 a solicitor for the owner questioned the authority of the WAPC and Council to impose ROW widening or upgrading conditions in approvals to subdivision or development, in respect of this ROW and ROW 15 also held by the same owner, and correspondence was exchanged.
- The owner then liaised with the MDS on the matter and submitted a request for review of the closure proposal.
- The owner also mentioned that his parents as former owners of 170 Little Marine Parade apparently had endeavoured to have the ROW closed since 1964.
- The owner responded to the December 2004 decision as follows:
 - *Considers that the burden of the closure process is insufficient reason to not proceed and notes that Council has resolved to address other ROW encroachment, eg Florence St, so there should be consistency.*
 - *The sewer falls within the existing partial closure boundary to 170 Little Marine Parade, ie it is in the owner's lot, not in the remaining portion of ROW, and in any case if necessary could be relocated at the owner's cost.*
 - *Reiterated the reasons for closure.*
- In addition to the owner, two other abutting owners are cited as having suffered amenity or security impacts, and a third has written in support of the closure.

OFFICER COMMENTReasons identified to support the partial closure include:

- The land is privately-owned, not public, and the owner has requested closure.
- The land could be usefully incorporated into 170 Marine Parade – there would seem to be no planning reason to oppose this, even if the development potential were increased, as any proposal would require assessment in the normal manner.
- Serves no apparent practical purpose.
- Being only 1.5m wide, is not for vehicular access or thoroughfare, including service or emergency vehicles.
- Is not developed for pedestrian access.
- Does not form part of a sole or important pedestrian link or network.
- Does not deny convenient pedestrian access or thoroughfare – alternative, preferred pedestrian access via Grant Street is only one lot away and anecdotally used by almost everyone in lieu of the ROW.
- Maintenance liability.
- Amenity impacts.
- Security concerns/risk.

Reasons identified to not support the partial closure include:

- Pedestrian access, including escape route.
- Sewer line (if relocated) or other utility services.
- Keep options open (yet these are undefined).

The identified implications of partial closure include:

- As the land is privately-owned and was sold to the owner by Council, there is no issue in terms of public land or asset management.
- Administratively, closure of the narrow 1.5m wide portion would solve the ongoing problem of Council having to deal with the matter, being land it does not own or want to own.

Conclusion:

- On planning grounds there appears to be no overriding strategic or practical need for retention of this portion of ROW.
- In relation to the ROW Policy closure would not be inconsistent and would be a reasonable outcome – Council is not committed to owning, managing, upgrading or utilising the portion.
- The factors in favour of closure outweigh those against, and there is support from other abutting landowners who have experienced amenity or security problems in connection with the ROW.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council supports the request for closure of the western 1.5m wide portion of ROW 2 and, subject to prior written agreement from the owner to meet all associated costs, initiate the closure process.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That Council support the request for closure of the western 1.5m wide portion of Right of Way No. 2 and initiate the closure process, subject to written agreement from the owner:

- (1) to meet all associated costs; and
- (2) retain this area on the title as a service easement.

Lost 2/8

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council supports the request for closure of the western 1.5m wide portion of ROW 2 and, subject to prior written agreement from the owner to meet all associated costs, initiate the closure process.

Carried 10/0

11.1.6 COTTESLOE BEACH HOTEL – STATE ADMINISTRATIVE TRIBUNAL – UPDATE

Moved Cr Furlong, seconded Cr Strzina

That the meeting be closed to the public, under section 5.23 (2)(d) of the Local Government Act as it relates to legal advice obtained, and that standing orders 12.1 and 12.4 which relate to the requirement to rise when addressing Council and the requirement to speak only once, be suspended while item 11.1.6 is debated, during the consideration of item 11.1.6.

Carried 10/0

File No:	Cottesloe Beach Hotel
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachment:	<u>“Confidential Correspondence”</u>
Report Date:	12 July, 2005
Senior Officer:	Mr Stephen Tindale

REPORT

- The purpose of this report is to update Council on the progress of the SAT review (appeal) for the proposed redevelopment of the Cottesloe Beach Hotel.
- The preliminary issue was recently determined by the SAT and a copy of that public decision has been circulated to Councillors.
- The applicant has subsequently written to Council seeking informal discussion, and has also indicated to the SAT a preference for mediation rather than a main hearing of the review.
- Council's solicitors have provided advice on the implications and options flowing from the SAT decision on the preliminary issue.
- Given Council's original refusal for a substantial set of reasons that the proposal is manifestly non-compliant or would cause excessive impacts – ie on merit the proposal does not warrant approval – and that nothing has occurred to change this position, Council's solicitors have been instructed to defend the refusal at a main hearing rather than to participate in mediation.
- This stance was represented to the SAT at a Directions Hearing on Thursday 14 July 2005.
- After considering the views of both parties the SAT has directed that a compulsory conference be held prior to the main hearing.
- This is in order to further clarify the parameters of the matter, try to narrow down the areas of dispute, test what if any degree of agreement may be achieved, and provide the opportunity for the parties to consider their position and approach.
- It is anticipated that a one day compulsory conference will be set for a date in early August.
- Following that full arrangements would be made for the main hearing.
- Note that the SAT can require mediation and can require reversion to a hearing if mediation is not fruitful.

STATUTORY ENVIRONMENT

- TPS2
-

- MRS
- Heritage Act

POLICY IMPLICATIONS

- The issues and ultimate outcome of the case have implications for Council's adopted Beachfront Development Objectives and other relevant existing or future policies for the site and area.

STRATEGIC IMPLICATIONS

- The issues and ultimate outcome of the case have implications for Council's strategic land use planning and development controls for the site and area.
- The issues and ultimate outcome of the case also have implications for the content and operation of current TPS2 and future TPS3.

FINANCIAL IMPLICATIONS

- This SAT case represents a significant legal and resource cost to Council.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the situation with regard to the officer report, legal advice, SAT system and Council's position on and attitude towards the matter. It was considered that formal mediation may be the preferred approach and that Council needs to be afforded the opportunity to consider any alternative proposals that may be put-forward as part of the appeal process.

OFFICER RECOMMENDATION

That Council:

1. Note this status report on the State Administrative Tribunal proceedings for the review of the proposed redevelopment of the Cottesloe Beach Hotel.
2. Reaffirm its opposition to the application as proposed by the applicant and refused by Council.
3. Commit to a main hearing as the preferred course of action to determine the review.
4. Instruct Council's solicitors that in any informal discussion, compulsory conference or formal mediation there must be a clear and firm alternative proposal from the applicant that achieves far greater compliance and has far less impact before Council would be willing to consider a negotiated outcome, and that it may be preferable for the appeal to be withdrawn and a fresh development application to be made.

COMMITTEE RECOMMENDATION

That Council:

- (1) Note this status report on the State Administrative Tribunal proceedings for the review of the proposed redevelopment of the Cottesloe Beach Hotel.

- (2) Reaffirm its opposition to the application as proposed by the applicant and refused by Council.
- (3) Follow the legal advice received on the preliminary issue decision and enter into mediation.
- (4) Instruct Council's solicitors that in any informal discussion, compulsory conference or formal mediation there must be a clear and firm alternative proposal from the applicant that achieves far greater compliance and has far less impact before Council would be willing to consider a negotiated outcome, and that it may be preferable for the appeal to be withdrawn and a fresh development application to be made.
- (5) Require that any alternative proposals arising from the SAT proceedings be brought back to Council for consideration.

AMENDED OFFICER RECOMMENDATION

That Council:

- (1) Note the advice contained in the memo, dated 22 July, 2005, and from the solicitors;
- (2) In addition to determining the recommendation on item 11.1.6, confirm that the solicitors should act to preserve the option of an appeal to the Supreme Court as outlined; and
- (3) Provide any further direction on the matter as it deems appropriate.

COUNCIL COMMENT

Discussion was held in relation to the amended officer recommendation, formal mediation and informal discussion with Multiplex.

The Manager Development Services stated that Council's decision will be taken by our solicitors to a planned compulsory conference. Mediation is encouraged.

The Manager Development Services advised that to date Council has not held informal discussions with Multiplex. He asked Council if they would like informal discussions to be held with Multiplex. Council decided that they did not support informal discussions with Multiplex at this time.

The CEO stated that Multiplex should put to Council a proposal that is closer to the town planning scheme.

Cr Woodhill left the meeting between 8.45am – 8.46pm.

Cr Walsh stated that it would be helpful to receive from Multiplex financial information in relation to the number of storeys necessary for preserving the façade.

Moved Cr Furlong, seconded Cr Strzina

That the meeting be opened to the public.

Carried 10/0

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That point (3) of the Committee Recommendation be amended to read:

- (3) Prior to committing to a main hearing to determine the appeal, follow the legal advice received on the preliminary issue decision to extend the time to appeal to the Supreme Court and to enter into mediation.

Carried 10/0

11.1.6 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **Note this status report on the State Administrative Tribunal proceedings for the review of the proposed redevelopment of the Cottesloe Beach Hotel.**
- (2) **Reaffirm its opposition to the application as proposed by the applicant and refused by Council.**
- (3) **Prior to committing to a main hearing to determine the appeal, follow the legal advice received on the preliminary issue decision to extend the time to appeal to the Supreme Court and to enter into mediation.**
- (4) **Instruct Council's solicitors that in any informal discussion, compulsory conference or formal mediation there must be a clear and firm alternative proposal from the applicant that achieves far greater compliance and has far less impact before Council would be willing to consider a negotiated outcome, and that it may be preferable for the appeal to be withdrawn and a fresh development application to be made.**
- (5) **Require that any alternative proposals arising from the SAT proceedings be brought back to Council for consideration.**

Carried 10/0

**11.1.7 NO. 88 (LOT 39) MARINE PARADE – APPLICATION FOR PLANNING
CONSENT FOR A CHANGE OF USE FROM RESIDENTIAL TO CAFÉ –
FURTHER CONSIDERATION – REVIEW OF LAST DECISION**

File No: 88 Marine Parade
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Report Date: 14 July 2005
Senior Officer: Mr Stephen Tindale

Property Owner: Sandalwood Investments

Applicant: Alan McGilvray
Date of Application: 14 July, 2005

Zoning: Foreshore Centre
Use: AA - A use that is not permitted unless special
approval is granted by the Council

Density: R50

Lot Area: 1265m²

M.R.S. Reservation: The site abuts the Metropolitan Region Scheme
Parks and Recreation Reserve for the
foreshore, which extends over Marine Parade.

REPORT

At its 27 June 2005 meeting Council considered the following officer recommendation:

That Council:

- (1) Determine that a Restaurant use in the Foreshore Centre Zone is in keeping with the objectives of that Zone.*
 - (2) For the purposes of Clause 5.5.4, determines that the cash-in-lieu payment for the proposed development is \$3,500,000.*
 - (3) GRANT its approval to Commence Development for the change of use from Multiple Dwelling to Restaurant at No. 88 (Lot 39) Marine Parade, Cottesloe, in accordance with the plans submitted on 2nd February 2005, subject to no objection from the Western Australian Planning Commission and subject to the following conditions:*
 - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 28 car parking spaces, as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text, being \$3,500,000 as per the information provided by the Valuer General's Office.*
 - (b) The hours of operation of the Restaurant being limited to 6.00am – 4.30pm.*
 - (c) The proposed use not involving any applications for Liquor Licensing.*
-

- (d) *All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.*
- (e) *The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.*
- (4) *Advise the submitters of Council's decision.*
- (5) *In relation to the Scheme Review and Parking Study note the desirability of reconciling parking demand, provision and town planning scheme parking requirements, including cash-in-lieu, shared parking arrangements and the proximity and distribution of parking, with development aspirations and planning parameters, so that the supply of parking is adequate, development is not discouraged, and the scale of development is not inflated to cover the cost of cash-in-lieu.*

The vote was lost and as a result Council's minuted comment is that it refused the application for the following reasons:

- 1) *the proximity of the proposed restaurant to a residential area;*
- 2) *the commercial use of the second floor is contrary to the Cottesloe Beachfront Development Objectives; and*
- 3) *the excessive cash-in-lieu payment for parking of \$3,500,000.*

Subsequently the following potential difficulties have been identified in relation to this decision:

- In moving from dismissing the officer recommendation of approval to an effective refusal there was no notice of motion of refusal and there were no pre-prepared reasons for refusal.
- The minuted reasons for refusal were derived from the debate, but there is some doubt as to whether they were accurately minuted to record all or the intended reasons.
- The efficacy of the reasons for refusal is questionable in terms of relevance, legality and ability to be sustained on appeal.
- Whilst it is up to Council to determine whether to approve or refuse the application, it is desirable that the minutes be improved to better reflect the discussion at the time and to be expressed as more appropriately-worded reasons for refusal, as recommended below.
- Note that this preserves the core aspects of concern to Council as discussed and initially minuted, and elaborated upon them but does not subtract from or add to them.

VOTING

Simple majority

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That point (2)(b) be amended to read:

- (b) The proposed use as a café is considered contrary to the preferred outcome of the street-level commercial activity having regard to the Council-adopted Cottesloe Beachfront Development Objectives;

Lost 4/6

11.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

- (1) That Council notes the advice in this report and resolves to amend the Minutes of its 27 June 2005 meeting in respect of this item to read as follows:
- (2) That Council REFUSE the application for the proposed change of use from Multiple Dwelling to Restaurant at No. 88 (Lot 39) Marine Parade, Cottesloe, in accordance with the plans submitted on 2 February 2005, for the following reasons:
 - (a) The proximity of the proposed use to residential uses is considered undesirable as it is likely to cause undue impacts;
 - (b) The proposed commercial use of the second storey is considered contrary to the preferred outcome of street-level commercial activity having regard to the Council-adopted Cottesloe Beachfront Development Objectives; and
 - (c) The proposal is unable to provide sufficient parking in accordance with the provisions of Town Planning Scheme No. 2.

Carried on the casting vote of the Acting Mayor 6/5

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 19 JULY 2005

Items withdrawn for further discussion and dealt with in this order: 12.1.8, 12.2.1, 12.2.2, 12.2.3.

Item 12.1.9 was withdrawn for further discussion and dealt with at the end of the meeting.

Items adopted enbloc following the above: 12.1.1 – 12.1.7, 12.2.4, 12.3.1 – 12.3.4.

12.1 ADMINISTRATION**12.1.1 PARKING RESTRICTIONS MARINE PARADE**

File No:	E17.1064
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Report Date:	12 July, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to bring the matter back before Council following the conduct of a survey and to recommend that parking restrictions be imposed.

STATUTORY ENVIRONMENT

The Local Government Act and Council's Parking Local Law apply. The Local Law is made under the Act and the Local Law provides, in clause 1.8, as follows:

Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law."

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of signage associated with the proposed restrictions will be met from current budget provisions.

BACKGROUND

It was reported to the March, 2005 Council meeting that it had been suggested that the unrestricted car parking spaces near Barchetta are being used for long term parking and that turnover of spaces is not meeting demand. There are 12 parking spaces in this area which is located on the road reserve but divided from the running surface by kerbing. One bay is restricted to ACROD parking.

It was suggested to the March meeting that rather than just looking at this specific location it would be better to include all on-street parking on Marine Parade, between Napier Street and the traffic calming island south of Grant Street (opposite Grant Marine Park). Restrictions are in place for all parking spaces between Napier and Forrest Streets so the proposed section would complete the commercial strip of Marine Parade.

At its March 2005 meeting Council resolved as follows:

That Council advise and seek opinions from all residents and businesses abutting Marine Parade between Napier Street and the traffic calming island south of Grant Street on a proposal to impose a two hour restriction on all parking spaces, not currently controlled by restrictions, in that section of Marine Parade.

A survey was delivered to letter boxes at all properties in the affected section of Marine Parade on 13 April, 2005. The survey closed on 22 April and the forms indicated that the forms could be returned or, alternatively, Rangers could collect them. Six responses were received.

CONSULTATION

Surveys were delivered to all residential properties from 134 to 166 Marine Parade, the OBH (hotel and apartments), North Cottesloe Surf Life Saving Club, Blue Duck and Barchetta, 62 in all.

STAFF COMMENT

The following schedule notes responses received:

#	1 Hour	2 Hours	3 Hours	No Restriction	Other	Comments
	8am to 6pm Monday to Sunday					
1					3 hours to 4pm Sundays	Special parking permits to be provided for residents
2			✓			Being a resident of Marine Parade with only one parking bay for guests, I would request a 3 hour restriction only.
3				✓		As a resident in Marine Parade I see no use apart from revenue raising! For limited times I do not see it abused, but I'd see abuse when cars are fined \$100 (exorbitant) for parking on the lawn on the verge of Napier Street adjacent to my unit and a notice of

						the amount would be kind!
4				✓		Change fines for parking to \$20.
5		✓				2 hour restriction.
6		✓				

One of the two respondents favouring a two hour restriction was joint response from the Blue Duck and Barchetta and it is noted these two businesses requested that 2 hour restrictions apply to the parking area near Barchetta.

Rangers observed parking in the section of Marine Parade between Napier and Grant Streets over a week during April and report that only six vehicles parked for more than two hours.

Based on the survey, the original request and Rangers observations it is recommended that a two hour parking restriction apply to the 12 parking spaces on the west side verge of Marine Parade near Barchetta.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council apply a two hour parking restriction to the 12 parking spaces on the west side verge of Marine Parade near Barchetta.

Carried 10/0

12.1.2 COTTESLOE PLAYGROUP - RUBBISH COLLECTION CHARGES

File No: C3.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 12 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the Cottesloe Playgroup's request for a donation of rubbish collection charges with a recommendation that this be agreed to.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Donations - Refuse Services Policy applies. The Policy provides as follows:

1. Policy
Council will donate to the organisations listed below an amount equivalent to the number of rubbish service charges specified on the attached Schedule each year.
2. Schedule of Donations of Rubbish Charges
North Cottesloe Kindergarten – two rubbish service charges.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current charge for a once per week rubbish collection service is \$206 per annum.

BACKGROUND

The playgroup is an incorporated, non-profit association affiliated with Playgroup (WA). It is housed at the rear of 80 Railway Street (behind the Cancer Council WA) in premises leased from DOLA. It runs approximately 10 playgroup sessions a week for between 5 and 20 families each session. Families predominately come from the Cottesloe area. The playgroup aims to provide a friendly, safe and nurturing environment in which families can come together and "learn to play", which may include both structured craft activities and unstructured play with toys. The letter notes that strong bonds are formed at the playgroup which carry over to the wider community through the bringing together of diverse strands of the community.

The playgroup is self funded through membership fees. An annual family membership costs \$140, \$25 of which goes to the state body to cover insurance, advisory services and the like. The balance of the money is used to cover the costs of running the Cottesloe facility, making improvements and an annual "Fun-Day". Fees are \$30 to \$40 more than other play groups due to a fundraising levy.

The condition of the playgroup's building and grounds has deteriorated and numbers are expected to drop if improvements are not made. The playgroup's annual budget of approximately \$12,000 leaves little room for making improvements. The group regularly applies for Lotteries grants, and in 2003 received \$2,000 toward the cost of replacing an area of paving in the garden and \$1,000 toward the cost of upgrading amenities.

In order to address the need for works to be done the group has reviewed its budget, has used volunteer labour where possible and embarked on a membership drive. In relation to the latter, the group is in a position where improved facilities would enhance their membership drive but they don't have all of the funds to do required works.

Council has assisted with a donation of \$6,700 donation in the current year toward fencing and soft fall facilities for the playground area. The playgroup is now seeking to reduce its operating costs and so seeks relief from then annual rubbish collection charge.

CONSULTATION

Nil, other than with the playgroup representatives.

STAFF COMMENT

It is suggested that the playgroup provides a significant service to the local community. Council has recognised its efforts by agreeing to a significant donation and the group has expressed its gratitude for this. The playgroup representatives are now looking to reduce fixed costs due to a fall in membership and hope to gain relief from the rubbish collection charge. A membership drive is being conducted and the group is hopeful of its success.

Council's *Donations-Refuse Services* policy appears to have been set up to provide ongoing assistance to self funding organisations in the community such as this. It is recommended that the policy be amended to add the Cottesloe Play Group to the Schedule of Donations of Rubbish Charges.

It is noted that the policy provides for the North Cottesloe Kindergarten to receive two services per week free of charge. It is suggested that this is a legacy of the time when the Kindergarten was a community run organisation. It is now an Education Department Pre-school and no longer complies with the principals set out in the policy. It is recommended that the Kindergarten be removed from the Schedule and that the Education Department be billed for relevant rubbish collection charges for 2005/06.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council amend the Schedule of Donations of Rubbish Charges in Council's *Donations- Refuse Services* policy as follows:

- (1) Add - "Cottesloe Playgroup (Inc) – one rubbish service charge"; and**
- (2) Delete - "North Cottesloe Kindergarten - two rubbish service charges".**

Carried 10/0

**12.1.3 COTTESLOE PRIMARY SCHOOL P&C SAFETY HOUSE CAMPAIGN -
DONATION REQUEST**

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 12 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the Cottesloe Primary School P&C Safety House Committee's request for a donation. The recommendation is for approval.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No provision was made in the 2005/06 Budget for the donation requested. An amount of \$11,200 was set aside for donations in the area of Education. Underlying budget worksheets reveal that \$1,500 of this was earmarked from the Shenton College Chaplaincy, \$6,700 for the Cottesloe Playgroup and \$3,000 for miscellaneous requests. Another item to this meeting recommends a donation of \$1,800 from the miscellaneous provision and this request could be funded from the balance (\$1,200). The applicant does not specify the amount requested however the 2004/05 donation was \$200.

BACKGROUND

The Cottesloe Primary School P&C Safety House Committee wrote to Council seeking a donation to assist with its Safety House promotion (Safety House week is conducted in August each year).

The Committee's aim is to create a safe environment for children to encourage them to walk or ride to school as often as possible within their area. All Safety Houses are Police cleared under its Safety House program. The Committee aims to improve children's fitness, reduce traffic congestion around the school, increase awareness of surroundings and promote a safer environment for everyone. It plans to raise the awareness of the Safety House campaign with many activities throughout the year.

The P&C has conducted this campaign in past years with assistance from this Council and other sources. Council donated \$200 in 2004/05.

The School's P&C will commit funding to the program as will the Shire of Peppermint Grove. A contribution is being sought from Council again this year to ensure the campaign is adequately funded.

CONSULTATION

Nil, other than with the applicant.

STAFF COMMENT

Applying the assessment criteria as set out in the policy, under the heading "Priority will be given":

<ul style="list-style-type: none"> • The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs. • The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe. • The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents. • The funds are required for a new initiative or significant once off project. • The applicant has not received a donation from Council within the previous two years. • If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate. • The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations. 	<p>The applicant is school P&C Association.</p> <p>Cottesloe Primary School is located in Peppermint Grove but services Cottesloe.</p> <p>The applicant has demonstrated that the funds would improve safety for the schools students many of whom are Cottesloe residents.</p> <p>Funding is sought for an on-going program.</p> <p>The applicant received a donation from Council in 2004/05 for its campaign in that year.</p> <p>Not applicable.</p> <p>The application is being made in the year in which funds are required.</p>
---	--

It is suggested that the requested funds will benefit children from Cottesloe and so it is recommended that an amount of \$200 be donated again this year.

VOTING

Simple Majority

Whilst the donation was not specifically provided for an amount was set aside against requests that might be made and so there is no need for a Budget amendment.

COMMITTEE COMMENT

Nil

12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council donate \$200 to the Cottesloe Primary School's P&C for its Safety House Campaign from funds provided for donations in the area of education in the 2005/06 Budget.

Carried 10/0

12.1.4 NORTH COTTESLOE PRIMARY SCHOOL - DONATION REQUEST

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 12 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the School's request for a donation with a recommendation that it be agreed to.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's *Donations* policy applies.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No provision was made in the 2005/06 Budget for the donation requested. An amount of \$11,200 was set aside for donations in the area of Education. Underlying budget worksheets reveal that \$1,500 of this was earmarked for the Shenton College Chaplaincy, \$6,700 for the Cottesloe Playgroup and \$3,000 for miscellaneous requests. The North Cottesloe Primary School's request for \$1,800 could be funded from the latter.

BACKGROUND

The North Cottesloe Primary School's Pre-Primary School is located in Marmion Street on a reserve that is under the management of Council. Council owns the building and the property is leased to the Education Department.

The school has been doing extensive work on playground upgrades over the past few years and Council assisted in 2003/04 with a donation of \$2,666 toward the cost of shade sail, play equipment, lawn planting, a retaining wall and soft fall. This work was stage 1 of a 2 staged program and the school now seeks assistance with stage 2.

The second stage includes the building of retaining walls around an adventure playground and replacement of soft fall. The total cost of stage 2 is estimated to be \$3,600 and Council is being asked to donate half of this.

CONSULTATION

Nil, other than with the school Principal.

STAFF COMMENT

Applying the assessment criteria as set out in the policy, under the heading "Priority will be given":

<ul style="list-style-type: none"> • The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs. • The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe. • The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents. • The funds are required for a new initiative or significant once off project. • The applicant has not received a donation from Council within the previous two years. • If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate. • The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations. 	<p>The applicant is a branch of a Government Department and it is based in Cottesloe.</p> <p>The School is based in Cottesloe and has a significant impact on resident families with young children.</p> <p>The applicant has demonstrated that the funds would improve playground facilities and so provide a benefit to residents.</p> <p>Funding is sought for the second stage of a two stage project and so it is seen as being once off.</p> <p>The applicant received a donation from Council in 2003/04 for the first stage of this project.</p> <p>Not applicable.</p> <p>The application is being made in the year in which funds are required.</p>
---	---

It is suggested that the application meets all but the last criteria. The pre-school provides a very significant service to the community and both it and the primary school appear to be supported by an active parent group. Work on the playground is significant to the operation of the facility as it improves safety and provides the children (mainly Cottesloe residents) with facilities for physical activities. It is recommended that the application be approved.

VOTING

Simple majority

Whilst the donation was not specifically provided for an amount was set aside against requests that might be made and so there is no need for a budget amendment.

COMMITTEE COMMENT

Nil

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council agree to donate \$1,800 to the North Cottesloe Primary School's Pre Primary School from funds provided for Donations in the area of Education in the 2005/06 Budget.

Carried 10/0

**12.1.5 EARLY INTERVENTION CENTRE FOR DEAF AND HARD OF HEARING -
DONATION REQUEST**

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 13 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council a request for a donation with a recommendation that it be agreed to in part.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No provision was made in the 2005/06 budget for the donation requested. An amount of \$11,200 was set aside for donations in the area of Education. Underlying budget worksheets reveal that \$1,500 of this was earmarked for the Shenton College Chaplaincy, \$6,700 for the Cottesloe Playgroup and \$3,000 for miscellaneous requests. Other items to this meeting recommend donations of \$1,800 and \$200 from the miscellaneous provision and this request could be funded from the balance (\$1,000). In addition to this, Council has provision for miscellaneous donations as follows:

Governance	\$2,000
Welfare	\$3,000

Council could apply these provisions.

BACKGROUND

The Early Intervention Centre for Deaf and Hard of Hearing is located in Curtin Avenue Cottesloe and is a part of the Department for Education and Training. The organisations aims are *"to help children reach their individual learning potential to enable them to attend their local schools later on"*.

The application provides that funding is sought for the following project:

*Beautification of the WA Institute for Deaf Education Early Intervention Centre's Kindy Playgroup and Pre- Primary play area and entrance area.
The painting of a mural and tricycle track.*

The project entails the purchase of bikes, scooters, cubby, plants and plant pots. The plan is that high school students, community service helpers and teacher helpers will provide the labour/artwork. The project is expected to cost \$4,755 and Council is asked to contribute \$2,255.

CONSULTATION

Nil, other than with a representative of the WA Institute for Deaf Education and Council's Community Development Officer (CDO). The CDO did discuss the matter with the applicant prior to the application being made and the request at that time was for painting a mock road layout style track for cycles, a mural and other painting to brighten the area.

STAFF COMMENT

Applying the assessment criteria as set out in the policy, under the heading "Priority will be given":

<ul style="list-style-type: none"> • The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs. • The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe. • The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents. • The funds are required for a new initiative or significant once off project. • The applicant has not received a donation from Council within the previous two years. • If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate. 	<p>The applicant is a branch of a Government Department and it is based in Cottesloe.</p> <p>The Centre is located in Cottesloe but it may not have a significant impact on residents of Cottesloe.</p> <p>The applicant provides that it has some Cottesloe residents as students however this is a facility for the wider community and so whilst it may provide a much needed service its benefit to Cottesloe residents is limited.</p> <p>Funding is sought for a one off project.</p> <p>The applicant has not received a donation from Council in the past two years.</p> <p>Not applicable.</p>
---	---

<ul style="list-style-type: none">• The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations.	The application is being made in the year in which funds are required.
--	--

It is suggested that the proposed project will provide little benefit to Cottesloe but will provide significant benefit to the children that go to the centre. The project will transform a bleak/stark hard court area into a colourful and useful play area. It is understood that the centre may not always be housed at the old deaf school in Cottesloe so the project has been designed so that all but the murals can be relocated if need be.

It is recommended that due to the limited benefit to Cottesloe, Council not agree to donate the full amount sought but that it agree to donate \$500 which will leave \$500 available for other requests that may be received during the year.

VOTING

Simple majority

Whilst the donation was not specifically provided for an amount was set aside against requests that might be made and so there is no need for a budget amendment.

COMMITTEE COMMENT

Nil

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council agree to donate \$500 to the WA Institute for Deaf Education Early Intervention Centre toward its play area upgrade project from funds provided for Donations in the area of Education in the 2005/06 Budget.

Carried 10/0

12.1.6 EMERGENCY SERVICES LEVY - ADMINISTRATION ARRANGEMENT

File No: C
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 13 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to recommend to Council that the Emergency Services Levy (ESL) administrative arrangement, referred to as "Option B", be agreed to.

BACKGROUND

With the introduction of the Emergency Services Levy (ESL) on 1 July, 2003 there were two payment options available to Local Government to remit the amount of ESL raised and collected with rates to the Fire & Emergency Services Authority of WA (FESA).

These were defined as Option A – remit to FESA on a monthly basis the amount collected by the Local Government from the ratepayer including allowance for any discounts, penalties, rebates etc or Option B – remit to FESA the total amount billed at the commencement of the financial year in instalments as follows:

- 30% by 21st September
- 30% by 21st December
- 30% by 21st March, and
- 10% (+ or - ESL billing adjustments) by 21st June.

Under this arrangement Council retains any late payment interest and deferred ESL interest amounts paid by the Office of State Revenue in relation to eligible pensioners.

Option A entails monthly reports and remittances whereas Option B requires that the Local Authority report the total amount raised and then FESA invoices each quarter so the latter has less impact on Council's administration. The FESA commission is the same regardless of the option selected.

Fifteen Local Governments opted for Option B on inception and there has been a steady move in that direction since.

CONSULTATION

Staff have discussed the matter with FESA and neighbouring Councils.

STAFF COMMENT

A letter from FESA promoting Option B notes that under this option Council:

- *assumes liability for all unpaid and deferred ESL, and all costs associated with ESL debt recovery, by the Local Government;*

- *accepts financial responsibility for any ESL amounts that the Local Government chooses to write off;*
- *continues to receive their annual ESL Administration Fee from FESA by 31 October each year;*
- *retains late ESL payment interest, and*
- *retains pensioner/senior ESL concession payments, and interest on deferred ESL, paid by the Office of State Revenue.*

Please also note that:

- *FESA will not accept responsibility for any costs incurred by a Local Government associated with future decisions by that Local Government where a migration between Options A and B is elected and approved; and*
- *In accordance with the FESA Act, FESA may apply penalty interest, at a rate declared by the Minister (11%), where ESL payments are not lodged by a Local Government with FESA on time.*

Option B offers the opportunity of increased interest income and reduced administration but also carries an element of risk which it is suggested is manageable and should have no significant impact. It is suggested that the agreement be for one year only at this stage and be reviewed later in the year for possible extension for further terms.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The impact of moving from Option A to Option B should result in increased interest earnings. Option A provides for collections to be remitted monthly and Option B provides for payment of 30% of invoiced amounts to be remitted by 21 September, 21 December and 21 March. The remaining 10%, plus or minus any billing adjustments is remitted by 21 June. Traditionally 60% of rates raised are paid by the due date (that is in August or September depending on when the rates are sent out). Because the ESL charge is on the rate notice recovery patterns are the same as for rates. Taking the 2004/05 year as an example, \$444,168.66 of the \$671,523 ESL charges raised was received by the end of September. Under Option A 100% of this was remitted whereas under Option B only \$201,456.90 would have been sent off leaving \$242,711.76 to be invested. It is expected that interest earnings could be increased by up to \$5,000 under the Option B arrangement. Additionally, Under Option B Council retains late payment penalty interest charges.

Offsetting this, the fact that Council owns the debt under Option B and would have financial responsibility for any amounts that it chooses to write off.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council enter into an agreement with the Fire and Emergency Services Authority of WA for the administration of the Emergency Services Levy under Option B for 2005/06.

Carried 10/0

12.1.7 DISABILITY SERVICES - ADVISORY COMMITTEE

File No: C6.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 11 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to recommend that Council appoint an advisory committee to assist in the process of reviewing its Disability Service Plan.

STATUTORY ENVIRONMENT

The Disability Services Act 1993 has application as does the Disability Services Regulations 2004. The Act and regulations were amended recently. The Act now provides for Plans to be reviewed every 5 years and to assist public authorities with this task the Disability Services Commission is engaging a consultant to work on guidelines and resource material and intends to provide training. The material and training are expected to be available in November 2005.

Part 5 of the Disability Services Act, 1993 provides as follows:

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.
- (2) A disability access and inclusion plan must meet any prescribed standards.
- (3) A public authority must lodge its disability access and inclusion plan with the Commission –
 - (a) if the authority was established before the commencement of the *Disability Services Amendment Act, 2004*, without delay;
 - (b) if the authority is established after the commencement of the *Disability Services Amendment Act, 2004*, within 12 months after the day on which it is established.
- (4) A public authority may amend its disability access and inclusion plan at any time.
- (5) A public authority may review its disability access and inclusion plan at any time.
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
- (7) Not more than 5 years is to elapse –
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.

- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

Regulation 10 of the Disability Services Regulation provides for the calling for submissions in relation to Plans as follows:

10. Procedure for public consultation by authorities (s. 29E)

- (1) For the purposes of section 29E of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically
 - (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the *Local Government Act 1995*; or
 - (b) on any website maintained by or on behalf of the public authority.
- (2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The following sections of the Strategic Plan apply:

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

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

FINANCIAL IMPLICATIONS

Nil at this time however a revised *Disability Access and Inclusion Plan* is expected to impact on expenditure.

BACKGROUND

At the CEO's request the process of reviewing the Town's current *Disability Services Plan* was commenced in May, 2005 with enquiries at the Disability Services Commission in relation to amendments to legislation and any applicable guidelines. It was established that the Commission was working on resource material/guidelines etc and that it was planning to conduct training sessions in November, 2005.

In 1996 all local government's were required to produce formal plans for the improvement of services and facilities for the benefit of people with disabilities.

Councils are also required to report annually on progress in implementing their disability services plans. Cottesloe adopted its *Disability Services Plan* in December, 1995 after a period of public consultation. It included a statement of intent and a timetable for practical works to improve the accessibility of some services.

The *Disability Services Plan* was reviewed in 2001 and the following information was provided in a report to the August, 2001 Council meeting:

All Councils face a number of issues in the context of disability services relating mainly to the need to balance the cost of improving services with the cost of doing so. Infrastructure changes relating to issues such as toilet facilities, building access and amenity access are often high cost items. The demand for the services in Cottesloe is generally low or non-existent.

Council has taken a practical approach to this in the past and has addressed the accessibility problem in areas of highest visible need. All new public buildings have been required to provide facilities for the disabled, and Council has improved its own properties in this context. The recent improvements to the entrance to the Council office represent the biggest single project of this kind.

One of the other major issues relates to beach access and this will have to be addressed in the next few years. It is a complex matter that will require considerable planning and external advice.

On a more general note, the need for publications to be available in a variety of formats is not seen to be a high priority. Council has consistently advertised the availability of this service, but there has been no demand for it in the past three years.

The revised Plan continues a gradual programme of service improvement within a framework of financial constraint and practical application.

As required by the *Disability Services Act*, Council has included a report on the implementation on the current *Disability Services Plan* in each year's *Annual Report*.

CONSULTATION

Nil, at this time.

STAFF COMMENT

The 1996 *Disability Services Plan* was developed by a consultant after consultation with a number of relevant bodies and the process was overseen by a planning committee comprising one Councillor and four staff. The plan was reviewed in 2001 (within 5 years of being lodged with the Commission) and the review was conducted by staff. Legislation requires that the latest *Disability Services Plan* be reviewed within 5 years of the previous review being lodged with the Commission and so it must be reviewed by August 2006.

As many public authorities (including Councils) that are required to have and review Disability Services Plans are due to review their plans next year the Commission is now gearing up to assist with the process. The Commission expects to be in a position to provide assistance in November, 2005 and so it is suggested that Council time its review to take advantage of this. In the meantime though, it is suggested that the proposed review might benefit from more community input and that this might be achieved by the establishment of an advisory committee. This committee's task could be to review the current Disability Service Plan and make recommendations for a new plan. It is recommended that Council advertise for expressions of interest from residents who may wish to be on such a committee.

Whilst there is no requirement to have the plan reviewed till August, 2006 it is suggested that the review process be timed to coincide with the provision of assistance from the Commission and that it be completed in time for relevant items to be included in the 2006/07 budget. That is the revised Disability Services Plan would be adopted by April or May, 2006. The following timeline is suggested:

ACTION	DATE
Advertise for nominations for the advisory committee - residents	6/8/05
Nominations close	5/9/05
Council review nominations and form advisory committee	27/9/05
Advisory committee commences review	October 05
Advisory committee reports back to Works and Corporate Services Committee	February 06

VOTING

Simple majority

COMMITTEE COMMENT

The Mayor asked the Manager Engineering Services if there is any scope to putting in a ramp from the road to the groyne?

The Manager Engineering Services advised that the heritage listing of Cottesloe Beach means that the landscape cannot be changed. There are also issues related to the 1:14 slope required for the ramp, sand movement on the beach, possibility of wheelchairs becoming bogged and the possible dangers of people becoming hurt on the rocks of the groyne in swell conditions. Would also need to consider where disabled parking bays are to be located. Perhaps this matter could be raised with neighbouring Councils to discuss a joint option in a different location.

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council advertise for expressions of interest from residents who may wish to sit on a Disability Services Advisory Committee that Council may form to assist with the process of reviewing the Town of Cottesloe's Disability Services Plan.

Carried 10/0

12.1.8 SEA DRAGON FESTIVAL

File No: X 7. 1
Author: Ms Jodie Peers & Ms Carolyn Ryder
Author Disclosure of Interest: Nil
Report Date: 5 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

This report outlines a draft program for the next Sea Dragon Festival and requests that Council consider and provide feedback to officers on:

- the dates for the Sea Dragon Festival;
- the proposal of a week of celebration, concluding in the traditional day of events on Sunday along with a family concert; and
- the draft program of events.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no specific objectives relating to community festivals, however the following strategic implication has some relevance:

District Development/Environment - Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

FINANCIAL IMPLICATIONS

In the 2005/06 budget the following funding has been allocated:

- \$15,000 for the Sea Dragon Festival; and
- \$10,500 for Twilight Concerts.

BACKGROUND

In March, 2005 a report was presented to Council on Community Concerts, Festivals and Events. The following statements were made in that report relating to the Sea Dragon Festival and the Twilight Concerts:

- **Sea Dragon Festival**
In 2004 the Sea Dragon Festival was reinstated and Council has assisted the Sea Dragon Organising Committee to run the festival in both 2004 and 2005. This year's emphasis was placed on providing family entertainment and participation activities. The cost to hold this festival was \$8,000 in 2004 and approximately \$17,000 this year. Attendance throughout the day was approximately 3,000 people, which was greater than in previous years.

Positive feedback was received on the day, particularly in regard to the interactive nature and general family entertainment. Comment was received with regards to the lack of food and drink vendors available, however in previous years the local businesses objected to other vendors on-site.

- **Twilight Concerts**

For a number of years Council has provided three Twilight Concerts on the Main Lawn in late February/March. There is no written policy, aims or objectives for these concerts.

Once again over the past two years audience numbers have been declining. Although, in both 2004 and 2005 the Royal Australian Navy Band (WA Detachment) has attracted the largest audience numbers (approximately 450) at each concert. These concerts are free of charge to the public, along with Council supplying free tea and coffee. Council pays each band a fee of \$600 +GST and supplies the staging, audio and lighting requirements. The cost of providing these three concerts (not including 2 staff members) is in the range of \$10,500 to \$11,000. In previous years sponsorship was received by Healthway (of approximately \$1,500) however an application for sponsorship was not successful in 2005.

Feedback received from the bands and the public includes comments on the requirement for more advertising/promotion and concern over the decline in audience numbers. However, positive feedback is received from the audiences during the concert in relation to their enjoyment of the evening and that there is no entry fee or cost for a cup of tea or coffee.

Combining of Sea Dragon Festival and Twilight Concert

The reintroduction of the Sea Dragon Festival proved to be popular in both 2004 and 2005, with this year's festival being larger and better attended than in 2004. The festival could be improved further with the addition of a twilight concert at the finale of the festival. In this way one or two of the more popular big bands can still perform free of charge to the public. This would also enable the funding and staff resources to be better utilised throughout the day. Healthway sponsorship could once again be sought as the festival is more likely to fit in with Healthway's selection criteria:

- to reach Healthway's priority target groups (youth, indigenous, rural, disadvantaged, healthcare card holders);
- health promotion returns;
- level of participation and whether an increase in participation over previous years is anticipated; and
- whether the long term quality and delivery of arts and cultural programs will be increased through this project.

Council was asked to consider the events and provide feedback to officers.

CONSULTATION

Discussion has been held between the authors and the CEO. No community consultation has been undertaken.

STAFF COMMENT

In considering the Sea Dragon Festival and Twilight Concerts for 2006, the Community Development Officer and Executive Assistant have drafted a proposed program for a week of varied events to celebrate and promote a sustainable community. The festival will conclude with the traditional Sea Dragon Festival event on Sunday and a family picnic concert.

The suggested dates were Tuesday, 7 March – Sunday, 12 March, 2006, which would have preceded the 2006 Sculpture by the Sea event. However, Sculpture by

the Sea has since advised that the 2006 exhibition dates will be 9–19 March, due to the Commonwealth Games.

Therefore three ***options*** are suggested as follows:

1. Hold the Sea Dragon Festival in November, 2005;
2. Hold the Sea Dragon Festival from Monday, 27 February to Sunday, 5 March, 2006. Consideration will need to be made in relation to a possible decline in attendance numbers on the Sunday due to the long weekend public holiday on Monday, 6 March; or
3. Hold the Sea Dragon Festival bi-annually, with the next festival being held on Tuesday, 6 – Sunday, 11 March, 2007. In 2007 Sculpture by the Sea will be held from 15-25 March, 2007.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee generally agreed to Option 2 and that the festival be held annually.

Cr Cunningham raised the possibility of discussing with ProCott the involvement of local business.

OFFICER RECOMMENDATION

That Council support the proposed draft program for the Sea Dragon Festival and confirm the preferred date for holding the next Sea Dragon Festival as being option

12.1.8 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council support the proposed draft program for the Sea Dragon Festival and confirm the preferred date for holding the next Sea Dragon Festival as being option 2.

Carried 9/1

12.1.9 CEO'S PERFORMANCE REVIEW

The meeting closed at 9.03pm to discuss this item.

File No: X9.12
Author: Mr Stephen Tindale
Author Disclosure of Interest: The author has an interest in the matter as it directly relates to his employment.
Report Date: 12 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At the February 2005 meeting of Council, a decision was made to engage WALGA's Workplace Relations Service to manage the performance and remuneration review process for the CEO (working with Council's Strategic Planning Committee) and prepare a report for Council's consideration.

The report and recommendations of the WA Local Government Association's Workplace Relations Service have been 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 “Executive Summary” of the CEO’s Performance Appraisal Committee Report reads as follows:

The review of Mr Stephen Tindale’s performance as the Chief Executive Officer of the Town of Cottesloe has been carried out in accordance with Council’s statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Tindale’s contract with the Town, in particular as it relates to clause 4 ‘Performance Development and Review’.

Council’s Review Committee conducted the performance review with Mr Stephen Tindale at the Council’s Offices on Tuesday 7th June 2005. This meeting was facilitated by Mr John Phillips, Executive Manager ‘Local Government Workplace Solutions’, Western Australian Local Government Association

Elected members are of the view that, overall, Mr Tindale’s performance was considered to be of an acceptable order meeting most of the performance requirements of the position of CEO.

CONSULTATION

The CEO has consulted with the Mayor on the matter and as a result work is already underway to review of the key result areas and performance indicators which will facilitate a more comprehensive assessment of the CEO’s performance in six month’s time.

STAFF COMMENT

As noted in the report, there was not a high level of written comments provided by elected members. Areas reflecting the most positive comments include:

- Effecting changes in the management structure which have previously been problematic.

- Quality of advice and support to Councillors.

In terms of opportunities for improvement, themes which emerged from some elected members were:

- Periodic updates of progress against key objectives throughout the year, culminating in an overall report at the end of the twelve month review period.
- Increase focus on professional development/training of elected members.

Suggestions for improvement of the review process for 2005/2006:

- Periodic reports from CEO on achievement of objectives during the course of the twelve month period.
- Review of the Key Result Areas and Performance Indicators to allow an assessment of both strategic and high level operational achievements.

The suggestions have been taken up by the CEO and will be the subject of further reports to the Strategic Planning Committee.

DECLARATION OF INTEREST

The CEO made a declaration of interest and left the meeting at 9.03pm.

VOTING

Simple Majority

COUNCIL COMMENT

This item was held over and discussed at the end of the meeting.

All staff members were absent from the meeting whilst this item was discussed and voted on.

12.1.9 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Woodhill

That Council

- (1) **Close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.**
- (2) **Adopt the recommendations contained within the CEO's Performance Appraisal report namely that:**
 1. **Council receive the performance review report and endorses the overall rating of '3' – "meets most of the performance requirements of the position of CEO. Generally acceptable; average work performance".**
 2. **The next review of the CEO's performance to be conducted in January 2006.**

3. That the Key Result Areas for the period 2005-2006 be drafted by the Chief Executive Officer and external facilitator, in consultation with the Council Review Committee.
4. The Review Committee obtain data in relation to Chief Executive Officer remuneration relativities, particularly as they relate to local governments in Perth's western suburbs. The Review Committee to make recommendations to Council on an increase to Mr Tindale's remuneration, in accordance with clause 5.2 of the contract of employment.

Carried 10/0

The meeting re-opened at 9.06pm.

12.2 ENGINEERING

12.2.1 RIGHT OF WAY NO. 66 - OFFER OF SALE TO COUNCIL

File No:	E13.1.66
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	11 July, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The owners of 15 Rosendo Street, Cottesloe have offered to sell the section of laneway between Broome Street and Avonmore Terrace, which they privately own to the Town of Cottesloe.

Their legal advice has indicated that the laneway cannot be dosed or incorporated into their house block.

This report recommends that Council rather than offer to purchase the laneway at market price, offer to purchase the laneway at a nominal cost.

STATUTORY ENVIRONMENT

Relevant legislation for roads and laneways:

- *Local Government Act, 1995*
- *Land Administration Act, 1997*
- *Main Roads Act, 1930*
- *Public Works Act, 1902*
- *Transfer of Land Act, 1893*
- *Town Planning and Development Act, 1928.*

The Acts of most significance to this report are:

The *Land Administration Act, 1997* is the State's primary legislation providing for the disposition and management of Crown land. This Act is administered by the Minister for Lands and the Department of Land Information.

The *Main Roads Act, 1930* also contains provisions in relation to roads, in particular highways, main roads and secondary roads. This Act gives the Commissioner of Main Roads similar powers as a local government in relation to the primary road network.

Definitions:

(a) *Public Laneway*

A laneway is a narrow road located along the rear and/or side of a property boundary. Laneways are generally not the primary street from which a property may access the local road network. Laneways are typically used in more dense residential areas when smaller lot layouts justify rear garaging, and where alternative vehicular access is needed for lots fronting busy streets.

In all other respects laneways conform to the definition of a public road.

(b) *Public Road*

A road consists of the entire road reserve or “easement” between abutting property boundaries that define the legal limits of the road corridor. Roads may vary in width, may or may not be surveyed and may or may not be constructed.

In general terms however, a road or road reserve includes the constructed road, kerbing and verge areas (eg street lawns in urban areas, roadside vegetation in rural areas) up to the boundaries of abutting land holdings.

Most roads are dedicated by order of the Minister for Lands or by approval of a plan of subdivision. Such dedicated roads are termed public roads and as such the entire road reserve is vested in the Crown. Public roads are controlled and managed by the local authority or the Main Roads WA. A public road can also be referred to as a dedicated or gazetted road or street.

There are a number of different definitions of a public road, including the following:

- The *Local Government Act, 1997* dispenses with “roads”, “streets” and “highways”, using instead the term “thoroughfare”, which is defined as “a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end”.
- The *Land Administration Act, 1997* defines a road to mean “land reserved, declared or otherwise dedicated under this Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both”.
- The *Main Roads Act, 1930* defines:
“Road” to mean any thoroughfare, highway or road that the public is entitled to use and any part thereof and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection with a road;

“Declared Road” to mean a road declared to be a highway, main road or a secondary road under this Act, and including any part of any such road.

(c) *Private Laneway or Road*

The definition of a Private road is a roadway on privately held or freehold land, which is generally restricted in use to certain abutting landowners. Further, it means an alley, court, lane, road, street, thoroughfare or yard on alienated land which is shown on a Plan or Diagram of Survey deposited with the Registrar of Title and which:

- a) is not dedicated, whether under law or a common law, for use by the public;
- b) forms a common access to the land or premises, separately occupied; or
- c) is accessible to an alley, court, lane, road, street, thoroughfare or yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public (Section 3 of the *Land Administration Act*).

In addition, Section 3.49 of the *Local Government Act, 1995* defines a “private thoroughfare” as a thoroughfare that is not dedicated to use by the public and that connects lands, or premises, separately occupied to a thoroughfare or place that is dedicated to use by public.

Most private streets were created by subdivision of freehold land prior to 1962, with the land remaining in the ownership of the sub-divider. In many cases such owners are long-since deceased, or are defunct companies. Such streets are usually subject to easements or rights of carriageway created by instruments registered under the provisions of the *Transfer of Land Act, 1893*.

In 1967 the *Town Planning and Development Act, 1928* was amended by insertion of section 20A, providing for rights of way and pedestrian access-ways to be vested directly in the Crown, upon approval of a plan of subdivision creating such ways. These ways are not subject to easements in favour of adjoining landowners. The Crown is the owner of land in such ways.

A private road not otherwise vested in or owned by the Council or the Crown is rateable land within the provisions of the *Local Government Act, 1995*.

POLICY IMPLICATIONS

Council adopted its policy on Laneways and Rights of Way in December, 2004.

RIGHTS OF WAY / LANEWAYS

OBJECTIVES

- 1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
- 2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
- 3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
- 4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

PRINCIPLES

- 1. To recognise that the Rights of Way/Laneway network provides valuable access to residential and commercial properties.
- 2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from Rights of Way and Laneways.

3. To ensure that the costs of improvements to ROW's/Laneway are funded by developers and subdividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown Land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

ISSUES

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term aim of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and laneways often contain Service Authorities infrastructure eg deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organized by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore Laneway surfacing should be based on flexible rather than inflexible pavements.

POLICY

1. Council's attitude towards the status of Rights of Way/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.

2. Any sections of Rights of Way/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a Right of Way or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the Right of Way or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act 1995.
5. The design of the Right of Way or Laneway must recognise the need to minimise vehicle speeds and maximise safety and security.
6. When a Right of Way is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.
7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or Right of Way.
8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the Local Government Act 1995.
9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimise vehicle speeds and maximise safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
 - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus

- (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
- (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
- 10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
- 11. As a general rule it is Council policy to keep laneways open, even if un-constructed. Applications for closure are to be considered by Council.
- 12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
- 13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of Laneways/ROW's showing the ROW number is supported.

STRATEGIC IMPLICATIONS

The areas of the Strategic Plan most applicable to this item are:

Governance – Consistency – All decisions made are consistent with relevant statutes, Council policy and the aims of this plan.

Management – Statutory Compliance – All procedures and decisions comply with external and internal statutes.

FINANCIAL IMPLICATIONS

There are no allocations in the 2005/06 budget for the purchase of private laneways. If Council was to decide in that direction then budget changes would be required. If there was no support for this purchase then there would be no budget impact.

BACKGROUND

This right of way (ROW) was originally privately purchased from Council in 1990/91 as part of the sale for rates procedure. It has been resold and the current owners have discovered, from legal advice, that the ROW cannot be amalgamated into their house block, that the access must be maintained along the ROW for the general public and that they are liable for its upkeep. Any injury or damage suffered on the ROW by the public may result in a damages claim against the owners.

CONSULTATION

Apart from the current ROW owners, no public consultation has occurred.

STAFF COMMENT

There is no incentive for Council to purchase this laneway/ROW. The public access rights are protected. No legal closure can occur without extensive procedures taking place. Any liability or maintenance costs must be considered or met by the private owners and no structure can be approved on the ROW.

The process of converting a private laneway to a Crown land laneway is complex and time consuming. One option for consideration is for Council to offer, say \$50.00 as a preliminary to creating a Crown land laneway/ROW from this alignment.

This would immediately remove the problem for the current landowner and ultimately facilitate the process of conversion to Crown land, with Council to be responsible for ongoing maintenance.

The benefit to the owners would be that maintenance and liability protection becomes Council's responsibility. Public access to the current owners and the general public is guaranteed and ongoing concerns or complaints regarding this alignment can be dealt with by the Town of Cottesloe.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

AMENDMENT

Moved Cr Cunningham, seconded Cr Dawkins

That (2) of the recommendation be amended by adding the following words after \$50.00:

... , plus meeting all costs associated with the transfer of ownership.

Carried 6/4

12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Not accept the offer to purchase Right of Way No. 66, between Broome Street and Avonmore Terrace, at market value; and**
- (2) Offer to purchase Right of Way No. 66, between Broome Street and Avonmore Terrace, for a nominal cost of \$50.00, plus meeting all costs associated with the transfer of ownership.**

Carried 10/0

12.2.2 REQUEST FOR RIGHT OF WAY NO. 14 TO REMAIN UNSEALED

File No: E13. 1.14
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 11 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A request has been received from 35 Grant Street - supported by nine adjacent residents - requesting that Right of Way (ROW) No. 14 not be sealed and that a general survey be conducted on the level of support for the sealing of Cottesloe laneways.

This report recommends that no changes occur to the existing policy on laneways for the time being, subject to the investigation of a potential policy change.

STATUTORY ENVIRONMENT

There are no statutory requirements for Council to seal or not seal laneways. However, Council is responsible for the condition of laneways used by the public, apart from privately owned ROW's or laneways.

POLICY IMPLICATIONS

Council adopted its policy on Laneways and Rights of Way in December, 2004.

RIGHTS OF WAY / LANEWAYS**OBJECTIVES**

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

PRINCIPLES

1. To recognise that the Rights of Way/Laneway network provides valuable access to residential and commercial properties.
2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from Rights of Way and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneway are funded by developers and subdividers, if such improvements are required to service such developments.

4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown Land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

ISSUES

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term aim of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and laneways often contain Service Authorities infrastructure eg deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organized by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore Laneway surfacing should be based on flexible rather than inflexible pavements.

POLICY

1. Council's attitude towards the status of Rights of Way/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of Rights of Way/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which become

available to Council for little or no cost, will also be surrendered to the Crown for Crown land.

3. When a Right of Way or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the Right of Way or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act 1995.
5. The design of the Right of Way or Laneway must recognise the need to minimise vehicle speeds and maximise safety and security.
6. When a Right of Way is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.
7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or Right of Way.
8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the Local Government Act 1995.
9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimise vehicle speeds and maximise safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
 - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus

- (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
- (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
- 10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
- 11. As a general rule it is Council policy to keep laneways open, even if un-constructed. Applications for closure are to be considered by Council.
- 12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
- 13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of Laneways/ROW's showing the ROW number is supported.

STRATEGIC IMPLICATIONS

The areas of the Strategic Plan most applicable to this item are:

Governance – Consistency – All decisions made are consistent with relevant statutes, Council policy and the aims of this plan.

Management – Statutory Compliance – All procedures and decisions comply with external and internal statutes.

FINANCIAL IMPLICATIONS

Nil. Council has no budget allocation to seal this laneway.

BACKGROUND

This laneway is owned by Council. The section referred to in the letter received as being recently sealed is adjacent to properties on the corner of Marmion Street and Hawkstone Street which were subdivided. A condition requiring the laneway to be sealed was placed on the development approval.

Council has a standard development condition requiring an affected laneway immediately adjoining a developing property to be sealed where vehicular access via the laneway is required usually arising from rear garage development. This is the case with 39 Grant Street.

Council's current policy was adopted after a period of public consultation. The policy does not commit Council to laneway sealing works but does require the continuing contribution of funds from developers and sub-dividers who seek to use laneways for vehicle access to property developments.

CONSULTATION

Consultation has been undertaken with the adoption of Council's Rights of Way/Laneways policy in December, 2004.

STAFF COMMENT

When the laneways were inspected in late 2004, 48% of all laneways in the Town of Cottesloe were sealed, concrete or brick paved. As each year passes, more laneway sections are sealed due to development conditions requiring sealing and drainage. This has applied for a number of years.

If Council were to change its town planning scheme so as to require access only from the street frontage (with no access to be allowed from laneways) then a case for reconsideration of the sealing and drainage requirement could be sustained. However, such a change is highly unlikely.

Regular complaints are received in winter of uncontrolled drainage water on laneways, the need for water filled holes to be filled and levelling required. In summer, the problems include dust generated by vehicles and soft surfaces needing levelling and a wearing course applied.

Maintenance complaints regarding laneways appear to be increasing, mostly on unsealed laneways. This is normally caused by increasing vehicle use and on the weather i.e. excessive wet or dry conditions.

As owner of approximately 57% of the laneways in Cottesloe and as the Crown's 'agent' for the 21% owned by the Crown, Council can either try to make developers and sub-dividers fund the laneway improvements to carry their increased vehicle use of laneways or eventually fund increased maintenance demands by the same 'users', from increased rate levels.

Council has not resolved to bitumise all laneways nor has it resolved to fund any laneway development in 2005/06. It has no five year program for this work, nor is it intended to create such a program.

Council has a policy to control and spell out how laneway sections may be sealed due to the pressures of renovations, developers or sub-dividers in order to reduce the adverse impacts on the rates level and/or the amenity of others living near these laneways.

The policy also envisages the Town of Cottesloe contributing to laneway development when a group of residents request such development and are also prepared to contribute.

No proposals exist for the sealing of ROW No. 14. However if owners of properties fronting this laneway require vehicle access via the laneway due to redevelopment, then the laneway should ideally be capable of carrying such traffic, at the cost of developers, rather than ratepayers. Property development costs should not be transferred to Council, in order to increase the private profit levels of developers.

However the option of 'saving' this laneway from the undue effects of sealing in order to protect native wildlife is worthy of consideration. Minimal maintenance can be implemented with only the worst potholes and erosion gullies being repaired. 'Whipper-snipping' and weed spraying could also be minimised.

If a low key approach is taken to the maintenance of any laneway, then it is suggested that a clear majority of adjoining residents would need to demonstrate their commitment to such an approach eg two-thirds of the affected owners. Conversely, the remaining ratepayers of Cottesloe should be protected from any undue rate increase if this situation is ever reversed in future, particularly if residents complain of surface damage and other problems from vehicles accessing their rear garages via an unsealed surface.

This could be covered by a local differential rating scheme, or similar, if sealing was requested at a later date. Such a scheme would require two-thirds support from adjoining residents or not proceed at all.

This is a matter requiring the development of a policy or policy change where the ramifications on Council's town planning policies and sustainability goals can be properly investigated.

VOTING

Simple Majority

COMMITTEE COMMENT

This item was brought forward and dealt with as the first report.

Cr Utting commended Mrs Walsh on her clear and forthcoming discussion on the laneways. He thinks that a lot of residents want the lanes to remain as they are; unsealed and also not to be sprayed with poison. These laneways contain the last remnants of Cottesloe's wildlife.

The Manager Engineering Services advised that Council has a policy relating to the use of laneways for rear access and the development conditions. If this condition is not imposed and the laneway is used for rear access to properties then responsibility comes back to Council to fund and undertake maintenance and repairs. If this recommendation goes forward then discussion would need to be held with the Manager Development Services in relation to a possible town planning scheme amendment to remove the condition.

Discussion was held in relation to the figure of two thirds in (3)(a). The CEO advised that this was chosen as it is a standard figure for fairness and consistency and it regularly appears in the Local Government Act as representing a clear majority.

OFFICER & COMMITTEE RECOMMENDATION

That Council

- (1) Inform the owners of properties fronting Right of Way No. 14 who have made comment on the possible sealing of Right of Way No. 14 that:
 - (a) Council has no long term plans to fund the sealing of all laneways in the Town of Cottesloe;
 - (b) There are no plans or budget allocations for the sealing of ROW No. 14;
 - (c) 48% of all Town of Cottesloe laneways are already sealed, brick paved or concreted, with this percentage increasing due to development conditions;
 - (d) Current development conditions requiring the sealing of laneways have been in place for many years and only apply if a landowner wishes to get vehicle access to a new development or sub-division via the laneway;
 - (e) There are no plans to conduct surveys of landowners regarding sealed laneways;
- (2) Thank the provider of the survey details for the provided information regarding Right of Way No. 14; and
- (3) Request staff to develop a policy modification which will:
 - (a) Allow laneways to remain unsealed subject to the support of two-thirds of adjoining owners; and
 - (b) Make it clear that any future request to seal these affected laneways will only be funded by differential rating subject to the support of two-thirds of adjoining owners or not proceed at all.

AMENDMENT

Moved Cr Utting, seconded Cr Woodhill

In (3)(a) replace 'two-thirds' with 'a simple majority'.

Lost 4/6

AMENDMENT

Moved Cr Jeanes, seconded Cr Furlong

That (3) be deleted from the recommendation.

Lost 2/8

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council

- (1) Inform the owners of properties fronting Right of Way No. 14 who have made comment on the possible sealing of Right of Way No. 14 that:**
 - (a) Council has no long term plans to fund the sealing of all laneways in the Town of Cottesloe;**
 - (b) There are no plans or budget allocations for the sealing of ROW No. 14;**
 - (c) 48% of all Town of Cottesloe laneways are already sealed, brick paved or concreted, with this percentage increasing due to development conditions;**
 - (d) Current development conditions requiring the sealing of laneways have been in place for many years and only apply if a landowner wishes to get vehicle access to a new development or sub-division via the laneway;**
 - (e) There are no plans to conduct surveys of landowners regarding sealed laneways;**
- (2) Thank the provider of the survey details for the provided information regarding Right of Way No. 14; and**
- (3) Request staff to develop a policy modification which will:**
 - (a) Allow laneways to remain unsealed subject to the support of two-thirds of adjoining owners; and**
 - (b) Make it clear that any future request to seal these affected laneways will only be funded by differential rating subject to the support of two-thirds of adjoining owners or not proceed at all.**

Carried 10/0

12.2.3 BROOME STREET SPEED CONTROL INSTALLATIONS

File No: E17.10.15
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 13 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in May, 2005 Council resolved:

That staff prepare alternative designs for measures to ensure that vehicle speeds on Broome Street from North Street to Jarrad Street are reduced towards the current speed zone of 50 km/hr and that these designs be presented to Council prior to consultation with Broome Street residents.

This report provides two alternatives for the reduction of speeding on Broome Street, between North Street and Jarrad Street.

STATUTORY ENVIRONMENT

Main Roads WA sets all speed zone levels in the State and the Police Department is responsible for policing those speeds.

Council has the vesting responsibility of Broome Street, regarding care, control and maintenance of the road surface and alignment. This would include structures to reduce vehicle speeds.

POLICY IMPLICATIONS

Council's policy on Traffic Management applies to this matter.

OBJECTIVES

The objectives of this policy are:

- (a) The establishment of appropriate traffic flow and access into and through the Town of Cottesloe, which maximises road safety and local amenity.
- (b) The establishment of a procedure from which necessary traffic management works are undertaken in a cost effective and equitable manner.
- (c) Integration of the traffic management policy into the Council's Strategic Plan.

PRINCIPLES

- (a) Establish an agreed road hierarchy, from which to base future traffic management.
 - (b) Minimise the impacts of through traffic on the community.
 - (c) Minimise the impacts of commercial vehicles on the community.
 - (d) Provide for good access to property and business.
 - (e) Provide for pedestrians and cyclists.
 - (f) Develop an intervention policy for the conduct of local area management schemes.
 - (g) Ensure adequate data is available to effectively consider traffic management issues.
 - (h) Ensure full consultation is undertaken when assessing traffic management issues.
-

- (i) Provide cost effective traffic management solutions.
- (j) Maximise access to business and recreation facilities with minimum impact on local residents.
- (k) Integrate the traffic management policy with other Council policies.
- (l) Establish a basis from which decisions on outstanding traffic management issues can be made.
- (m) Establish a mechanism for regular policy review.
- (n) Provide a means by which the traffic management strategy can be coordinated and facilitated.

ISSUES

The issues, which Council has considered in establishing the Traffic Management Policy, are:

(a) **Road Hierarchy**

An agreed road hierarchy is fundamental to general traffic management and planning within the Town of Cottesloe. In determining a road hierarchy, the Town of Cottesloe will consider issues such as:

- through traffic;
- local access;
- land use;
- commercial traffic;
- bus routes;
- base traffic data;
- accident statistics;
- parking;
- socio/environmental issues; and
- funding options.

Council will liaise with the Main Roads WA on these issues to ensure access to optimum road funding.

(b) **Traffic Management Strategy**

The basis of the traffic management strategy is the establishment of an assessment procedure that meets Council policy objectives.

Council therefore recognises that a traffic management strategy should be an integrated approach, which considers issues such as:

- precinct traffic management assessment;
- full consultation with interested parties;
- establishment of a traffic data base;
- establishment of intervention guidelines for traffic management implementation;
- integration with other Council policies;
- consideration of regional traffic issues;
- nomination of a review mechanism. (Sample process - Schedule 2, is attached.)

(c) **Pedestrian and Cyclists**

Council wishes to encourage pedestrian and cycle use within the Town of Cottesloe. Therefore, Council will include usage surveys, community consultation and liaison with Transport to fulfil this objective.

(d) **Road Classification & Design**

Stirling Highway is classified as a Primary Distributor. West Coast Highway and Curtin Avenue are classified as District Distributors and as such will be subject to a review of the road hierarchy as outlined in 3(a).

Stirling Highway

Council supports the retention of the Stirling Highway as the major traffic route through the Western Suburbs. (See Stirling Highway Concept Plan reports.)

Curtin Avenue

Curtin Avenue is currently classified as a district distributor road. In May 2000 Council noted the Department of Transport's concept for an alternative road option through the Town of Cottesloe, that being a new two lane road with Curtin Avenue acting as a service road. Council has also expressed concern in relation to the impact that changes the existing road system and rail crossings, will have on the safety and amenity of residents of the district.

When addressing the issues of road classification and design, the following will be taken into consideration:

- traffic forecasting;
- physical design and cost;
- social and environmental impact;
- land use (current and potential);
- rail crossing locations;
- community consultation;
- local access;
- regional traffic;
- pedestrian and cyclist access and amenity;
- rail proposals;
- urban recreational needs; and
- previous studies and recommendation.

Any studies relevant to the wider western suburbs region should be scrutinised by a western regional councils group, with input from Westrail, Department of Planning & Urban Development, Main Roads WA and Transport. Community consultation and acceptance on any proposed design will form the basis of Council support. Once completed, the recommendations should form the basis of a conceptual approach to addressing the issues.

Council also supports an ongoing review of the through traffic issue on Marine Parade, particularly during peak periods.

(e) **Policy Review**

Council supports a formal review of the policy on a four yearly basis.

(f) **Incorporation in the Strategic Plan**

Council supports the inclusion of the traffic management policy into the Town of Cottesloe Strategic Plan.

POLICY STATEMENT

(a) **Road Hierarchy**

Council has adopted a formal road hierarchy for the Town of Cottesloe. See Schedule 2.

(b) **Traffic Management Strategy**

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

That Council commit a four-year budget allocation to fund the traffic management assessment work.

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

(c) **Pedestrian and Cyclists**

Reference should be made to the Western Suburbs Bike Plan and the Perth Bicycle Network Plan.

(d) **Road Classification & Design**

Council supports the retention of Stirling Highway as the major traffic route through the western suburbs.

For other roads, changes to classification and/or design will be managed as part of the ongoing precinct planning process.

Council does not support an extension to the West Coast Highway as a four-lane road but will participate in any western suburbs steering committee, to examine a final concept design for an extension to the West Coast Highway.

(e) **Traffic Management Policy Facilitation**

That Council commission a traffic specialist on an as required basis, to coordinate and facilitate the traffic management policy recommendations.

(f) **Policy Review**

That the policy be formally reviewed every four years.

That a traffic specialist undertake an ongoing review of ad hoc policy issues.

STRATEGIC IMPLICATIONS

The most applicable heading within the Strategic Plan for this matter is:

District Development/Environment/Traffic Management and Safety - A system which promotes safety and the "Travel Smart" concept, incorporates widespread use of 50km/hour speed limits and a community bus service, removes through freight traffic and resists any move to a four lane highway on Curtin Avenue.

FINANCIAL IMPLICATIONS

There are no funds budgeted for the speed control of Broome Street in 2005/06. However, there is \$30,000 for pedestrian/intersection safety improvements and \$18,000 for the purchase of an electronic speed advisory sign trailer.

A submission is being prepared for a grant from Road Wise for the trailer purchase which, if successful, will allow \$9,000 to the total \$18,000 to be reallocated.

BACKGROUND

A total of five sets of traffic counts were taken on Broome Street, between North Street and Jarrad Street in March/April, 2005. These counts revealed a significant portion of vehicles were travelling well in excess of the 50km/hour speed limit, with extreme speeds approaching 160km/hour in some instances.

In each of the five sites, Council's intervention guidelines were exceeded, with vehicles well above 5km/hour of the regulation speed, 5km/hour above the 85% speed and more than 5% of the vehicles exceeding the regulation speed by 10km/hour. Vehicle volumes are also well above 1000 vehicles per day.

The main impact of this speeding falls on other drivers, pedestrians trying to cross Broome Street and the residents on Broome Street.

CONSULTATION

Any treatments proposed on Broome Street for speed control will require consultation with all affected residents, advertising in a local newspaper and inclusion on the web page for comment.

STAFF COMMENT

Another Engineering Services agenda item for this meeting covers three roundabouts proposed for installation under the 2006/07 Blackspot grants. One of these proposed roundabouts is at the Broome Street/Napier Street intersection. This will, if funded, have a major positive impact on speeding for that section of Broome Street.

Traffic calming and speed restriction devices within the Town of Cottesloe have concentrated on roundabouts, mid block blister islands and median islands in the past.

Many other forms of traffic or speed control devices exist, each with their own strengths and weaknesses. These include single lane slow points, driveway links, chicanes, single or multiple speed humps, threshold (entry) statements, modified Tee junctions, diagonal closures etc. A number of manuals exist attempting to show good examples of existing treatments, around Australia, which demonstrate good practice.

Each of these installations have been designed to solve particular problems, to suit a local population and locality at a desired cost. Factors that should apply to all such treatments are:

1. All treatments should be safe for use by the general public if used in a sensible manner.
2. The majority of impact should be on the offenders ie; on those choosing to speed or act against the public interest, and should be successful in their purpose.
3. The installations should not decrease the safety or usability of the road for users other than car drivers ie; by pedestrians and cyclists, emergency vehicles, trucks and buses.

4. They should be standard and recognised devices which comply with all design standards and regulations and approval should be given by Main Roads WA for line marking and signage.
5. They should have local resident support and not decrease the amenity or aesthetics of the area.

In the case of Broome Street, with its general residential nature, the problem of vehicle-generated sound could be a problem for many of these alternative treatments. However, the 40 metre road reserve means that there is at least a 15 metre distance to private properties from the kerb line, which would greatly reduce any sound impact.

The straight line nature of Broome Street is a major part of the speed problem, as is the flat mowed nature of the verges.

Roads or streets that are narrow, not straight in alignment, with taller vegetation close to the kerb line reduce the long distance view, introduce doubt in the drivers mind and 'tighten up' the nature of the driving experience, therefore reducing the driving speed.

It is not proposed to heavily plant Broome Street, change its alignment or impact on the aesthetics in order to reduce the speed of extremist drivers.

After considering a large number of alternatives, the two main treatments considered to be most applicable are:

1. A series of red/brown asphalt plateaux along Broome Street, with white 'piano key' markings on the approach side. These plateaux are 75mm to 100mm thick, approximately 25 – 30 metres long, over the full road width. These would be positioned, where possible, at intersections where those intersections provide a distance at least 100 metres from the next treatment. Where intersections do not provide the distance between treatments required to gain an effective speed reduction, mid block treatments would be installed. An example of these treatments is a series installed on Onslow Road, Shenton Park.
2. The installation of a series of rubber 'speed cushions'. These are rubber blocks, 75mm thick, bolted into the road surface to form a square 1.6m x 1.6m, with ramped edges on all four sides and white 'piano keys' on the vehicle approach side. These have been used in Europe and the eastern states for several years. The most applicable examples of these treatments are in Cunningham Terrace and Troy Terrace in Subiaco.

These treatments are made of recycled rubber and can be easily installed or removed. The rubber material is quieter than asphalt or concrete.

Again, the installations would be at intersections and mid block if the intersections are too far apart. These speed cushions are often used in conjunction with median islands incorporating pedestrian gaps and hand rails, to provide safe pedestrian crossings protected by the speed cushions.

Speed control is much more effective where, on a long straight road, such as Broome Street, the driver can see a series of treatments and these treatments are close enough to reduce the capacity of the 'true speeder' to speed up/slow down/speed up along the road length as each treatment is passed. The major intersection treatments at Grant Street, Eric Street, Forrest Street and the proposed Napier Street roundabout are too far apart to have a full speed reduction effect on the whole road length.

A distance close to 100 metres and less than 200 metres is seen as the spacing required to have a substantial impact on the total road speed environment.

On this basis, the following locations are recommended for the installation of one of the two options of treatment:

1. Ozone Parade intersection,
2. Mid block between Ozone Parade and Grant Street,
3. Hawkstone Street intersection,
4. Torrens Street intersection,
5. Clarendon Street/Geraldine Street intersection,
6. Mid block between Geraldine Street and Napier Street,
7. Loma Street intersection,
8. John Street intersection,
9. Stanhope Street intersection,
10. Graham Court intersection.

This may be seen by many as 'overkill' to the problem, however the problem of speeding on Broome Street has been recorded for many years, the existing spacing of roundabouts has not provided a solution and the speeds recorded are very high for a 50km/hour zone in a residential area.

With regards to cost, the standard red/brown asphalt treatment plateau, with piano keys and signs/line marking is estimated at \$8,000 per site.

The rubber speed cushions, installed as a pair, are estimated at \$8,000 per treatment or \$18,000 per treatment if a median island with a pedestrian crossing gap is included.

With regards to what could be achieved in 2005/06, a total of \$48,000 may be available from the existing budget if the grant for \$18,000 from Road Wise can be secured for the speed display trailer.

This would allow up to six treatments to be installed without median islands or two to three treatments with median islands.

If Council agreed to these two options being applicable, a full layout plan would be developed, for presentation to the affected residents and owners, with a full description of each design, their strengths and weaknesses plus a proposed schedule.

VOTING

Absolute Majority – may require a budget change

COMMITTEE COMMENT

The Manager Engineering Services provided further clarification on the use of the rubber speed cushions.

Cr Utting stated that Broome Street residents have raised concern about the speeding and safety of their families. He would like extensive consultation with the residents of Broome Street prior to any installations.

DECLARATION OF INTEREST

Cr Utting declared a proximity interest as he is a resident of Broome Street. Cr Utting left the meeting at 8.03pm.

Moved Cr Walsh, seconded Cr Strzina

That Cr Utting's declaration of interest be ruled as so trivial or insignificant as to be unlikely to influence his conduct in relation to the matter and that he be allowed to partake in the debate and vote.

Carried 9/0

Cr Utting returned to the meeting at 8.04pm.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Resolve to have design plans drawn up for the installation of speed restriction devices in Broome Street, between North Street and Jarrad Street, incorporating a series of:
 - (a) Red asphalt plateaux, or
 - (b) Rubber speed cushions; and
- (2) Further consider the design plans and support information before details of work proposed are sent to all affected residents, advertised in the Post Newspaper and included on the Council website for a community consultation process.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That (2) of the recommendation be amended to read:

- (2) Further consider the design plans and support information.

Carried 10/0

AMENDMENT

Moved Cr Strzina, seconded Cr

That (c) be added to (1) as follows:

- (c) Other suitable devices as deemed by the Manager Engineering Services.

Carried 7/3

12.2.3 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) **Resolve to have design plans drawn up for the installation of speed restriction devices in Broome Street, between North Street and Jarrad Street, incorporating a series of:**
 - (a) **Red asphalt plateaux, or**
 - (b) **Rubber speed cushions; or**
 - (c) **Other suitable devices as deemed by the Manager Engineering Services; and**
- (2) **Further consider the design plans and support information.**

Carried 10/0

12.2.4 2006-2007 STATE AND FEDERAL BLACKSPOT SUBMISSIONS

File No: C 9. 7
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 12 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Submissions for the 2006/07 State and Federal Blackspot Grants closed on 24 June, 2005. Submissions for three locations were submitted on behalf of the Town of Cottesloe.

This report recommends the acceptance of these grants and Council's provision of the one third contribution towards the total cost, if the grants are approved, for the 2006/07 budget 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 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 Council. Therefore, all road surfaces, kerbing, installation and maintenance of traffic control devices and warning signs rests with Council.

Blackspot funding is available to assist local governments to install properly designed 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. This policy is included as an attachment. 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 provisions within the Strategic Plan are:

District Development – Asset Management – Appropriate Planning: produce and implement a realistic five year plan for the maintenance of all major assets.

District Development – Environment – Streetscape: provision of clean, safe sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

The core words from these provisions are safe, sustainable, appropriate infrastructure, pedestrian friendly, maintenance of all major assets.

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 to be covered by the grant.

The submissions cover three roundabouts, each costing \$110,000. If all three are successful, Council must provide a total of \$110,000. One site may be funded from the Federal Blackspot program, thus reducing Council's contribution to \$73,333 in 2006/07.

BACKGROUND

Every year, Main Roads WA make available data collected on crash statistics to each local government authority for their area. Requests are then made for 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

After analysis of the most accident prone sites, the types of accidents occurring and the most applicable solutions, three sites were chosen to be developed through to the submission stage. These were:

1. Broome Street/Napier Street Intersection
Install a roundabout
Cost: \$110,000
Benefit Cost Ratio: 5.78
2. Napier Street/Marion Street Intersection
Install a roundabout
Cost: \$110,000

Benefit Cost Ratio: 2.65

3. Broome Street/Salvado Road Intersection
Install a roundabout
Cost: \$110,000
Benefit Cost Ratio: 2.65

Because of the high BCR value for the proposed Broome Street/Napier Street roundabout, a National Blackspot submission was made for this project. The other two sites were submitted under the State program.

The Broome Street/Napier Street and Napier Street/Marmion Street roundabouts were covered in the *Five Year Road Safety Improvement and Speed Restriction* program adopted by Council in February, 2005. The Broome Street/Salvado Street intersection treatment is additional to that program, due to the high crash statistics.

The Cottesloe Traffic Management Plan received from Sinclair Knight Merz in February, 2001 included a plan showing the significant crash sites from January, 1994 to December, 1998 within the Town of Cottesloe.

The three sites to be treated in 2004/05 are featured, as are the three sites proposed for 2006/07.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council provide in its 2006/07 budget up to one-third funding towards Blackspot projects to construct roundabouts at the Broome Street/Napier Street intersection, the Napier Street/Marmion Street intersection and the Broome Street/Salvado Street intersection, if these projects are approved to receive Blackspot grant funding.

Carried 10/0

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 11 JULY, 2005**

File No:	C 7. 4
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	11 July, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June, 2005, 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

It will be noted from the Operating Statement on page 3 that operating revenue is ahead of budgeted figures by an amount of \$272,229. In General Purpose Funding there has been greater than anticipated revenues from interim rates, and also from interest received from general investments. The area of Community Amenities has \$62,975 more than expected revenue at this time of year and this is primarily from Town Planning Charges \$13,225, Graffiti Grant Funding \$8,150, Commercial Waste Charges \$15,528 and Recycling Royalties of \$6,587. Income from Building Control is ahead of expected by \$43,721 and Transport by \$54,389 (of which \$43,695 was extra revenue from parking fines).

Overall expenditure is \$324,137 less than budgeted, however the final accounts for June 2005 will include accrued expenses not posted at this time. It should also be noted that expenditure in Area Promotion is \$68,724 less than expected due to delays in the forming of a company that will use the monies generated by the special area rate. Please note that these monies have been transferred to reserves.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 11 July, 2005, as submitted to the 19 July, 2005 meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 JUNE, 2005

File No:	C12 and C13
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	30 June, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 June, 2005, 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 37 of the Financial Statements shows that \$1,408,762.12 was invested as at 30 June 2005. Of this, \$686,717.30 was reserved and so restricted funds. Approximately fifty nine per cent of the funds were invested with the Home Building Society, thirty six per cent with National Australia Bank, and fourteen per cent with Bankwest. The bank account shows an overdrawn balance of \$8,905.71 taking into account unrepresented cheques.

The Schedule of Loans on Page 38 shows a balance of \$417,985.44 as at 30 June, 2005. Of this \$205,353.92 relates to self supporting loans.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 June, 2005, as submitted to the 19 July, 2005 meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 JUNE, 2005

File No: C 7. 8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 June, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 June, 2005, 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

Significant payments included in the list of accounts commencing on page 28 of the Financial Statements, brought to Council's attention include:

- \$11,123.11, \$11,336.59 & \$10,664.90 to West Australian Local Government Superannuation Plan being for employer contributions to the plan.
- \$10,719.23 to Western Power for street lighting etc
- \$37,466.64 to Bristle Clay Tiles for the supply and fix of new tiles to the Lessor Hall.
- \$12,346.65 to BCITF being monies held in trust for the building and construction industry training fund.
- \$19,514 to Apace Aid (Inc) for the design and construction of beach access steps near Grant Street.
- \$23,265.55 to Claremont Asphalt for asphalt work at No 2 Carpark etc.
- \$13,774.66 & \$14,065.85 to the Western Australian Treasury for loan repayments.

- \$21,714.00 to B & N Waste Pty Ltd for a green waste collection during May. \$24,435.97 to the Australian Taxation Office being for the monthly Business Activity Statement for May 2005.
- \$10,593.00 to Turfmaster for the supply and installation of kikuyu at Cottesloe beach front.
- \$28,659.16 to Wasteless being for domestic and commercial waste collection services for the month of June 2005.
- \$13,660.22 to WMRC being for transfer station tipping fees.
- \$48,485.67, \$46,204.94 & \$50,409.13 for June payroll.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the List of Accounts for the period ending 30 June, 2005, as submitted to the 19 July, 2005 meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 JUNE, 2005**

File No:	C 7. 9
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Period Ending:	30 June, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 June, 2005, 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 33 & 36 of the Financial Statements shows a balance of \$226,298.78 of which \$195,428.30 relates to the current month. Of this, \$65,881.00 relates to pensioner rebate claims, \$84,931.00 relates to grant funding and \$32,946.56 relates to quarterly commercial waste charges. The balance of aged debt greater than 90 days stood at \$275.28 as at 30 June, 2005.

The Property Debtors Report on page 32 of the Financial Statements shows a balance of \$361,072.72. Of this amount \$167,734.83 and \$7,040.25 are deferred rates and deferred ESL respectively

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 June, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 June, 2005.**

Carried 10/0

13 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 MEETING CLOSURE

The Deputy Mayor announced the closure of the meeting at 9.06pm.

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