

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 26 MARCH, 2007**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME.....	2
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
8	PUBLIC STATEMENT TIME.....	3
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
10	REPORTS OF COMMITTEES AND OFFICERS.....	5
11	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 19 MARCH 2007	5
11.1	PLANNING	5
11.1.1	9 (LOT 24) GRANT STREET – PROPOSED LOFT ADDITION AND BALCONY EXTENSION TO EXISTING TWO STOREY RESIDENCE – REPORT ON APPEAL – REQUEST FOR CONSIDERATION	5
11.1.2	NO. 37 (LOT 101) PEARSE STREET – TWO STOREY DWELLING – REVISED DESIGN FOLLOWING DEFERRAL	14
11.1.3	NO. 41 (LOT 104) ELIZABETH STREET – GARAGE & FRONT FENCE	26
11.1.4	NO. 14 (LOT 25) LYONS STREET – SINGLE-STOREY EXTENSION TO A DWELLING AND A REAR STUDIO	34

11.1.5	NO. 122 (LOT 1) MARINE PARADE – WALL SCREENS, COVERED ENTRY AND UPGRADING OF OUTDOOR LIVING AREA	42
11.1.6	NO. 36 (LOT 11) HAWKSTONE STREET – PROPOSED GREEN-TITLE SUBDIVISION OF ONE LOT INTO TWO LOTS	49
11.2	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	54
11.2.1	AIR-CONDITIONING CONDITION – NOTICE OF MOTION – 15/2007	54
12	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 20 MARCH 2007.....	57
12.1	ADMINISTRATION.....	57
12.1.1	OCCUPATIONAL SAFETY AND HEALTH	57
12.1.2	STATION STREET - PROPOSED REDVELOPMENT OF COUNCIL LAND	61
12.1.3	COTTESLOE CIVIC CENTRE - PROPOSED OFFICE EXTENSION	67
12.1.4	STATUTORY COMPLIANCE AUDIT - 2006 RETURN	73
12.1.5	FOOTBALL WEST (BEACH SOCCER)	76
12.1.6	EXTENSION OF LIBRARY AGREEMENT	78
12.1.7	EMPLOYMENT OF A THIRD PERMANENT RANGER	80
12.1.8	PURCHASING POLICY	83
12.2	ENGINEERING.....	103
12.2.1	PROPOSAL TO SURRENDER ROW 17 - HAMERSLEY STREET EAST, SOUTHERN BOUNDARIES OF LOTS 24 & 6, HAWKSTONE STREET	103
12.2.2	LEIGHTON REDEVELOPMENT PROJECT CURTIN AVE & PORT BEACH RD	106
12.3	FINANCE.....	110
12.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY, 2007	110

	12.3.2	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 28 FEBRUARY, 2007	112
	12.3.3	ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY, 2007	114
	12.3.4	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 28 FEBRUARY, 2007	116
12.4		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....	1108
	12.4.1	WATER CORPORATION DESALINATION WATER PROMOTION	1108
13		STRATEGIC PLANNING COMMITTEE MEETING HELD ON 21 MARCH 2007	120
	13.1	GENERAL.....	120
	13.1.1	FUTURE PLAN - COMMUNITY CONSULTATION	120
14		ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	128
15		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	128
16		MEETING CLOSURE.....	128

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00pm.

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

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Furlong

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

Carried 9/0

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

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

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Jodie Peers	Executive Assistant

Apologies

Cr Ian Woodhill

Leave of Absence (previously approved)

Cr Victor Strzina

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**Mr C Wiggins, 50 John Street, Cottesloe – Item 13.1.1 Future Plan – Community Consultation**

Mr Wiggins asked how does the Future Plan fit in with the Town Planning Scheme and what affect will it have on future changes to the Town Planning Scheme? Mr Wiggins also asked that where there are conflicts between the two documents which one prevails, and has legal advice been sought on this? Mr Wiggins asked why this can't be included in the Strategic Plan?

The Manager Development Services replied that Town Planning Schemes have a higher level of authority and will prevail over the Future Plan when it comes to the detail of town planning.

The CEO advised that a reference to the higher level Town Planning Scheme in the Future Plan was discussed at the Strategic Planning Committee meeting but was not adopted for a number of reasons.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Furlong, seconded Cr Utting

That Cr Furlong's request for leave of absence from 30 March until 12 April be granted.

Carried 9/0

Moved Cr Jeanes, seconded Cr Dawkins

That Cr Jeanes' request for leave of absence from the April meetings be granted.

Carried 9/0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Miller, seconded Cr Dawkins

The Minutes of the Ordinary Meeting of Council held on Monday, 26 February, 2007 be confirmed.

Carried 9/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 7.1 The Mayor thanked the elected members and staff for the extraordinary number of meetings and the work put into the progress of draft Town Planning Scheme No. 3. The Mayor expressed his disappointment in the State Government's delay. The draft TPS3 can no longer be finalised during the current term of this Council. When feedback is provided by State Government, recommended modifications will be considered by Council then the three month formal advertising process will commence. The Mayor advised that Council will now return to business as usual with no further fast-tracking of TPS3 to take place.
- 7.2 The Cottesloe community forum on the proposed library and community centre will be held in the War Memorial Town Hall on Thursday, 29 March.

8 PUBLIC STATEMENT TIME

Mr C Wiggins, 50 John Street, Cottesloe – Item 13.1.1 Future Plan – Community Consultation

Mr Wiggins stated that the recommendation needs reconsidering. Page 107 lists the local government requirements for a future plan, with item 7 referring to ratepayers consultation during the development of the plan. This hasn't been undertaken, the draft future plan has been drafted and then sent out for comment.

The future plan does not include a clear statement as required by the Act that states what community consultation has been applied to the compilation of the draft future plan and what will be applied in its modification.

The consultation undertaken has been to put the draft future plan on the website. Ratepayers have not been provided with a summary of the plan stating its purpose and the major issues within the plan. The plan was not distributed to the community, just an ad in the paper. Mr Wiggins does not believe that this consultation is good enough and is not up to the expectations of the community. He urged Council to reconsider the recommendation made by SOS to send out to all residents a summary of the plan and the major issues, advising that a copy is on the website or can be sent out to them.

Mr David Rogers, 16 Quintilian Road, Mt Claremont – Item 11.1.2, No. 37
Pearse Street – Two Storey Dwelling – Revised Design Following Deferral

Mr Rogers distributed photos to the Councillors. This is a very small block of land, including an adverse possession issue. Mr Rogers has made every possible effort to solve neighbour objections. The objection that the bulk and scale will have a detrimental effect on the dwelling at 37A Pearse Street has been solved by redrafting the design. Mr Rogers stated that he does not see how the eastern resident's amenity is affected. Mr Rogers stated that undercroft parking is required due to the size of the block. Above-ground parking will worsen the effect on neighbours. Mr Rogers asked Council to consider all of these factors and requested that the application be approved.

Mr R Hutchinson, 39 Elizabeth Street, Cottesloe – Item 11.1.3, No. 41
Elizabeth Street – Garage & Front Fence

Mr Hutchinson requested that the garage, which is now to be a carport, comply with the setbacks. He can sympathise with his neighbour, however he assumed that the setbacks would also apply to the side boundaries. If the carport is going to be built on the boundary of the two blocks it is really extending the 27m wall that is already between the residences. Mr Hutchinson asked Council to reconsider the side setback to the carport so that it is not on the boundary.

Mr R Appleyard, 41 Elizabeth Street, Cottesloe – Item 11.1.3, No. 41 Elizabeth
Street – Garage & Front Fence

Mr Appleyard, in response to the objections raised, has attempted to solve the issues. To situate a garage or carport on the block it must be on the No. 39 side of the house. There is already a dividing wall between the two properties and it is logical to build up alongside this wall. Mr Appleyard stated that he is required to have parking at the front of the house. Mr Appleyard stated that if the roof is set in 1.5m the carport won't be weatherproof and if the carport is set in 1.5m it wouldn't be wide enough to fit a car in.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 19 MARCH 2007**

Moved Cr Furlong, seconded Cr Dawkins

That items 11.1.1, 11.1.3, 11.1.2 and 11.1.4 be withdrawn from en-bloc voting.

Carried 9/0

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

11.1 PLANNING**11.1.1 9 (LOT 24) GRANT STREET – PROPOSED LOFT ADDITION AND BALCONY EXTENSION TO EXISTING TWO STOREY RESIDENCE – REPORT ON APPEAL – REQUEST FOR CONSIDERATION**

File No:	9 Grant Street
Author:	Mr Andrew Jackson
Attachments:	Location plan Correspondence (5) Plans
Author Disclosure of Interest:	Nil
Report Date:	15 March, 2007
Senior Officer:	Mr Stephen Tindale
Property Owner:	Mr Peter Rattigan
Applicant:	Robert Shand, Architect

INTRODUCTION

- This report presents for Council's consideration the State Administrative Tribunal (SAT) Order on the recent appeal, plus further revised plans from the applicant.
- The purpose is for Council to reconsider the proposal for feedback to the SAT at the end of March.
- The aim is to conclude the matter, which in perspective is a relatively minor appeal regarding only a portion of a dwelling, albeit significant in itself.

BACKGROUND

- Council at its December 2006 meeting granted approval to the subject loft with the following condition:

The height of the mansard roof to the loft addition, being the maximum height of the building, shall not exceed 8.5m above the NGL at the centre of the site, which shall be no higher than 20.066m AHD.

- The applicant subsequently appealed that condition to the SAT, and the first step of a Directions Hearing was held on 24 January 2007.
-

- The grounds of appeal were that, while the principle of the loft addition was supported by Council as part of the overall approval, the amendment to limit its height is impractical and would make it uninhabitable.

DIRECTIONS HEARING

- The SAT had before it the appeal papers, plans and Council reports, and the Member discussed the matter with the applicant and Manager Development Services, in order to give directions on how the matter should be determined.
- The design approach in relation to the exiting dwelling was clarified, along with the applicant's intent to use the loft as a study.
- As anticipated, the SAT's review entailed whether it considered discretion to vary height is applicable and warranted in this case.
- The applicant argued for that, on the premise that to reduce the height would mean cutting-out existing roof structure to lower the floor level of the loft (which may be structurally problematic or too costly).
- There was also the question of degree; that is, the amount of variation considered reasonable, in that the SAT could assess that the additional 0.45m height sought is acceptable.
- It was noted as well that Council expressed concern about the presentation to / overlooking of the park and undesirable appearance as a third storey.

SAT ORDER

- Taking all things into account, the SAT formed the view that the proposal warrants Council's reconsideration, in essence on the following basis:
 - The practical difficulty of reducing the loft height by lowering the existing roof, depending on expert evidence to demonstrate that.
 - The discretion for the height would be a minor variation, wouldn't set a precedent and would ensure habitability.
 - The loft would not be so visible.
- A copy of the SAT Order in full is attached, and the SAT has effectively articulated reasons why the discretion should be exercised as an acceptable outcome.
- Council's task is to reassess the proposal within this framework and having regard to the additional information contained in this report,

PROCESS

- By way of process, the SAT as the review authority is empowered under its Act to seek that council reconsider a proposal, as follows:

S31. Tribunal may invite decision-maker to reconsider:

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may:*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*

- While Council may decide to affirm the original decision (condition), the SAT is informing Council that it considers the decision warrants being varied (ie, to allow the appealed proposal), or set aside (ie, to approve the further revised design), or some other determination.
- If whatever reconsideration decision Council makes is not agreed to by the applicant, the applicant may continue with the appeal, which may move to a mediation or hearing.
- If the reconsideration decision is to the satisfaction of the applicant, the applicant can withdraw the appeal and the new decision stands (for example, approval to the further revised plans).

APPLICANT'S RESPONSE

- The applicant has responded to the SAT Order, as set out in the attached letter from the applicant dated 8 March 2007.
- It explains that the architect has concluded that the proposal, which has already been reduced in height from the original, cannot be further reduced in height without altering the existing building construction.
- It also explains that the advice obtained from both a structural engineer and a builder, copies attached, is that to lower the proposed loft by lowering the floor level (existing roof) would be a difficult, risky and costly exercise, which would be disproportionate to the gain (ie, not worth the effort).

REVISED PLANS

- At the SAT's suggestion, the applicant has also again reviewed the proposed design and has prepared further revised plans; copy attached together with a covering letter dated 9 March 2007.
- The letter explains that the revised plans set back the loft 3.6m from the western façade, to overcome its presence to the park.
- The letter also advises that the applicant would prefer support for the design taken to appeal, but would accept the further revised design if that is what Council supports.

OFFICER COMMENT**SAT Directions**

- The SAT has raised valid points as a basis for reconsideration, including that:
 - The proposal may be allowed as an extension to an existing building, whereby the basic height standards may be varied at Council's discretion.
 - In that context the proposal is logical to the building and understandable given the structural constraints, which are to be verified by professional opinions.
 - The degree of variation sought is seen as relatively minor at some 5% and therefore not excessive.
 - Approval would not create a general precedent but be specific in these circumstances.
 - The applicant's desire for a habitable space (study) and Council's preference to ensure that it meets acceptable Building Code of Australia standards - note that in this respect the Principal Building Surveyor has advised that ideally the normal requirements for a room should be provided (ie, ceiling height, light and ventilation, safe movement and access) rather than relaxing the criteria for habitability.

- In summary, the SAT considered that all of these factors combine to conclude that the proposal is not unreasonable and that the variation sought is not so substantial as to cause undue impacts or be interpreted to be inappropriate.

Expert Advices

- As required by the SAT, to demonstrate the structural constraints the applicant has sought advice from experts.
- The letters from the suitably qualified structural engineer and builder constitute evidence in this regard, and attest to the construction issues indicated by the applicant and architect.
- Both experts have extensive experience and have inspected the site and plans. The engineering firm was familiar with the property having done the initial design in 1999.
- The thrust of the advice is that while such alterations could be done, they would be complicated, costly and a comparatively extreme measure – in other words, they would not normally be contemplated or undertaken.

Revised Plans

- The revised plans maintain the same mansard roof form and height proposed, but inset the loft space 3.6m from the western face of the building. The proposed height is unchanged at RL 20.56.
- This means that the roof and façade of the loft would recede when viewed from the ground level and park, being stepped-back from the existing wall and roof heights; which is a common design technique to ameliorate the scale and mass of upper levels. Also as a result, the entire loft roof would sit more centrally to the dwelling, making it read as a smaller addition. The area of the loft addition, comprising the stairway and study, has decreased by some 13sqm from 59sqm to 46sqm. The study has decreased by this same amount from some 43sqm to 30sqm (ie, becoming the equivalent of a medium-sized room).
- That part of the existing flat roof not build over would remain in front of the loft and be accessible from the loft, which would allow it to be easily cleaned of pine needles. Hence it would function primarily as a deck to the study, which is reduced in floorspace, and not be used as say a balcony to a living room.
- Physically, this roof area would retain the existing section of angled roof in front of it and the existing stainless steel wire balustrade, so its appearance would not be altered or create additional bulk.
- Therefore, the loft as revised represents a more typical attic-type space of one room and stairs with a single outlook and being a subsidiary form contained within the roof space, rather than an obvious dominant component or full third storey.
- Accordingly, the revised plans are supported as an improvement over the previous (appeal) plans.

CONCLUSION

- The SAT's view is that the proposal is capable of being supported and the appeal does not merit a hearing, hence Council is invited to reconsider the matter.
- The SAT's Directions Hearing and Order have provided a framework for Council's reconsideration, and assisted this by firstly requiring the expert advices and secondly encouraging revised plans, both of which the applicant has addressed.

- The revised plans are assessed as a worthwhile improvement and have minimised the proposal within the constraints. The setback to the loft has the important result of compensating for the height variation in terms of its effect on bulk / scale or prominence.
- Such an outcome would most likely have arisen from any mediation.
- While Council is free to reconsider the matter as outlined above, the officer's conclusion is that support for the revised plans would be an appropriate decision in terms of the proposal, the planning parameters, the exercise of discretion and the aspects that the SAT has identified for consideration.
- Therefore, it is recommended that Council vary its previous decision by deleting the condition the subject of the appeal and approving the latest revised plans in relation the loft component.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Development Services summarised the advice contained in the report and outlined the approaches that could be taken to the matter before Council. Members of the Committee reiterated concerns that the proposal is for a third level and in excess of the Town Planning Scheme building height standard of 8.5m, would set an undesirable precedent, be visible from the park and not suit the locality.

OFFICER RECOMMENDATION

That Council:

- (1) Note the SAT Order and this report on the matter, including the additional information and revised plans from the applicant.
- (2) Reconsider its decision of 18 December 2006 and vary that decision by deleting condition (g) to alter the height of the proposal and by adopting the further revised plans showing the loft setback 3.6m from the western façade of the dwelling.
- (3) Grant a modified approval decision accordingly, as follows:
 - (a) GRANT its Approval to Commence Development for the Development Application for the Proposed Mansard Roof Lot Addition and New Access with Stairs and Balcony Extension to the existing residence at NO. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the further revised plans (dated 03/07; numbered 1685.3 & 1685.4, and date-stamped received 9 March 2007), subject to the following conditions:
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (c) 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 submitted for building licence.

- (d) 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.
 - (e) 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.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, or suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing the screening along the entire eastern edge of the proposed first floor balcony at a height of 1.8m above the relevant stairway, landing and balcony floor levels.
- (4) Having done so request the applicant to withdraw the appeal.
 - (5) Advise the SAT, the applicant and persons who made submissions on the initial development application of Council's varied decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) Note the SAT Order and this report on the matter, including the additional information and revised plans from the applicant.
- (2) Reconsider its decision of 18 December 2006 and vary that decision by deleting condition (g) to alter the height of the proposal and by adopting the further revised plans showing the loft setback 3.6m from the western façade of the dwelling.
- (3) Grant a modified approval decision accordingly, as follows:
 - (a) GRANT its Approval to Commence Development for the Development Application for the Proposed Mansard Roof Lot Addition and New Access with Stairs and Balcony Extension to the existing residence at NO. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the further revised plans (dated 03/07; numbered 1685.3 & 1685.4, and date-stamped received 9 March 2007), subject to the following conditions:
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.

- (c) 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 submitted for building licence.
 - (d) 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.
 - (e) 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.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted from shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing the screening along the entire eastern edge of the proposed first floor balcony at a height of 1.8m above the relevant stairway, landing and balcony floor levels.
- (4) Having done so request the applicant to withdraw the appeal.
 - (5) Advise the SAT, the applicant and persons who made submissions on the initial development application of Council's varied decision.

NOTE:

As the Committee Recommendation was lost it amounts to a "nil" recommendation to Council, therefore, the Manager Development Services has provided the following alternative recommendation for Council to consider should it be inclined to not support the original officer recommendation.

OFFICER PRO FORMA ALTERNATIVE RECOMMENDATION FOR COUNCIL

That Council:

- (1) Note the SAT Order and this report on the matter, including the additional information and revised plans from the applicant.
- (2) Affirm its decision of 18 December 2006; that is, approval including the condition the subject of the appeal; namely, *that the height of the mansard roof to the loft addition, being the maximum height of the building, shall not exceed 8.5m above the NGL at the centre of the site, which shall be no higher than 20.066m AHD*; on the basis that Council is not prepared to support a third level loft which does not comply with the two-storey height limits of the Scheme, and because Council considers that the proposed loft component would undesirably appear as a third storey and overlook the park.

- (3) Advise the SAT, the applicant and persons who made submissions on the initial development application of Council's affirmed decision.

11.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council:

- (1) **Note the SAT Order and this report on the matter, including the additional information and revised plans from the applicant.**
- (2) **Reconsider its decision of 18 December 2006 and vary that decision by deleting condition (g) to alter the height of the proposal and by adopting the further revised plans showing the loft setback 3.6m from the western façade of the dwelling.**
- (3) **Grant a modified approval decision accordingly, as follows:**
 - (a) **GRANT its Approval to Commence Development for the Development Application for the Proposed Mansard Roof Lot Addition and New Access with Stairs and Balcony Extension to the existing residence at NO. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the further revised plans (dated 03/07; numbered 1685.3 & 1685.4, and date-stamped received 9 March 2007), subject to the following conditions:**
 - (b) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
 - (c) **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 submitted for building licence.**
 - (d) **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.**
 - (e) **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.**
 - (f) **Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted from shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**

- (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing the screening along the entire eastern edge of the proposed first floor balcony at a height of 1.8m above the relevant stairway, landing and balcony floor levels.
- (4) Having done so request the applicant to withdraw the appeal.
- (5) Advise the SAT, the applicant and persons who made submissions on the initial development application of Council's varied decision.

Carried 5/4

**11.1.2 NO. 37 (LOT 101) PEARSE STREET – TWO STOREY DWELLING –
REVISED DESIGN FOLLOWING DEFERRAL**

File No:	37 Pearse Street
Author:	Mr Lance Collison / Mr Andrew Jackson
Attachments:	Location Plan Submissions from applicant & neighbours Plans Photos Submission from Greg Rowe & Associates
Author Disclosure of Interest:	Nil
Report Date:	15 March 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	David Rogers
Applicant:	Alana John Design
Date of Application:	28 September 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	344m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two-storey residence on the subject site. This application was previously considered at the Council Meeting on 26 February 2007 and the resolution was:

That Council DEFER determination of the application, as requested by the landowner, to allow more time for consideration of a redesign having regard to the relevant height requirements and aspects raised by neighbours, for further consideration of revised plans.

Subsequently the owner and designer met with officers to discuss the matter and design options for revised plans.

This report now re-presents the overall proposal based on the revised plans responding to the deferral, which include a significant change to the roof form from a pitched to a skillion style.

The basement and floor plans retain the previous design and it is only some setbacks and heights that are revised and require further assessment, as set out in this updated report. All other design elements remain as initially assessed.

The proposal is for a two-storey dwelling with undercroft garage on a narrow lot as a result of subdivision. The design has evolved in liaison with Officers and neighbours to achieve improved compliance and address the boundary alignment.

The design has previously undergone a series of revisions and refinements to improve its performance and appeal. It is able to readily comply with the overall building height level with a slim-line (now skillion) roof form, although still seeks some concession on wall height in exchange. The design has also been modified to address neighbour comments, recognising the constraints of the site and to manage amenity implications.

A side boundary fence discrepancy has been amicably resolved between the relevant parties to avoid any potential dispute.

Given the further assessment that has been undertaken, the recommendation is to Approve the Application comprising the revised plans.

PROPOSAL

Within the undercroft, a double garage, gymnasium and cellar are proposed.

On the ground floor an alfresco, living, dining, kitchen, lobby, study, laundry and WC are proposed. Externally two non-covered courtyard areas, a porch and a water feature are proposed.

On the upper floor a master bed, balcony, ensuite, robe room, two other bedrooms, a lobby, WC and bathroom are proposed. Staircases link all levels.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2

Clause	Required	Provided
5.1.1 Building Height	Maximum 8.5m building height Maximum 6m wall height	Maximum 8.245m building height. 6.175m starting wall height, ranging to 7.8m in relation to skillion roof.

Notes re NGL assessment:

- The site is elongated, narrow and slopes slightly downwards from west to east with a fall of approximately 0.5m.
- It also slopes gently upwards from north to south (front to rear) and more sharply at the south west corner.
- Average natural ground level was determined in accordance with TPS2.
- This was done by locating the centre of the site from the intersection of the lines drawn from diagonal corners on the survey plan.
- This was straightforward as the land is an even surface and vacant.
- The resultant natural ground level is RL9.15m.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No3 – Boundary Setbacks	1.5m setback ground east wall	0-1.04m setback	Clause 3.3.1 P1
No3 – Boundary Setbacks	3m setback upper east wall	0-1.04m setback	Clause 3.3.1 P1
No3 – Boundary Setbacks	1.2m setback upper west wall	Nil setback	Clause 3.3.1 P1
No3 – Boundary Setbacks	1m setback ground west wall	0.135m setback	Clause 3.3.1 P1
No3 – Boundary Setbacks	1.2m setback upper west wall	0.135m setback	Clause 3.3.1 P1
No4 – Open Space	Minimum dimension of 4m length and width of an outdoor living area	3m depth by 4m length	Clause 3.4.2 P2
No8 – Privacy	7.5m cone of vision setback to balcony	0.4m setback on 45 degree angle	Clause 3.8.1 P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was advertised as per Town of Cottesloe Town Planning Scheme No.2 and the Residential Design Codes. The advertising consisted of letters to adjoining property owners.

Submissions

Five letters were sent out and four submissions received, of which four were objections. Details of the submissions received are set out below:

John Travers of 37A Pearse Street

- Believes the development will reduce sunlight to northern living areas.
- Concerned the steep gradient of driveway is next to the footpath and is a safety concern.
- Does not like the bulk of the length of the parapet wall on the boundary.

Greg Rowe & Associates on behalf of John Travers

- Views and solar access to 37A Pearse Street will be adversely affected by the parapet wall.
- The adjoining landowner has set back the front of their dwelling greater than that proposed on the subject site due to the minimum gradient required for the undercroft garage, but this proposal does not comply with the Australian Standard.
- The wall height is considered to have a negative impact on the amenity of the adjoining dwelling which has compliant wall and roof height.
- Requests the front setback be in line with 37A Pearse Street.

Brenda Ryan of 6A Lillian Street

- Requests that the boundary setback of the second storey meet regulations as it is overpowering.
- Requests that the rear wall height complies with regulations and objects to its mass, bulk and may deteriorate sunlight and ventilation to her property.

Peter & Pixie Heagney of 35 Pearse Street

- The robe room is a flat, plain wall which diminishes the outlook from their bay window and objects to its lack of setback.
- Objects to the height of the water feature.
- Requests the application be put on hold due to a query on the exact lot boundary and whether adverse possession could occur.

Peter & Pixie Heagney of 35 Pearse Street – 2nd submission

- No longer has an objection to the proposed development – this is following liaison of the parties with some advice and guidance from Officers.

A fax from a town planning consultant regarding this proposal was received after the February Development Services Committee meeting. The fax reiterates previous submissions for the adjacent owners at 37A Pearse Street. In this regard the Officer assessment remains as reported taking everything into account in terms of the design interrelationship between the two dwellings involving setbacks, walling, balconies,

screens and landscaping. The applicant has also commented on this in the covering letter with the latest revised plans.

Pursuant to the deferral, the revised plans, which retain the same internal layout and change the external design, have not been required to be re-advertised, however, submitters will again be notified of the meetings and officers will liaise with them accordingly.

Boundary Fence Alignment

- The applicant provided a site survey as required.
- The survey indicates that the western side boundary fence may be misaligned, nonetheless, the proposal is based on (and has been assessed in accordance with) the land title and associated survey, being designed in relation to the legal lot boundary.
- This situation was looked into by the respective neighbours whom it is understood obtained appropriate legal advices and liaised on the matter. Any claim of adverse possession would become a civil matter to be dealt with separately from the planning process (if at all). However, the designer has confirmed that the respective neighbours have reached mutual agreement to accept the current fence alignment.

BACKGROUND

An original 1920s dwelling on a property comprising two lots on title was demolished and given re-subdivision approval in August 2005. This created 37 and 37A Pearse Street.

At present, 37A Pearse Street is under construction and 37 Pearse Street is vacant. The lot size for 37A is 344m², whereas under the R20 coding a minimum of 440m² and average lot size of 500m² is normally required. The lot has dimensions of 8.22m wide by 41.8m deep.

STAFF COMMENT

Boundary Setbacks

Please Note: This table has been amended from the report at the previous Council meeting reflecting the reduced wall heights.

The following side boundary setbacks of the proposed dwelling don't automatically comply with the Acceptable Development standards of the RDC, hence they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) & 3.3.2 (P2) of the RDC, which are also quoted below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground east wall	All	3.5m	33m	No	1.5m	0-1.04m
Upper east wall	All	6.2m	32m	No	3m	0-1.04m
Upper west wall	Robe	5.5m	5.7m	No	1.2m	Nil

Upper west wall	Bed 3	5.5m	6.5m	No	1.2m	0.135m
Ground west wall	Office to laundry	2.8m	6m	No	1m	0.135m

3.3.1 – Buildings Set back from the Boundary

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

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

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

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

The RDC do also allow as per Clause 3.3.2 A2ii *“In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary;”* In this instance two boundary walls are proposed, one on each of the western and eastern boundaries, with height and length variations.

This proposal is to have a nil to 1.04m setback to the side boundary for the ground east wall. This is usually required to be setback 1.5m from the boundary. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. It can be considered that the wall does not have an adverse effect on the amenity of the adjoining property. This is partly due to a parapet wall on the neighbouring property for a length of 9m against this wall, whereby this design approach is shared by the two properties. The proposal also ensures that direct sun and ventilation to major openings to habitable rooms and outdoor living areas of adjoining properties is adequate.

This proposal is to have a nil to 1.04m setback to the side boundary for the upper east wall. This is usually required to be setback 3m from the boundary. The wall setback partially meets the Performance Criteria of the RDC as it makes an effective use of space. It has a small effect on the amenity of the adjoining property due to loss of sunlight into habitable spaces, however, ventilation is still available to this property and the neighbour. The wall will still provide adequate privacy to both properties as no major openings from habitable rooms are proposed.

It is considered that this variation can be allowed due to the small lot size. As a guide at this stage the 344m² lot is proposed to be recoded from a R20 to a R30 density in

Town Planning Scheme No. 3. The RDC allow a building along 2/3 of one side boundary up to 3.5m in height for R30 dwellings

The robe wall on the upper floor on the western elevation asks for a nil setback where a 1.2m setback is usually required. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. It is assessed the wall does not have an effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The robe wall does not create the opportunity for any overlooking. The neighbour initially suggested windows in the wall to reduce its blankness, but the Building Code does not allow windows on a boundary. The applicant did offer to possibly put relief recesses in this wall, however this is no longer considered necessary as the neighbours have since confirmed in writing satisfaction with the revised plans.

The bed 3 wall on the upper floor on the western elevation asks for a 0.135m setback where a 1.2m setback is usually required. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. It is assessed the wall does not have an effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The wall does not create any privacy concerns as it has no openings; plus that neighbour has signed a letter in support of the proposal.

The office to laundry wall on the upper floor on the western elevation asks for a 0.135m setback where a 1.2m setback is usually required. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. It is assessed the wall does not have an effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. This ground floor wall does not create the opportunity for any overlooking and the neighbour has signed a letter in support of the proposal.

The southern neighbour has objected to the setback and possible overshadowing from the southern wall, however, this wall partially exceeds, partially meets and partially almost meets the Acceptable Development provisions for setback on both storeys, in a manner that is considered appropriate on overall performance and to which any slight adjustment would be of negligible discernable effect. Also in this respect, the proposal easily satisfies the Acceptable Development provisions for overshadowing, in that it will overshadow only 8% of the southern neighbour where 25% is allowed in a R20 coded area.

Outdoor Living Area

The outdoor living areas do not automatically meet the Acceptable Development Provisions of the RDC, which require:

- *In accordance with Table 1;*
- *Behind the street setback area;*
- *Directly accessible from a habitable room of a dwelling;*

- *With a minimum length and width dimension of 4m, except in areas Coded R-IC where the minimum dimension may be 3m; and*
- *To have at least 2/3 of the required area without permanent roof cover.*

The proposal meets all the above criteria except that it does not have a minimum length and width dimension of 4m. The central courtyard has a dimension of 2.85 x 5.5m. In the circumstance the development is to be assessed against the Performance Criterion, which is:

“An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.”

The application partially meets the Performance Criteria as it can be used in conjunction of a habitable room of a dwelling. The study has sliding doors opening into this area. However, the area is unlikely to receive much winter sunshine due to the high walls surrounding it, although sunlight will penetrate.

The proposal also includes smaller outdoor living areas such as the alfresco area which is 2.8m x 5m and a smaller second courtyard. These variation is supported given the narrow, elongated lot and the overall distribution of indoor and outdoor living spaces.

Building Height

Notably, the proposal complies with the maximum building height limit of 8.5m, at fractionally over 8.2m high (at its highest point) being almost 0.3m lower, in order to suit the design of the building and as a concession towards the wall height variation described and assessed below. The slope of the skillion roof results in a maximum building height of only 6.175m adjacent to the western side boundary.

The effect of the skillion roof design is to ameliorate the overall sense of bulk and scale of the building. This works well both to the street elevation, which presents a fairly simple façade, and also as a streamlined appearance to the eastern and western neighbours, with the indented setback of the upper level wall and roof ridge on the eastern elevation.

The reduced height and simplified shape of the roof avoids a dominant hat element to the building and allows the taller walls (which are broken-up by window punctuations and articulated by differing setbacks and lengths in various sections, as well as by varied materials and finishes) to occur without appearing too large relative to the overall design of the dwelling itself and the similar new two-storey dwelling at 37A Pearse Street on the other narrow, elongated lot.

In summary, the building height complies with Scheme requirement and is actually less than the 8.5m standard

Wall Height

The wall heights do not conform to the basic requirement of 6m. The proposal has a starting wall height of 6.175m, ranging to 7.8m in relation to the skillion roof. To the front and rear facades this wall height follows the slope of the skillion roof and has

the same effect as gabled walls to a pitched roof, which Council often allows. To the eastern elevation the additional wall height is broken-up by being indented or setback 1.1m from the lower portion of the wall (which is consistent with the height of the western elevation wall). This in turn sets back the skillion roof and ridge point, while cladding to the upper portion of the wall will differentiate it from the lower portion.

Taking into consideration the RDC definition of a wall as a vertical surface, the eastern elevation practically comprises two walls, one approximately 6m high and the other approximately 1.8m high, albeit with a combined height as identified.

It is noted that the very initial pitched-roof proposal had a wall height of 7.5m, which was reduced in the plans previously reported on and deferred. The variation in the current wall heights is somewhat caused by the proposed undercroft level which partially protrudes above the natural ground level. From the proposed finished floor level of the ground floor of the dwelling, however, the physical wall height is 6m.

The applicant requests this wall height arrangement in order to achieve sufficient space for the undercroft garage and the associated ramped driveway, noting that the revised proposal meets the Australian Standard for the gradient. If Council requested further reduced wall heights, in terms of the current layout this would result in the gradient not meeting the Australian Standard. Alternatively, the length of the driveway would need to be increased but may affect the dwelling design.

Under the revised design and wall heights, in assessing amenity impacts, the eastern neighbour would experience some decrease of light to their property. The impact to the southern neighbours is minimal as the application meets the overshadowing standard. The wall height variation to the west is fractional and does not provide any overshadowing or ventilation issue.

Also, it is assessed that the proposed minimum floor-to-ceiling heights are not excessive and reflect the standard of many Cottesloe homes.

Were the wall heights not supported, a total redesign may involve a two-storey dwelling without a basement and most likely a double garage facing the street on the narrow 8.22m wide lot. Such a dominant garage feature would not present well to the streetscape and would detract from the functionality and attractiveness of the dwelling.

In summary, the wall height variation is being sought on the basis of the topography, together with the design, which in pursuing a typical basement approach for a two-storey dwelling on a small lot, generates a marginal increase in the basic 6m standard for two storey walls. Beyond that, the skillion roof design creates portions of walls extending up to a point of 7.8m, yet articulated in the design and comparable with gable walls otherwise allowed and approved in various residential designs found throughout the district.

The RDC, although not directly applicable in this instance, as a guide tend to support this assessment, in terms of a taller wall height for parapet walls/concealed roofs, a median wall height in relation to measuring setbacks and performance assessment generally.

Therefore, were no concession to be made for the basement, or to allow the modern design of the revised plans (as approved elsewhere), then the design would be forced to either abandon the basement or have very low ceilings, in order to achieve the 6m wall height standard. In the circumstances the revised design and wall heights are supported.

Driveway Gradient

The amended plans received in January 2007 for the driveway gradient now meet the Australian Standard. The amended plans do not alter the floor plans for the storeys above but reduce the steepness of the gradient whilst still affording acceptable headroom clearance for vehicles. This is maintained in the latest revised plans.

Water Feature

The proposed water feature near the western boundary has been reduced in height to 1800mm above natural ground level which is a standard boundary fence height and is supported. In this way it is integrated with the proposed dwelling rather than being obtrusive to the neighbour.

Open Space

The application complies with the RDC requirements for open space. The proposal requires 50% open space or 172m². The application has a slightly lesser site cover of 167.5m² or 48.7% and a slightly greater open space provision of 176.5m² or 51.3%.

Privacy

As the following privacy (cone of vision) setback of the proposed residence does not automatically comply with the Acceptable Development standards of the RDC, assessment is required under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which are:

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

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

Room	Required	Provided
Front balcony	7.5m	0.4m

The proposal asks for a variation to the front balcony and the proposal complies with the Performance Criteria of the RDC. The subject cone of vision faces the street and does not overlook any habitable rooms on the adjoining property due to a side screen wall. The balcony overlooks the front garden of 37A Pearse Street which is open to the street and not a private open space.

Front Fence

The proposal has been amended to become open aspect. The solid section is now up to a height of 600mm where as the fence is open aspect between 600mm and 1800mm in height above ground level. It is unclear whether the proposed steel gate next to the fence will be of open-aspect, so it is also conditioned to be such.

CONCLUSION

This application is seeking variations primarily to wall heights and setbacks. The wall heights have been revised and rationalised as described and assessed. There are setback variations to the boundaries and the previously revised plans have reduced the length of the upper floor parapet wall to the eastern boundary, while the western neighbour has agreed to those revised plans.

Overall, the constraints of the narrow, long lot have been designed to in a way that produces a dwelling of today's standards while fitting in with neighbouring properties and the surrounding streetscape. This is achieved in particular by a reduced roof / building height and a restrained contemporary aesthetic, yet with a varied wall height regime. Accordingly the application is recommended for approval subject to conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee again discussed the problems of the proposal in terms of the design in relation to the lot, as well as to the adjacent new dwelling under construction, and considered that there were still issues to do with height, setbacks, boundary walls and streetscape presentation, which needed to be addressed. It was observed that the large basement design, floor plan layout and wall heights were contributing to this, whereby the dwelling seemed to be too big for the lot. Overall, Committee considered that despite the redesigns so far and the previous deferral, these matters had still not been satisfactorily addressed, and concluded that a further deferral was required to endeavour to achieve a better design solution taking all things into account.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of a Two-Storey Dwelling at No. 37 Pearse Street, Cottesloe, in accordance with the further revised plans submitted on 13 March 2007, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal

of the stormwater runoff from roofed areas being included within the working drawings for a Building Licence.

- (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface 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 shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
- (g) The applicant applying to the Town of Cottesloe for approval to construct a crossover in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (h) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees (February 2000) where development requires the removal, replacement, protection or pruning of street trees for development.
- (i) Any front fence and gate/s shall be in compliance with the Town's Fencing Local Law and may require more detailed plans or a future separate application.

(2) Advise submitters of the decision.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council again DEFER determination of the application, for further consideration of a redesign in consultation with officers and having regard to the relevant height requirements, aspects raised by neighbours and concerns identified by the Development Services Committee, for the submission of further revised plans.

Carried 6/3

11.1.3 NO. 41 (LOT 104) ELIZABETH STREET – GARAGE & FRONT FENCE

File No:	41 Elizabeth Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photo Correspondence from applicant Submission (1) Plans
Report Date:	12 March 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Robert & Susan Appleyard
Applicant:	as above
Date of Application:	25 October, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	484m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a garage and front fence on the subject site.

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

PROPOSAL

A double garage is proposed to the front of the modern residence. A solid front fence is proposed to be located adjacent to the garage in the front setback area.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Garages & Carports in Front Setback Area 003	Garages constructed up to 4.5m to primary street alignment	Garage setback 2.5m from primary street alignment

Town Of Cottesloe Local Law

Local Law	Required	Provided
Fencing Local Law	50% open between 900mm and 1800mm above ground level.	Solid fencing to 1372mm above ground level, partially open above this height

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

Ross Hutchinson of 39 Elizabeth Street

- The garage wall will provide extreme bulk on the boundary, considering the existing wall is excessive.
- Affects the streetscape at the northern end of Elizabeth Street.

- The existing hedge has a considerably better outlook than a bulky blank wall
- As a long term resident, amenity has been negatively affected.

Copies of the submission and of letters provided by the applicant are attached, which go into some detail about the past situation, the relationship between properties and the applicants' objectives.

The applicants also met with officers to discuss the issues and options, but reiterated their preferred proposal as applied for.

BACKGROUND

In 1999 a two-storey residence was given planning approval on the southern half of 41 Elizabeth Street. The house was built in the year 2000. At the time the plans proposed a carport on the northern half of the lot and a concept plan showed where car parking could be located on the southern half of the lot if it were to be subdivided.

In October 2000 the 968m² lot was subdivided into two lots of 484m² each when the WAPC gave approval. This created 41 (southern lot) & 41A (northern lot) on Elizabeth Street. Following subdivision no car parking was built on the site of the newly created 41 Elizabeth Street.

The owners of 41A Elizabeth Street erected a double garage only (with no house attached) and leased out this garage to 41 Elizabeth Street until the sale of 41A.

41A Elizabeth Street has been sold, the garage demolished and a two storey residence with on-site parking has been approved by Council in March 2006. Since this time, 41 Elizabeth Street has had no parking.

Natural Ground Level: the site is very flat and was levelled when the subdivision was approved.

STAFF COMMENT

Garage

The garage is proposed to be setback 2.5m from the front boundary. This is a variation to the requirements of the Garages & Carports in Front Setback Area Policy which requires garages to be setback 4.5m from the front boundary where vehicles are parked at right angles to the street alignment.

Variation to this setback requirement may be allowed subject to meeting the following criteria:

- (a) shall not significantly affect view lines of adjacent properties; and*
- (b) shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.*

The Council shall also have regard to:

- (a) the objectives of the RDC;*
 - (b) the effect of such variation on the amenity of any adjoining lot;*
 - (c) the existing and potential future use and development of any adjoining lots;*
and
 - (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*
-

View lines would be affected to the adjacent southern property from the proposal. The garage is a solid structure and would increase bulk on the boundary. The neighbour at 39 Elizabeth Street is setback approximately 9m from the front boundary whilst this garage proposes a setback of 2.5m.

However, sight lines from the driveway of the adjacent southern property should not be affected. A solid 1.8m high wall can be found within the front setback on this boundary so the garage should not affect the reversing of cars from this property.

Ingress and egress for the motor vehicles of the applicant's property is unsatisfactory. A proposed front fence will be open aspect from a height of 1372mm above ground level which will run along the front boundary. Council's Fencing Local Law requires the fence to be open aspect from a height of 900mm above ground level. Also an existing 1.8m high solid wall exists along the southern boundary up to the front boundary also does not assist sight lines. It is recommended that the proposed front fence along the front boundary be amended to be open aspect to assist with vehicle sight lines. This is of increased importance due to a footpath adjacent to the front boundary

The garage partially does not meet the objectives of the RDC. The RDC specify:

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

The garage is 6m (62.5%) wide of a 9.6m wide frontage and does not comply with the Acceptable Development standards. The performance criteria for this element relates to impact on streetscape, this is discussed later in this report.

The RDC also require two spaces per single house and meet standard bay dimensions and this application meets this criteria. The existing dwelling has space for no cars and on-site parking is an objective of the Codes.

It can be argued that the garage does not meet the criteria "*effect of such variation on the amenity of any adjoining lot*". The proposed 7.27m long garage which is approximately 3m high will cast a shadow on the neighbouring driveway on the southern property. It will also affect view lines from this property.

For the same reasons the application arguably does not meet "*the existing and potential future use and development of any adjoining lots*" criterion as there could be future potential to redevelop the lot in the future.

However, the application can be argued for and against it meeting the final criteria, being "*existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment*". The proposed garage being 2.5m setback from the front boundary is well in front of the southern neighbouring property which is setback approximately 9m from the street boundary and the

northern neighbouring property which is 6m from the front boundary. However, the property at 43 Elizabeth Street and the property on the corner of North Street and Elizabeth Street have garages approximately 1m from the front boundary. Also of note, several properties on this side of the street have solid front fences to a height of 1.8m.

Nevertheless, the garage being setback 2.5m to the front boundary is a large projection and interrupts the streetscape. This is not desirable and alternative solutions should be explored.

In determining what is seen as a reasonable setback in this situation, the existing built envelope should be assessed. The existing residence is setback 10m from the front boundary. The applicant also requests a 7.27m deep garage to store tools and the like, however, the proposed front setback variation is significant and a standard dimension for a carport or garage is 6x6m; therefore a setback of **up to** 4m could be achieved for either a carport or garage.

The alternative location for the garage is against the northern boundary; however, this is not preferred by the applicant and the southern side appears to afford a better relationship in overall design terms.

The applicant also prefers a garage rather than a carport for the safe protection of their cars. From a streetscape perspective a carport would result in a more open aspect and less built-up or cluttered front setback area. However, the proposed garage is of a flat roof design which will match the roof the existing residence and this would ameliorate its impact.

Front Fence

In regards to the fence component, some of the solid sections do not meet the open aspect requirements of the Fencing Local Law where the solid component of the fence cannot exceed 900mm in height. The proposed solid sections of fence range from 1029mm to 1372mm in height

The Fencing Local Law states that whether the fence will provide for:

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

The proposed fence will assist the safe use of land because of large open aspect areas and will provide a barrier against unwanted visitors, which is of high priority to the applicants.

The fence will also protect any pets or children from walking onto the street. A proposed gate will allow visitors to enter the house via the front garden.

However, it is arguable the streetscape will be not be enhanced as the non-complying front fence will add additional bulk and presence to the front setback area. The applicant has argued that the existing streetscape in the vicinity has several solid front fences. This is true as at least four of the properties on this side of the street in the immediate vicinity have solid front fences. However, these fences appear to be

approved before the Fencing Local Law came into being and solid front fences are not a current objective. Furthermore, a partially solid front fence in conjunction with a proposed garage seeking a setback variation will not enhance the streetscape. It is recommended the fence be amended to be open aspect in accordance with our Fencing Local Law.

It should also be noted Council has not received a section plan showing the proposed side return of the fence running east-west adjacent to the driveway where the proposed gate is to be located. This portion of fence is also recommended to be conforming to the Fencing Local Law and plans of this section will be required for the Building Licence if approval is granted.

Open Space

The proposed garage addition complies with open space. The proposal will result in approximately 55.6% open space.

CONCLUSION

While acknowledging the past complications, under current planning requirements on-site parking is necessary and where this can only occur in the front setback area it demands special consideration.

In this instance, the forward-projection of a parking structure and its appearance would be reduced in terms of mass and presence if a more open-aspect design; in other words a carport – which by definition is open except where it abuts the dwelling or a side boundary wall and with a permeable door or gate, if any. The subject proposal, if a slim-line and lightweight-looking structure, by being open to the street, front yard and dwelling, would be enclosed only on one wall. Combined with open-aspect fencing, and no door/gate or only an open aspect grille gate the same height and design as the fencing, the open-aspect nature would be optimised and the built-form impact of the structure to the dwelling, streetscape and neighbours reduced.

From a site inspection it can be seen that there is already considerable massing created by the existing two-storey dwelling, the established two-storey dwelling to the south and the two-storey dwelling under construction to the north. The effect of the existing solid fencing at the front on the northern boundary, and of the parapet wall of the new dwelling on that boundary which projects forward of the subject dwelling, plus the existing high / solid fencing on the southern boundary, is to create a boxed-in environment. Nonetheless, currently the subject dwelling and that to the south enjoy undeveloped front setback areas, while the dwelling being built to the north has a forward garage.

Therefore, it is recommended that the application be approved subject to revised plans for both the garage and the front fence, showing the proposed setback for the garage increased and the structure a an open-aspect carport. The front fence should be amended to comply with the Fencing Local Law. These improvements will reduce the sense of bulk in the front setback area and have less streetscape impact.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried how the absence of on-site parking came about and the Manager Development Services commented on the past situation; as well as the current proposal which does not readily comply, whereby a carport as recommended would be a reasonable compromise in relation to the built-up character of the area.

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That the carport conform to the setback set out in Town Planning Scheme No. 2.

Lost 2/7

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) GRANT its Approval to Commence Development of a garage and front fence at No. 41 (Lot 104) Elizabeth Street, Cottesloe, in accordance with the plans submitted on 25 October 2006, subject to the following conditions:**
 - (a) Revised plans being submitted for approval by the Manager Development Services, showing:**
 - (i) the garage being redesigned to be an open-aspect carport structure, except for the existing southern boundary wall, and including any door or gates, and setback 4m from the front boundary; and**
 - (ii) the additional front and side return fencing (along the driveway) and any gates being open aspect in accordance with Council's Fencing Local Law, in that the solid base shall be no higher than 0.9m and the specified degree of openness shall be provided;**

and the applicant should liaise with officers regarding the detailed requirements and design.

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

- (e) 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.
 - (f) The finish and colour of the boundary wall/s facing the neighbour being to the satisfaction of the Manager Development Services.
 - (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (2) Advise submitters of the decision.

Carried 9/0

11.1.4 NO. 14 (LOT 25) LYONS STREET – SINGLE-STOREY EXTENSION TO A DWELLING AND A REAR STUDIO

File No:	14 Lyons Street
Author:	Mr Lance Collison
Attachments:	Location plan Photo Plans
Author Disclosure of Interest:	Nil
Report Date:	1 March 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Lisa J Samaha
Applicant:	Mark Wells Designs
Date of Application:	30 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	463m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a single storey addition to an existing residence as well as a free standing studio addition.

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

PROPOSAL

A dining room extension, laundry/kitchen and an outdoor dining area/deck is proposed to be added to the rear of the existing single storey residence.

A studio room and verandah is proposed at the rear boundary of the property. This building is not attached from the main residence.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 Building Height	6m building height – single storey – no wall height standard applicable.	6.8m building height to rear extension

Notes re NGL assessment:

- The site is rectangular and slopes slightly downwards from west to east with a fall of approximately 2.2m.
- Average natural ground level was determined in accordance with TPS2.
- This was done by locating the centre of the site from the intersection of the lines drawn from diagonal corners on the survey plan.
- This was straightforward as the land is an even surface and the centre of the site is currently vacant.
- The resultant natural ground level is RL7.94m.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setback	3.1m setback ground north wall	0.8-4.4m setback	Clause 3.3.1 – P1
No 3 Boundary Setback	1.7m setback ground south wall	1.5m setback	Clause 3.3.1 – P1
No 3 Boundary Setback	1m setback ground south wall	0m setback	Clause 3.3.2 – P2
No 3 Boundary Setback	1m setback ground east wall	0m setback	Clause 3.3.2 – P2
No 8 Privacy	7.5m cone of vision setback for deck	0.2m cone of vision setback	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of letter to Surrounding Property Owners

Submissions

There were 5 letters sent out. No submissions were received.

BACKGROUND

The well-established two-bedroom cottage has had no significant additions apart from a front fence approved in 1991. The site slopes downwards fairly uniformly from street level to the rear.

STAFF COMMENTBoundary Setbacks

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

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground North Wall	All	4.3m	15m	Yes	3.4m	0.8-4.4m
Ground South Wall	All	4.3m	19m	No, only within the existing wall	1.7m	1.6m
Ground East Wall	Studio	2.5m	5.6m	No	1m	Nil
ground South Wall	Studio	2.5m	7.8m	No	1m	Nil

3.3.1 – Buildings Set back from the Boundary

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

- Provide adequate direct sun and ventilation to the building
- Ensure adequate direct sun and ventilation being available to adjoining properties;
- Provide adequate direct sun to the building an appurtenant open spaces;

- Assist with the protection of access to direct sun for adjoining properties;
- Assist in ameliorating the impacts of building bulk on adjoining properties; and
- Assist in protecting privacy between adjoining properties.

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

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

The RDC do also allow as per Clause 3.3.2 A2ii *“In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary;”* However in this circumstance two boundary walls are proposed, one on each of the southern and eastern boundaries where the studio is located.

This proposal is to have a nil setback to the eastern side boundary for the studio. This is usually required to be setback 1m from the boundary. The studio setback meets the Performance Criteria of the RDC as it makes an effective use of space and does not have an adverse effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

Also, this proposal is to have a nil setback to the southern side boundary for the studio. This is usually required to be setback 1m from the boundary. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. The proposal will result in a small loss of sunlight to the neighbour’s backyard, however, they did not object to the proposal. The studio proposal on the boundary is supported.

This proposal is to have a 0.8m (continuation of existing wall) to 4.4m (next to kitchen) setback to the northern side boundary for the additions to the residence. This is usually required to be setback 3.1m from the boundary due to the 4.3m wall height. The setback meets the Performance Criteria of the RDC as it makes an effective use of space and does not have an adverse effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

This proposal also is to have a 1.5m setback for a length of 6.6m to the southern side boundary for the rear additions to the residence. This is usually required to be setback 1.7m from the boundary. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. The proposal does not affect privacy to the neighbour and does not have a significant impact on bulk toward the neighbouring property due to it having varying setbacks as well as being single storey. It should be noted that the remainder of this existing wall is setback a greater distance from the boundary and this setback is supported.

Privacy

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

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

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

Room	Required	Provided
Deck area (facing north-east)	7.5m setback	0.2m setback

The proposal asks for a variation to the deck's cone of vision setbacks. The proposal does not comply with the Performance Criteria of the RDC as it does not provide adequate screening from the deck which is elevated 1.1m above natural ground level. A 2.9m high (1.8m high above deck floor level) wall is proposed adjacent to the deck on the northern boundary, m long. The deck serves the extension to the dwelling at the same floor level. However, this wall is not long enough to ensure an adequate cone of vision setback from the deck looking in a north-eastern direction to the neighbour. It is recommended the proposed 2.9m high wall to be extended an additional 1.5m to the east to ensure adequate privacy for the northern neighbour.

The neighbour did not object to the proposal including this screen wall or the cone of vision setback variation, and is being consulted regarding the intended additional length; while the designer / builder has advised that the additional length can be readily provided.

While this boundary screen wall design approach is not essential, it is proposed in order to create usable space for the deck; which if setback 0.9m in line with the side wall of the cottage would result in an awkward al fresco area and an unusable alley between the deck and common fence. The screen wall would replace existing boundary fencing and be adjacent to the neighbour's outbuildings, whereby it would actually improve visual amenity and reflect other screening currently in place to this side fence. Overall, the built-form and privacy aspects associated with this design solution are considered acceptable in the circumstances of the nature and character of the dwellings.

Building Heights

The height of the extension does not conform to the TPS2 requirement of a 6m building (ie roof ridge) height for single storey dwellings – under the Scheme there is no wall height standard applicable for single storey development. The proposal has a maximum 6.8m height calculated from natural ground level at the centre of the site.

The height variation has resulted due to the applicant wanting to maintain the same floor level across the residence. The natural ground level slopes 1.144m from the front to the rear of the residence where the extensions are proposed. The floor plan shows that the existing cottage is small and the extension would provide the best flow of the layout of the rooms if at the same level as proposed – a split-level floor plan would be inconvenient where only a few rooms and small spaces are involved.

It should be noted that the existing older residence does not conform to the current height standard as it is up to 6.6m above natural ground level at the centre of the site. The extension maintains a similar roof line to the existing, taking the proposed roof height of the extension to 6.8m at its peak (being the transverse ridge to the rear).

The alternative of making this application comply with the 6m building height limit would result in a significant alteration to the floor plan and roof form, which may be awkward in terms of design / construction, appearance and functionality – ie, a flat or skillion roof and lower ceiling heights. In this respect it is noted that the rear extension is set well back from the street whereby its height would diminish in view and the extension would read as a simple addition. Also, the plans indicate vaulted ceilings for the extension to give good internal space and full height north-facing windows (under the main roof to the al fresco area) for good light and energy efficiency.

However, it is the slightly steeper pitch of the rear roof which takes it to 0.2m above the existing, and the open gable to the al fresco areas also contributes to the sense of scale. While the roof over the al fresco is important to that space and the inside, there the ridge height of the extension could easily be made to match the existing.

The building height of the studio at fractionally over 4m is in compliance with Town Planning Scheme No. 2 and suitable for a rear studio building.

In summary, under TPS2 the factors which can be considered to allow variation of height include topography and extensions to existing buildings, both of which are applicable here as described above; and in this case it is assessed that discretion to vary the building height standard merits being exercised, subject to the existing ridge height not being exceeded. Overall, this subtle refinement will improve the appearance of the extension from the street, surrounding properties and in terms of the character of the older-style cottage.

The designer / builder has advised that he can readily accommodate this modification.

CONCLUSION

The proposed building height variation does not affect the amenity of neighbouring properties and is generally in keeping with the existing residence. The side setback variations comply with the Performance Criteria of the RDC and it should be noted no objections were made against the proposal. The additions are considered to be modest to a small residence and it is recommended that the application be approved subject to standard conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Development Services advised how the proposal worked in relation to the existing dwelling and neighbours, with a minor height reduction recommended, and that the studio was acceptable.

11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) GRANT its Approval to Commence Development for a single-storey extension to a dwelling and a rear studio at No. 14 (Lot 25) Lyons Street, Cottesloe, in accordance with the plans submitted on 30 November 2006 and the revised site plan received 22 February 2007, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.**
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) The roof surface 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 shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
 - (f) The finish and colour of the boundary walls facing the neighbours shall be to the satisfaction of the Manager Development Services.**
 - (g) Any front boundary fencing to the site being of an "Open Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to Council.**

- (h) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (i) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:

 - (i) the building height (roof ridge) of the rear extension not exceeding the existing roof ridge height and the pitch of the roof to the extension better matching the existing roof pitch, in order to reduce the height variation under the Scheme; and
 - (ii) the screen wall adjacent to the deck along the northern boundary being extended in length by 1.5m to the east, in order to ensure adequate privacy screening to the neighbour.
- (2) Advise submitters of the decision.

Carried 9/0

11.1.5 NO. 122 (LOT 1) MARINE PARADE – WALL SCREENS, COVERED ENTRY AND UPGRADING OF OUTDOOR LIVING AREA

File No:	122 Marine Parade
Author:	Mrs Stacey Towne
Attachments:	Location plan Correspondence from applicant Plans
Author Disclosure of Interest:	Nil
Report Date:	22 February 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Various
Applicant:	Iredale Pederson Hook Architects
Date of Application:	25 January 2007
Zoning:	Foreshore Centre
Use:	P - A use that is permitted under this Scheme
Density:	R50
Lot Area:	549m²
M.R.S. Reservation:	N/A

SUMMARY

It is proposed to attach architecturally-designed metal screens on two wall faces of the existing building at 122 Marine Terrace, to construct a new covered entrance to the residential units and to make improvements to the outdoor living area of the residential units.

The proposal will generally upgrade the appearance of the property and provide an improved presentation to the beachfront streetscape.

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

PROPOSAL

The proposal involves:

- The erection of two perforated anodised metal screens, one on the west elevation of the building (approximately 6m x 4.5m) and one at right angles on the short south elevation (approximately 6m x 3m). The sheets are to be aluminium and offset 150mm from the wall, attached to hot-dipped galvanised battens behind.
- Cantilevered awning (blue polycarbonate multicell roof sheeting at a two degree pitch) to provide a covered entrance with new paving, security gates, letter boxes and upgraded planter box.
- No development protrudes further than the front property boundary.
- Behind the entrance, new bulkheads and screens to conceal servicing areas/equipment related to the café.
- General upgrade and servicing of service equipment.

- Internal fencing, new paving, screens and new steps to the existing raised walkway, demolition of garden shed, new garden beds and additional planting.

The applicant has advised:

- *A general rationale behind the proposed works is to upgrade the apartments' entry/facade and courtyard.*
- *The building has had very little maintenance in the past thirty years, and these works are required for the apartments to meet the level of amenity of any project on Marine Parade.*
- *The works on the courtyard are intended to service the movement between the clients from the cafe going to the toilets and the residential patrons. The works generally provide improved access for residents to their units.*
- *The perforated screens:*
 - *Provide screening of the existing water pipes and electrical conduits.*
 - *Provide covering of the spalling brickwork.*
 - *Offer an improved street presence day and night.*
 - *Reduce heat load on the wall by shading.*
 - *Patterning makes reference to the sunsets.*
 - *Form has evolved from covering existing water pipes, and articulating the building to the street.*
 - *Will not protrude past the front boundary of the property.*
 - *Will be non-reflective anodised material.*
 - *As part of the building license application, a Structural Engineer will certify the works to the Council's requirements.*
 - *The roof over the entry will be cantilevered and designed to support required loads.*

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

- Nil

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

STRATEGIC IMPLICATIONS

While the proposal in itself represents worthwhile improvements to an existing building, it also offers enhancement of the beachfront area and sets a standard for such, which may help to stimulate other quality renovations and developments.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

REFERRAL

Internal

- Building
- Health

Details of comments from the Principal Building Surveyor and Environmental Health Officer are detailed in a further section of this report.

External

The application was presented to the Design Advisory Panel for comment on 12 February 2007. Notes from that meeting are detailed in a further section of this report.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.

The advertising consisted of a letter to Adjoining Property Owners

Submissions

There were 5 letters sent out and no submissions have been received.

BACKGROUND

The property at No. 122 Marine Parade (corner of Napier Street) is zoned Foreshore Centre. Existing development comprises of the Beaches Café on the ground floor with attached two storeys of apartments above (over ground-level garages).

The western façade of the building is particularly in need of improvement.

STAFF COMMENT**Assessment**

The Residential Design Codes do not address such proposals and are not applicable to assessment of the application.

Clause 3.4.4 of Town Planning Scheme No. 2 relates to the Foreshore Centre Zone and states:

It is the intention of the Foreshore Centre Zone to provide for the development of land within the Zone in a manner which -

- *shall preserve the recreational attraction of the area;*
- *shall retain the natural and economic conditions which have in the past caused it to be used for business, entertainment, residential and recreational purposes associated with the foreshore;*
- *shall be of a scale and character consistent with the Residential Planning Code densities applying to the zone and adjoining Residential Zone.*

and that in its consideration of planning applications within the zone Council shall have regard to the following:

- *The preservation of the adjacent foreshore as a primary marine recreation and tourist attraction;*
- *The unity, scale and external appearance of all buildings within the Zone;*
- *The integration of parking areas and vehicular access thereto, with total land usage so as to secure the most convenient, safe and efficient use of land;*
- *The preservation of privacy, views and residential quiet in adjoining residential zones;*
- *The amenity provisions and policies contained in Part V – General Provisions of this Scheme.*

The amenity provisions of Part V – General Provisions relate to Building Height, General Amenity, Privacy Height of Retaining Walls and Appearance of Buildings.

Town Planning Scheme No. 2 does not list specific development standards (e.g. front setback requirements) within the Foreshore Centre zone, which would be applicable to this application.

As such, the proposal is assessed in relation to the purposes and considerations outlined in Clause 3.4.4 and the general amenity provisions of Part V of TPS No. 2 and comment is made as follows:

- There are no proposals to change the use of the existing development and it will remain as a café and apartments. The proposal to upgrade the façade of this mixed use development is considered to enhance the foreshore area as a primary marine recreation and tourist attraction.
- The proposal does not involve a change of scale to the existing building structure.
- No changes are proposed to the existing car parking and vehicular access situation, which occurs on the northern side of the property on Napier Street. The proposal to construct a defined entrance and the general upgrade of the property contributes to better use the land parcel and improve security.

- The wall screens do not interfere with views from adjacent properties, whilst the screens along the existing walkway at ground level will provide more privacy for the residents at 122 Marine Parade as well as those residents at the property to the south. The general upgrade and encasement of servicing equipment is also likely to contribute to less noise emission.
- There are no changes to the height of the existing building.
- In relation to general amenity, the proposal does not interfere with views; no significant trees or heritage buildings are affected; the building materials will be non-reflective; building bulk is not affected; adjoining land does not have a lower density code than the subject property; the new screens will provide visual interest to avoid monotony in the street as a whole; no emissions are proposed; air flows will not be impeded; privacy is enhanced; no overshadowing occurs over neighbouring properties; no changes are proposed to activity and service equipment is to be upgraded.
- No new windows or raised verandah and terraces are proposed, so privacy is not adversely affected. The new screens along the walkway will improve privacy for the subject property and for the neighbours.
- No high retaining walls are proposed.
- The upgrading of the buildings is considered to improve the amenity of the surrounding area.

The proposed works, therefore, comply with the requirements of the Scheme.

Design Advisory Panel

The application went before the DAP at its meeting held on 12 February 2007.

The architect Adrian Iredale presented the proposal to upgrade the exterior of the building and outdoor spaces, ultimately including the facades, parking area, courtyard and al fresco area; most likely in stages. Coloured plans, a model and sample materials illustrated this.

The applicant advised that the objective is to improve the streetscape and amenity of the site and development, in terms of form, function, weather protection, security and aesthetics; not only to the public streetscapes but also for the café patrons and residents of the apartments.

This overall concept included a canopy / awning to the two frontages of the building and possibly larger balconies. Attention would also be paid to the courtyard and service areas with landscaping and screening.

The Panel and Councillors expressed support for the proposal in-principle as a worthwhile upgrade of the building (and as part of the overall beachfront). No particular comment was made about the detailed / innovative design or materials and

finishes, indicating general acceptance of and no objection to this approach at this stage.

Environmental Health

Council's Environmental Health Officer has advised that any changes to the area occupied by the café will require separate application for EHO approval prior to commencement of works. Any such plans would need approval of the strata owners before submitting to Council.

Although no changes to the café are proposed as part of this application, it is recommended that a footnote be included to the applicant to advise of this accordingly.

Building Requirements

Council's Principal Building Surveyor has advised that all affected rust and areas of concrete cancer are required to be treated as part of this upgrading.

Structural engineer's certification is required for the concrete prior to the cladding. Damage is noticeable to all elevations, however, the worst damage appears on the western elevation.

Restoration works were meant to be done as part of a strata application in 2005.

CONCLUSION

The proposal positively addresses the considerations of Clause 3.4.4 of TPS2 for development within the Foreshore Centre zone and complies with the general amenity provisions of Part V.

The screening and new entrance will provide an improved and more interesting frontage to Marine Parade, contributing to the amenity of the streetscape and has gained support from the DAP.

In addition, the proposed works behind the street frontage will improve the privacy and amenity of the residents of the units on the site, as well as provide a better outlook for the adjoining property to the south.

Upgrading and streetscape improvement is encouraged within the beachfront area and the submitted application is supported accordingly. As similar design treatments in any proposed new building or redevelopment would in most likely also be supported, there appears to be no reason why they should not be allowed or encouraged as additions to an existing building.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the wall screens, covered entry and upgrading of the outdoor living area at No. 122 (Lot 1) Marine Parade, Cottesloe, in accordance with the plans submitted on 25 January 2007, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) 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) Stormwater runoff from any paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and any gutters or downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.**
- (d) The screen surfaces being of a low-reflectivity and treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby properties or the public domain following completion of the development.**
- (e) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- (f) Full structural engineering details and certification shall be provided at building licence stage.**

Footnote to Approval:

Any proposed changes to the café requires separate application to and approval by Council's Environmental Health Officer prior to the commencement of works.

Carried 9/0

**11.1.6 NO. 36 (LOT 11) HAWKSTONE STREET – PROPOSED GREEN-TITLE
SUBDIVISION OF ONE LOT INTO TWO LOTS**

File No: 36 Hawkstone Street
Author: Mr Andrew Jackson
Attachments: Location plan
Subdivision plan
Author Disclosure of Interest: Nil
Report Date: 13 March 2007
Senior Officer: Mr Stephen Tindale

Property Owner: Elinor Jean Penman Dewar
Applicant: Links Surveying
Date of Application: 13 March, 2007

Zoning: Residential
Density: R20
Lot Area: 893m²
M.R.S. Reservation: N/A

BACKGROUND

- Council at its February meeting deferred this item due to a query raised by Council.
- That query was whether clause 3.1.2 A2 ii of the Residential Design Codes (RDC; page 45, extract attached) has a bearing on the matter.
- This has since been examined and the following advice is now provided.
- Clause 3.1.2 starts on page 44 of the RDC and is headed *Additional Site Area Requirements/Concessions*, and relates to development rather than subdivision.
- Note that it is clause 3.1.3 of the RDC: *Variation to the Minimum Site Area Required*, which addresses subdivision, as covered in the previous assessment report.
- Point A2 ii of the clause reads: “*In the case of a rear battleaxe site ...*” (underlining added).
- Clearly, the clause is about rear battleaxe lots only, as referred to twice therein, rather than about side-by-side lots, as with the subject proposal, so it does not affect that proposal.
- On this basis, the RDC clause raised does not apply to this subdivision proposal and hence the original recommendation remains.
- For convenience the previous report and recommendation is reproduced in full below.

PROCESS

- Coincidentally, the Department for Planning and Infrastructure (DPI) has sought Council’s recommendation on the subdivision proposal, given the time limits for comment and determination.
 - In these circumstances, the Town has written to the DPI advising of the assessment conclusion and recommended reasons for refusal, for the Western Australian Planning Commission (WAPC) to have regard to, subject to confirmation of Council’s position in March.
-

- It is noted that the WAPC may determine the application in the meanwhile.

PREVIOUS REPORT

The purpose of this report is to make a recommendation to the Western Australian Planning Commission (WAPC) on the above subdivision application.

There is a need to present this item to Council in order to achieve the timeline for a reply to the WAPC so that Council's comments will be received and taken into account – especially because the proposal is non-compliant and refusal is in order.

STRATEGIC IMPLICATIONS

This proposal for two under-sized lots would be contrary to orderly and proper planning and would create an undesirable precedent for further subdivision contrary to the density control, lot pattern and residential character of the locality.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes (RDC)

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

CONSULTATION

Neighbour notification is not required for subdivision referrals from the Western Australian Planning Commission, as Council considers the wider community interest.

BACKGROUND

Under TPS2 the property is zoned Residential with a density code of R20. The lot is 893m² in area.

There is an existing brick-and-tile residence on the lot and a separate detached brick garage/shed building to the rear in the north-east corner.

A 5m wide Right of Way (ROW No. 14B) abuts the subject property to the north and east sides. Parts of this ROW remain unsealed.

The levels of the land fall diagonally across the site from the street to the rear north-east corner by approximately 3m.

DISCUSSION*PROPOSAL*

It is proposed to subdivide the existing 893m² property to create two single-residential green-title lots of 447m² and 446m².

The proposal would involve the demolition of the existing house and outbuildings.

No planning or other justification has been provided in support of the proposal, which can only be assumed is a speculative proposal. No information is available regarding any intended new development in relation to the proposed lots.

It is noted that there are no truncations proposed where the existing property boundaries form corners to the ROW. Subdivision would normally involve the provision of truncations at these corners. Furthermore, sections of ROW 14B which abuts the property remain unsealed and un-drained in relation to the proposal, whereby upgrading would normally be required.

RESIDENTIAL DESIGN CODES

No. 36 (Lot 11) Hawkstone Street has a residential density coding of R20 (ie essentially single residential recognising the existing urban development.

Under the R20 standard Table 1 of the Residential Design Codes requires a minimum lot area of 440m² and an average lot area of 500m² per single house or grouped dwelling.

Acceptable Development Provision 3.1.3 A3 v. of the RDC goes on to make allowance in areas coded R20 at the time of the gazettal of the Codes (as in this case) for grouped dwellings to have a reduced average site area of 450m².

The lots proposed are 447m² and 446m². Although this meets the minimum site area requirement for green-title subdivision, it falls short of the 500m² average, which is also an important criterion in terms of manageable development. In addition, even if the proposal were for two survey-strata title lots, it would be required to comply with the average site area of 450m², which it does not achieve.

Under the RDC the WAPC may approve the creation of a lot of lesser area than that specified in Table 1, provided that the variation would meet the following Performance Criteria of Clause 3.1.3:

- Be no more than five per cent less in area than that specified in Table 1; and*
 - Facilitate protection of an environmental or heritage feature; or*
 - Facilitate the development of lots with separate and sufficient frontages to more than one street; or*
 - Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
 - Allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or*
 - Achieve special objectives of the local government Scheme and, where applicable, the Local Planning Strategy.*
-

The first dot-point must be met to qualify for possible reduction in site area, whilst at least one of the other dot points must also apply as the basis for allowance of the proposal.

A site area being 5% less than the 500m² average required for single dwellings in R20 areas is 475m². Neither of the proposed lots complies with this, therefore, the Performance Criteria can not be applied in this instance.

Also, Table 1 of the RDC requires a 10m minimum frontage for lots with an R20 coding. The lots proposed have frontages of 10.06m each which satisfies this requirement.

BUILDING CODES OF AUSTRALIA REQUIREMENT

Not applicable.

HERITAGE IMPLICATIONS

There are no heritage implications associated with this subdivision application.

CONCLUSION

Clearly the proposed subdivision does not comply with the density and site area requirements of the Residential Design Codes for R20-coded land.

Even considering a possible up to 5% reduction in site area as may be applied by the WAPC as a guided discretion, the proposal does not comply.

Should the applicant propose two survey-strata titled lots with common property, the application would still not comply with the average site area requirements for grouped dwellings and could not be supported.

In conclusion, given that the proposal does not comply with the density and site area requirements of the Residential Design Codes, it is recommended that the subdivision application be not supported.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision at No. 36 (Lot 11) Hawkstone Street, Cottesloe (WAPC Ref No: 133596), for the following reasons:

- (1) The proposed lots fail to comply with the average site area requirement for R20-coded land as stipulated in Table 1 of the Residential Design Codes.*
- (2) The proposed lots fail to comply with Acceptable Development Criteria A3 of Clause 3.1.3 of the Residential Design Codes.*
- (3) The proposed lots fail to comply with the Performance Criteria of Clause 3.1.3 of the Residential Design Codes.*
- (4) The proposal is contrary to the orderly and proper planning and the preservation of the amenity of the locality.*

- (5) *The undersized lots would compromise the development requirements for dwellings at R20 density thereby representing sub-standard development.*
- (6) *Approval to the proposal would create an undesirable precedent for the proliferation of undersized lots in the locality, contrary to the predominant established lot pattern and residential character.*
- (7) *No justification for the proposal has been provided in any case.*

CONCLUSION

- The query raised at Council has been examined and is not relevant to the matter.
- Hence the previous recommendation is in order as re-presented below.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee acknowledged the advice contained in this further report and the Manager Development Services advised that the subdivision application had been refused by the Western Australian Planning Commission.

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision at No. 36 (Lot 11) Hawkstone Street, Cottesloe (WAPC Ref No: 133596), for the following reasons:

- (1) The proposed lots fail to comply with the average site area requirement for R20-coded land as stipulated in Table 1 of the Residential Design Codes.**
- (2) The proposed lots fail to comply with Acceptable Development Criteria A3 of Clause 3.1.3 of the Residential Design Codes.**
- (3) The proposed lots fail to comply with the Performance Criteria of Clause 3.1.3 of the Residential Design Codes.**
- (4) The proposal is contrary to the orderly and proper planning and the preservation of the amenity of the locality.**
- (5) The undersized lots would compromise the development requirements for dwellings at R20 density thereby representing sub-standard development.**
- (6) Approval to the proposal would create an undesirable precedent for the proliferation of undersized lots in the locality, contrary to the predominant established lot pattern and residential character.**
- (7) No justification for the proposal has been provided in any case.**

Carried 9/0

11.2 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.2.1 AIR-CONDITIONING CONDITION – NOTICE OF MOTION – 15/2007****NOM DATE: 13 MARCH 2007 COMMITTEE COMMENT**

Author: Mr Andrew Jackson
Councillor: Cr Walsh

BACKGROUND

In the past Council has generally applied the following standard condition to development approvals in relation to air-conditioning – the underlining is added to emphasise wording subject to review by this notice of motion:

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.

Recently Council has in some instances modified this as follows:

Air-conditioning plant and equipment is to be located away from the boundaries of adjoining properties and closest to the proposed dwelling, and suitably housed or treated, so as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

At Council there has been discussion about the efficacy of making these modifications standard, because they may not suit all situations. For example:

- Where there is limited space between a dwelling and the fence with an adjacent property.
- Elevated air-conditioning plant/equipment, such as to a balcony, wall or roof.
- Units located close to a boundary and facing to blow inwards.

Subsequent to Council discussion at the February meeting, Cr Walsh has, having regard to the above, formed a Notice of Motion to refine the modified condition as follows:

“Air-conditioning plant and equipment is to be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated, so as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.”

The objective is to guide the sensible location of air-conditioning plant and equipment to manage noise and minimise complaints, and in this respect the intent of the proposed refinement can be appreciated.

The advantage of the latest suggestion by Councillor Walsh is that it no longer refers to boundaries, while still promoting the principle that air-conditioning units are separated more from neighbouring dwellings than their own dwelling, in order to reduce potential noise impact.

STAFF COMMENT

Upon further examination, it is considered that this would also benefit from some slight additional improvements as follows; wording changes shown ~~struck-out~~ and in **bold**:

*Air-conditioning plant and equipment ~~is to~~ **shall** be located closer to the proposed dwelling than the adjoining dwellings, ~~and~~ or suitably housed or treated as may be necessary, so as to ensure that sound levels emitted ~~from equipment~~ shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.*

This offers the following refinements:

- Uses mandatory language in *shall*, which strengthens the effect of the condition.
- Qualifies that housing or treatment may or may not be necessary, depending on location and design; that is, if plant and equipment meets sound levels they do not need to be housed or treated to meet the noise levels, and vice versa.
- Removes superfluous words.

It is assessed that the further refined condition would guide the matter well while being sufficiently flexible to cater for differing circumstances.

It is recommended that Council adopts this standard condition accordingly.

SIMILAR POOL EQUIPMENT CONDITION

Cr Walsh has also suggested the same approach to improve the standard condition for pool equipment, which uses similar wording as follows:

The pool pump and filter are to be located as far as practicable from the boundary of adjoining properties and housed or treated in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.

If likewise revised it would read as follows (changes shown in **bold**):

*The pool pump and filter **shall** be located **closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary**, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.*

This change is also recommended.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the intent and efficacy of the suggested improved conditions, including the various situations that arise. The Manager Development Services advised about this sort of development control and conditions generally and how policy could address more detailed requirements.

11.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council adopt the following revised standard conditions in relation to the control of air-conditioning and pool equipment:

- (1) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined specified in the Environmental Protection (Noise) Regulations 1997.**

- (2) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.**

Carried 9/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 20 MARCH 2007

Moved Cr Miller, seconded Cr Cunningham

That items 12.1.3, 12.1.5, 12.1.7, 12.1.8 and 12.2.2 be withdrawn from en-bloc voting.

Carried 9/0

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

12.1 ADMINISTRATION**12.1.1 OCCUPATIONAL SAFETY AND HEALTH**

File No: X9.10
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 12 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to seek support for a budget review to facilitate the purchase and development of a job safety analysis (JSA) computer program to prepare task risk assessments. It is recommended that this proposal is supported.

STATUTORY ENVIRONMENT

Occupational Safety and Health Regulations 1996

Part 3 – Division 1 – Section 3.1 Identification of hazards, and assessing and addressing risks, at workplaces.

A person who, at a workplace, is an employer, the main contractor, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must, as far as practicable -

(a) identify each hazard to which a person at the workplace is likely to be exposed;

(b) assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and

(c) consider the means by which the risk may be reduced.

Penalty: the regulation 1.16 penalty.

(i) for a first offence, \$50 000; and

(ii) for a subsequent offence, \$62 500.

POLICY IMPLICATIONS**OCCUPATIONAL SAFETY & HEALTH**

POLICY

The Town of Cottesloe is committed to providing working conditions and to instilling work practices which minimise the risk of physical harm to all staff.

Responsibility for implementing the policy rests with the Chief Executive Officer.

Accident prevention is the joint responsibility of management and employees, and is an important part of everyone's daily activities. Through increased awareness by and commitment of the whole work force, the majority of accidents **CAN** be prevented by the continued identification and removal of hazards.

It is the Council's objective to ensure that all equipment is correctly maintained, to eliminate serious injuries and to reduce minor injuries to minimum levels.

All staff members at **all** levels are requested to read and follow their 'Safety Handbook' and 'Employee Manual'.

To achieve the objectives of its policy, the Council will:

- Provide and maintain a safe work environment, a safe system of work and maintain equipment and harmful substances in a safe condition,
- Provide adequate facilities for the welfare of its employees at the workplace,
- Provide such information, instruction, training and supervision as are reasonably necessary to ensure that each employee is safe from injury and risks to health,
- Monitor the health and welfare of employees where necessary,
- Provide adequate information, instruction and training to supervisory personnel so that they can fulfil their responsibilities to their staff, and
- Seek the commitment and involvement of all employees in the safety and health programme.

This policy will be kept under continuous review by the Council and employees and will be formally reviewed every two years.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of JSA program, including 4 modules tailored to local government and two hours set up time - \$1,500 + 10% GST.

Additional training and assistance - \$600 + 10% GST per day for 2 days.

The total cost of \$2,970 can be found from within existing occupational safety and health budgets from all departments.

BACKGROUND

The Occupational Safety and Health Committee has found that the record of identification of workplace risks and analysis is no longer being maintained. The Job Safety Analysis system which was installed some years ago has been lost with the various computer updates.

As outlined above, the identification of each hazard to which a person at the workplace is likely to be exposed; the assessment of risk of injury or harm to a person resulting from each hazard and consideration of the means by which the risk may be reduced is a statutory responsibility of the CEO.

Although the item was budgeted for purchase in the 2005/2006 budget, it was felt that this requirement could possibly be accommodated in the new Authority computer operating system. Discussions with the providers of the Authority system have revealed that there is currently no provision for this function in the existing program. Further assessment reveals that it is considerably more cost effective to purchase a program developed specifically suited to this purpose.

The updated and more user friendly job safety analysis program is designed to enable staff, including those with limited computer skills, to prepare a job safety analysis of specific tasks within a short timeframe and store it for future reference on the system.

CONSULTATION

Nil

STAFF COMMENT

Where any employee is exposed to a hazard in the workplace, this hazard must be identified and documented. A risk assessment of the hazard will determine if there is a risk of harm or injury to the employee and the final step will identify how the risk can be minimized. In some circumstances where a risk can not be minimized, it may be determined that the risk of harm is too high and the employee can not perform this task. Alternatively, the use of protective equipment may sufficiently reduce a risk to within an acceptable level. This can not be accurately determined without the aid of a risk assessment device that is able to calculate the risk exposure.

The job safety analysis program, known as the Hazid Pack program is a simple and user friendly system that has been tailored to suit the specific site requirements of the tasks undertaken by employees of Local Government, particularly those in the outside work force. It includes a comprehensive database of generic, hazard based questions that are supported by a computer generated set of exposure avoidance controls.

The program saves time that it would normally take to prepare individual JSA work sheets and saves employees having to think of every conceivable risk and control applicable to every situation. It also removes the potential to introduce personal bias, for critical omissions and it allows flexibility to apply to individual situations.

In addition to the efficiencies and safe work procedures outlined, the job safety analysis sheets provide a record of tasks that can be used to assist new staff in

understanding their duties. It also demonstrates that the organization is committed to supporting safe work practices and staff will be more likely to be more diligent in working to these procedures.

In the event of an accident in the workplace resulting in harm or injury to an employee, the absence of job safety analysis sheets may result in the Town of Cottesloe being prosecuted for a breach of the Occupational Safety and Health Regulations.

VOTING

Absolute Majority

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council supports:

- (1) The purchase and development of a job safety analysis computer program, the Hazid Pack program, to prepare task risk assessments as required by the *Occupational Safety and Health Regulations 1996*; and**
- (2) The use of budgeted funds from the Occupational Safety and Health provisions in the current budget of individual departments for this purpose.**

Carried 9/0

12.1.2 STATION STREET - PROPOSED REDVELOPMENT OF COUNCIL LAND

File No: X15.9
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to request Council staff to prepare a further report on a process to be followed in developing Council land in Station Street for mixed use and public parking purposes.

STATUTORY ENVIRONMENT

Sections 3.57 to 3.59 of the *Local Government Act 1995* have particular application and are reproduced in full below.

3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.

3.59. Commercial enterprises by local governments

(1) In this section

acquire has a meaning that accords with the meaning of dispose

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

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to

(a) acquire or dispose of an interest in land or

(b) develop land

major land transaction means a land transaction other than an exempt land transaction if the total value of

(a) the consideration under the transaction and

(b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition

major trading undertaking means a trading undertaking that

(a) in the last completed financial year, involved or

(b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.

(2) Before it

- (a) commences a major trading undertaking
- (b) enters into a major land transaction or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of

- (a) its expected effect on the provision of facilities and services by the local government
- (b) its expected effect on other persons providing facilities and services in the district
- (c) its expected financial effect on the local government
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56
- (e) the ability of the local government to manage the undertaking or the performance of the transaction and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to

- (a) give Statewide public notice stating that
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

*** Absolute majority required.**

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may

(a) prescribe any land transaction to be an exempt land transaction?

(b) prescribe any trading undertaking to be an exempt trading undertaking.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Since 1999 Council has looked at the redevelopment of Council-owned land in Station Street on several occasions.

In more recent times (July 2003) Council decided to defer a decision to invite comment on a design concept for a two level 115 bay car park over the drainage basin in Station Street and the potential sale of the existing 46 bay car park to fund the project until other development options had been explored.

The decision followed a presentation at an earlier Works and Corporate Services Committee meeting which was made by representatives of Australian Property Systems Limited (APSL).

They indicated that they had the expertise to present a solution for the development of vacant Council land in Station Street which would satisfy both the needs of the Town of Cottesloe and BP Australia and maximise the return to both parties.

A further presentation by APSL resulted in a request being made to them to document their solution and put a formal submission to Council.

Their subsequent submission was considered by Council and in February 2004 Council decided to seek registrations of interest from land developers or consultants willing to manage the development of Council land in Station Street.

A brief for the expressions of interest was worked up and six expressions of interest were received by the closing date and came from but however none of those who lodged an expression of interest went anywhere near addressing all of the selection criteria and expressions of interest were subsequently recalled.

Revised documentation addressing the selection criteria was received from the following five companies.

- Australian Development Consultants;
- Edit Developments;
- Jamac Properties;
- Olympic Holdings;
- Property Resources Consulting.

Following an analysis of the documentation, a staff recommendation was made to seek tenders from Property Resources Consulting Pty Ltd and Australian Development Consultants for the redevelopment of Council land in Station Street, Cottesloe.

The Committee recommendation to Council was that:

- (1) Council form a reference group, composed of the Mayor and the East Ward Councillors, to assist with the preparation of tender documentation and report back to Council; and
- (2) Property Resources Consulting Pty Ltd and Australian Development Consultants be preliminarily selected as tenderers for the redevelopment of Council land in Station Street, Cottesloe.

However at Council level there was considerable uncertainty as to what Council actually wanted for the two sites and concerns were expressed about the tender process.

It was therefore decided that a community consultation process be initiated before any further work was carried out.

CONSULTATION

Community consultation on the Town Centre was undertaken in late 2005 as a part of Town Planning Scheme review process. The results of the consultation process (*Town Centre Consultation Report* and *Town Centre Concept Plan*) have been published and can be found on Councils website at: www.cottesloe.wa.gov.au/?p=544

The feedback from the consultation process was that:

- Council needed to address the alignment of Curtin Avenue with the Department of Planning and Infrastructure as soon as possible.
- Curtin Avenue and the railway to be aligned.
- Agreement on utilising the open space west of the railway line – potential for small/high density residential interspersed with public open space.
- Increase practicality of the east/west links – consider over/under passes and better use of Jarrad and Forrest Street.
- Maintain Napoleon Street character.
- Consider height to same as “Vivians Corner”
- Create better access to an from the Grove Shopping Centre
- Review parking issues within the town.
- Create some visual amenity.

As a result *Draft Town Planning Scheme No.3* potentially contemplates three-storey mixed-use development in Station Street while Napoleon Street is to retain its essential two-storey retail/office character subject to the minimisation of amenity impacts.

Parking remains a problem in the Town Centre.

More recently short-term parking has been freed up in Napoleon Street with the better enforcement of parking restrictions through the use of Meter- Eye technology. The Town of Cottesloe has received positive feedback in this regard – mainly from residents of the Town.

However the enforcement of parking restrictions has highlighted the plight of long-term parkers (mainly town centre workers) who are averse to parking on the western side of the railway line or along the eastern verge of Railway Street to the north of Forrest Street.

For many years now, parking restrictions have not been enforced in the Council carpark at the corner of Station Street and Railway Street simply because it has become a default long-term carpark in the absence of any practical alternative.

This custom and practice means that short-term parkers (i.e. the very clients of the businesses in the town centre) find it difficult to park.

Quite clearly something needs to change.

A number of private developers continue to make enquiries of the CEO and the Manager of Development Services regarding the potential development of the Council-owned land either in partnership or by outright purchase .

It is suggested that now that Council has had the benefit of community feedback regarding the town centre it would be appropriate to revisit the development of Council-owned land in Station Street.

VOTING

Simple Majority

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council staff be requested to prepare a further report on a process to be followed in developing Council land in Station Street for mixed use and public parking purposes.

Carried 9/0

12.1.3 COTTESLOE CIVIC CENTRE - PROPOSED OFFICE EXTENSION

File No:	C4.6
Attachment(s):	<u>Mustard Catering - Plans and Correspondence</u>
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	The author declares a financial interest in the matter.
Report Date:	14 March, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to undertake community consultation on the proposed redevelopment of the Lesser Hall and Civic Centre.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In December, 2004 Council resolved to confirm its commitment to retaining the Civic Centre as its administrative centre. The decision was made with a view to ensuring that a good standard of office space was provided for staff so that customers could be better served.

Considine and Griffiths Architects were subsequently engaged to prepare architectural plans for potential additions to the Civic Centre.

In order to obtain a better understanding of Cottesloe's specific requirements, they put four options to Council at its June, 2005 meeting namely:-

1. Expand Current Accommodation (Mustard Catering and Rangers to remain in existing locations)
2. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to relocate to Council offices)
3. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to remain in Caretakers Cottage)
4. Construction of a New Administration Building

At its June, 2005 meeting Council decided not to proceed with further exploration of Option 4 which envisaged the construction of a new administration building.

Council also decided to obtain more information on usage options for the Cottesloe Civic Centre. These options were to provide either a commercial or community benefit (or both) with a view to optimising the use of the Civic Centre while at the same time meeting Council and community needs.

To that end, VSA Property prepared a report *Cottesloe Civic Centre – Options for Future Use* which was presented to the December, 2005 meeting of Council.

They recommended that all the existing uses (including the on site catering arrangement) be retained on site if at all possible.

Council subsequently decided that a short-term contract with Mustard Catering should be prepared for Council's consideration. Further, that a design brief be prepared for Council's consideration for extensions based on the relocation of Ranger staff from the Caretakers Cottage and private catering and events coordination remaining on site.

In September 2006 Council decided to proceed with option 2 as it was the only option which delivered in terms of relocating Ranger staff from the Caretakers Cottage and ensuring that private catering and events coordination remained on site.

The option assumes the relocation of Mustard Catering to the Lesser Hall or another on site facility external to the Civic Centre building.

Council was asked to formally support the relocation of Mustard Catering to the Lesser Hall as without Council's support, the preparation of a design brief based on Option 2 had the potential of becoming a wasted and expensive exercise.

Council subsequently passed the following resolution at its September meeting.

That Council:

- (1) *Support the removal of Mustard Catering and the kitchen from the main building of the Civic Centre;*
- (2) *Is willing to consider, subject to community consultation, any proposal for Mustard Catering and/or the kitchen to relocate to the Lesser Hall;*
- (3) *Confirm that a holistic approach is required in ensuring that any office additions and town hall improvements add to the heritage values and useability of the Civic Centre; and*
- (4) *Commission Philip Griffiths Architects to complete a schematic design for the proposed Civic Centre office expansion and upgrade as per their correspondence dated 13 September, 2006.*

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

That Council:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the proposed new administration entrance being more sympathetic to the aesthetics of the existing building.*
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,*
- (3) Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,*
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,*
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,*
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place.*
- (7) Undertake community consultation prior to any budget-setting decision.*

In relation to parts 6 and 7 of Council's resolution, Mustard Catering has now provided plans and preliminary cost estimates for the redevelopment of the Lesser Hall (see attached).

A decision to proceed with community consultation and a decision on the level of community consultation to be undertaken is now required.

CONSULTATION

Nil.

STAFF COMMENT

The plans and preliminary cost estimates were presented to Council's Public Events Committee on the 21st February, 2007 in the context of exploring what the options might be in terms of enhancing community use of the Civic Centre.

Mr Brian Leyden and Mr Greg Corne from Mustard Catering addressed the meeting on their intentions in relation to the operations of Mustard Catering at the Cottesloe Civic Centre and the potential for upgrading the Civic Centre Grounds.

In the absence of any relaxation by the Council of the number and type of events that could be held in the Civic Centre, they felt that their business would essentially remain the same.

Although it wasn't critical to their operations at the Civic Centre, a glass conservatory could be constructed on the Sunken Lawn for somewhere between \$280,000 and \$460,000 based on 2004 prices.

Mustard Catering's immediate plans envisage a new kitchen, manager's office reception area and bridal suites in the Lesser Hall. The preliminary estimated cost of renovations to the hall is \$176,000.

A food regeneration area is also required adjacent to the War Memorial Town Hall and its preliminary estimated cost is \$160,000. The proposed location of the food regeneration area is in the room currently used as a chair and table store. Another space would have to be found at the same floor level for use as a chair and table store.

Mr Leyden indicated that a 10 year lease with options to renew was the general standard for operations like Mustard's and that a lease fee based on percentage of turnover was preferred to current arrangements which were based on a flat lease fee plus room hire charges.

He also indicated that Mustard Catering would have no objection to a commercial valuer examining their books of account and recommending a percentage figure of turnover for the lease. Mr Leyden advised that in the current economic environment, he did not believe that Mustard Catering could meet the full cost of redevelopment in the first instance.

There was some discussion on Mustard Catering's changing operations and willingness to take part in an 'expressions of interest' process.

After Mr Leyden and Mr Corne left the meeting it was agreed that the CEO should prepare 'expressions of interest' documentation for the committee's further consideration and community input.

Mustard Catering is now seeking advice as to when it might be able to recommence operations from the War Memorial Town Hall post construction and what would be acceptable in terms of a contingency plan while the Lesser Hall is redeveloped (see attached correspondence).

These are difficult questions to answer given that;

- an "expressions of interest" process is now being contemplated (i.e. there is no certainty that Mustard Catering will have exclusive use of the War Memorial Town Hall after the office extensions are completed) and
- the Council has yet to formally "...consider, subject to community consultation, any proposal for Mustard Catering and/or the kitchen to relocate to the Lesser Hall."

In order to enable Council's formal consideration of Mustard Catering's proposals, it is recommended that community consultation be commenced on Mustard Catering's proposals as they currently stand.

Under Council's *Community Consultation Policy* the proposed office extensions and redevelopment of the Lesser Hall are considered to relate to an improvement or change in service that relates to the whole of the Town of Cottesloe.

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

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

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

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

Council **might** also want to:

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

DECLARATION OF INTEREST

The author makes a declaration of financial interest in as much as he receives gifts of corporate hospitality, mainly for sporting events, from Mustard Catering. The value of the gifts ranges between \$200 to \$500 per year.

VOTING

Simple Majority

COMMITTEE COMMENT

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

OFFICER RECOMMENDATION

That Council undertake community consultation on the proposed redevelopment of the Lesser Hall and Civic Centre by:

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

- Seeking registrations of interest from residents who would like to participate in focus groups of around 15-20 people led by a trained facilitator.
- Undertaking personal briefings. These are held at the request of a member of members of the local community to discuss a particular issue with a responsible officer.

12.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Mustard Catering be requested to revisit their plan with a view to keeping the Lesser Hall meeting space as is.

Carried 9/0

Mr Andrew Jackson left the meeting at 7.51pm.

12.1.4 STATUTORY COMPLIANCE AUDIT - 2006 RETURN

File No: C7.2
Attachment(s): [Return](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 13 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2006; and
- (2) authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

STATUTORY ENVIRONMENT

Section 7.13 of the *Local Government Act (1995)* provides, in part, that

Regulations may make provision –

- (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –*
 - (i) *of a financial nature or not; or*
 - (ii) *under this Act or another written law.*

Regulation 13 of the *Local Government (Audit) Regulations 1996* sets out the specific areas that are subject to audit.

Regulation 14 of the *Local Government (Audit) Regulations 1996* reads as follows:

14. Compliance audit return to be prepared

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carry out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3) *A compliance audit return is to be –*
 - (a) *presented to the council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

One of the management objectives of Council's *Strategic Plan* is that all procedures and decisions comply with external and internal statutes.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Each year the Department of Local Government and Regional Development issues a compliance audit return that covers a wide range of mandatory actions required of staff, elected members and the Council as whole under the provisions of the *Local Government Act (1995)*.

The return for 2006 has been compiled and a copy is enclosed with this agenda for each Councillor to review and make comment to the Council.

The return must be submitted to the Department of Local Government by 31st March 2007.

CONSULTATION

Nil.

STAFF COMMENT

As can be seen from the attached return, there were two areas where the Town of Cottesloe failed to comply with the requirements of the Act.

1. s5.76(1) requires that each elected member lodge an annual return with the CEO by no later than 31st August.

One elected member was a day late in lodging his return.

2. s3.16(1) requires that within a period of 8 years from the day when a local law commenced (or a report of a review of the local law was accepted) a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

There are no records to indicate that the following local laws have been reviewed within the last eight years.

- Signs, Hoardings and Billposting (1988)
- Eating Houses (1993)
- Health Local Laws (1997)

The return indicates that the organisation is compliant in every other area and therefore fulfilling its role in accordance with the Act.

VOTING

Simple Majority

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Adopt the Compliance Audit Return for 2006 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development; and**
- (2) Carry out a review of the local laws.**

Carried 9/0

12.1.5 FOOTBALL WEST (BEACH SOCCER)

File No: C 2. 1
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation has been made to allow Football West to run a beach soccer competition during the summer of 2007/08.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's *Beach* policy applies (attached).

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

An application has been received from Football West to run a beach soccer competition on Cottesloe beach. The competition will run from November, 2007 to February, 2008 on Wednesday nights between 6.30pm and 8.30pm.

CONSULTATION

Nil

STAFF COMMENT

The Manager Corporate Services has discussed this competition/event with the Senior Ranger. There have been no problems or concerns identified with running the event. Football West is a non-profit organisation that administers soccer within WA. This event would appear to be complementary to the ethos of increasing the utilisation of the beach in a positive fashion.

VOTING

Simple Majority

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That Council approve Football West to run a beach soccer competition during the summer of 2007/08 adjacent to the northern terraces.

Lost 4/5

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council approve Football West to run a beach soccer competition during the summer of 2007/08.

Carried 9/0

12.1.6 EXTENSION OF LIBRARY AGREEMENT

File No: C11. 1
Attachment(s): [Library Agreement](#)
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation has been made to extend a

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The variation deed to the original library agreement dated 29 May, 1997 will expire on 30 June, 2007. The Variation Deed has been operative from 1 July, 2002.

The existing agreement has been satisfactory but there is a need to formalise the current practice whereby the Presiding Member and Deputy Presiding Member positions are rotated amongst the three Council's on an annual basis. Currently the agreement only specifies the positions be filled annually. This has been addressed in the proposed Variation Deed.

CONSULTATION

Nil

STAFF COMMENT

The Library Committee meeting was held on Wednesday, 28 February, 2007 at 2.00pm. It was agreed at this meeting to seek an extension to the existing agreement with the proposed amendment to 30 June, 2009.

VOTING

Simple Majority

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Approve the extension of the Variation Deed of the Joint Library to 30 June, 2009 with the addition of one variation to the original document to formalise the current practice whereby the Presiding Member and Deputy Presiding Member positions are rotated yearly between the three Councils; and**
- (2) Convey the decision made to the next meeting of the Library Management Committee.**

Carried 9/0

12.1.7 EMPLOYMENT OF A THIRD PERMANENT RANGER

File No: C15
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 9 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to employ a third permanent Ranger.

STATUTORY ENVIRONMENT

Sec. 5.36 of the *Local Government Act (1995)* provides, in part, the following:

5.36. Local government employees

- (1) A local government is to employ
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (3) A person is not to be employed by a local government in any other position unless the CEO
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An annual saving of approximately \$4,000 is anticipated by changing from our current two Rangers plus casuals roster to a three Rangers roster (see table in Staff Comment).

BACKGROUND

The Town of Cottesloe has been operating with two full-time Rangers for the last four-five years. Over this period additional shifts were allocated to five or six casual Rangers to ensure comprehensive Ranger service coverage of the suburb seven days a week.

Recent changes in economic conditions including the increase in demand for labour have resulted in the gradual loss of casual Ranger staff to other local governments.

The Senior Ranger has unsuccessfully contacted other Councils, the Rangers Association and TAFE in an attempt to replace these casual staff members.

The introduction of Meter-Eyes parking management system, and probable expansion, is compounding the staff shortage. The subsequent increase in parking infringements has a corresponding rise in related administrative work.

CONSULTATION

Nil

STAFF COMMENT

The reduction in casual Ranger staff has resulted in reduced service coverage – particularly in the morning on the weekends. The two full-time staff (the Senior Ranger and Ranger) are having to put in levels of overtime that are not sustainable in maintaining a minimum seven day service. There is a reliance on one casual Ranger who has remained available for work. We are able to get an occasional shift from some of our casuals but the majority have accepted full-time roles with other local governments - who have actively targeted our casual staff for permanent roles.

The advantages of employing a third Ranger include a more efficient Ranger service; a small saving in costs due to reduced overtime for the existing staff (see table below) and an improved service to residents since the Ranger that begins dealing with a situation is able to see it through.

It also reduces the risk of permanently losing our last reliable casual staff member by offering him permanent status with the Town of Cottesloe.

Cost comparison between 2 and 3 Rangers:

	<i>Summer Roster</i>	<i>Winter Roster</i>	<i>Total</i>
2 Rangers + Casual	\$97,835	\$62,872	\$160,707
3 Rangers	\$91,691	\$65,022	\$156,713

The most significant argument for changing to three Rangers is to allow for the increased workload that will be coming with the probable expansion of Meter-Eyes. The table below summarises the information relating to the trial for Meter-Eyes at Napoleon Street.

Statistics for Meter Eyes trial from 20/1/06 – 13/3/06 and 21/1/07 – 12/3/07

	2006	2007
Napoleon Street Revenue	\$3,570	\$12,390
Other Streets Revenue	\$4,270	\$5,810
Napoleon Street Infringements	102	354
Other Streets Infringements	122	166
Napoleon Street Percentage	45%	68%

The table shows a significant increase in the number of infringements that have been written for Napoleon Street in 2007 due to the installation of Meter-Eyes and the ease of improved monitoring of the area.

VOTING

Simple Majority

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council endorse the employment of a third permanent Ranger.

Carried 9/0

12.1.8 PURCHASING POLICY

File No:	X 4.11
Attachment(s):	<u>Extract from Government Gazette – Local Government (Functions and General) Amendment Regulations 2007 – New Regulation 11A Purchasing Policies Current Purchasing Policy</u>
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Report Date:	9 March, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation has been made to adopt a new *Purchasing Policy*.

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995* reads as follows:

3.57. Tenders for providing goods or services

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

Regulation 11 of the *Local Government (Functions and General) Regulations* is to be preceded by a new Regulation 11A (see attached extract from the *Government Gazette* of 2 February 2007).

Regulation 11(1) of the *Local Government (Functions and General) Regulations* is to be amended by increasing the current tender threshold from \$50,000 to \$100,000.

POLICY IMPLICATIONS

The current *Purchasing Policy* is attached.

STRATEGIC IMPLICATIONS

The following applies from Council's *Strategic Plan*:

Management/Financial Accountability: Staff are responsible and accountable for the management of Council finances and continually seek improved efficiency.

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The WA Local Government Association (WALGA) has prepared a model purchasing policy which was distributed to all Councils on 19 January, 2007.

In preparing this policy, the WALGA has consulted widely and reviewed more than 30 existing local government purchasing policies. Other information has been reproduced from model documentation supplied by the State Supply Commission.

The model policy provides a framework that will assist the Town of Cottesloe to meet the minimum legal purchasing requirements contained in new regulations that take effect on 30th March 2007.

CONSULTATION

Nil

STAFF COMMENT

The new policy provides a significantly more comprehensive guide to purchasing and tenders. It has additional information on:

- why there is a requirement for a purchasing policy;
- the ethics and integrity inherent within this policy;
- sustainable procurement;
- clearly specified threshold limits. The main change here is the requirement for tender has increased from \$50,000 to \$100,000.

This policy will ensure that the Town of Cottesloe complies with modifications made to the *Local Government Act (Functions and General) Regulations, 1996* (to be amended on 30th March, 2007).

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Utting, seconded Mayor Morgan

That Council adopt the following *Purchasing Policy* to take effect as of 30 March, 2007.

PURCHASING**OBJECTIVES**

- To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- To deliver a best practice approach and procedures to internal purchasing for the Town of Cottesloe.
- To ensure consistency for all purchasing activities that integrates all of the Town of Cottesloe's operational areas.

PRINCIPLE

The Town of Cottesloe is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Town of Cottesloe with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Town of Cottesloe receives value for money in its purchasing.
- Ensures that the Town of Cottesloe considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Town of Cottesloe is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Town of Cottesloe's purchasing practices that withstands probity.

ETHICS & INTEGRITY

All officers and employees of the Town of Cottesloe shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Town of Cottesloe.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Town of Cottesloe policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Town of Cottesloe by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Town of Cottesloe. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

SUSTAINABLE PROCUREMENT

- Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.
- The Town of Cottesloe is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Town of Cottesloe's sustainability objectives.
- Practically, sustainable procurement means the Town of Cottesloe shall endeavour at all times to identify and procure products and services that:
 - Have been determined as necessary;
 - Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
 - Demonstrate environmental best practice in water efficiency.

- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;
- For new buildings and refurbishments – where available use renewable energy and technologies.

PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

AMOUNT OF MODEL POLICY PURCHASE	
UP TO \$1,000	DIRECT PURCHASE FROM SUPPLIERS REQUIRING ONLY TWO VERBAL QUOTATIONS.
\$1,001 - \$19,999	OBTAIN AT LEAST THREE VERBAL OR WRITTEN QUOTATIONS.
\$20,000 - \$39,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS
\$40,000 - \$99,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS CONTAINING PRICE AND SPECIFICATION OF GOODS AND SERVICES (WITH PROCUREMENT DECISION BASED ON ALL VALUE FOR MONEY CONSIDERATIONS).
\$100,000 AND ABOVE	CONDUCT A PUBLIC TENDER PROCESS.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Up to \$1,000

- (a) Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.
- (b) This purchasing method is suitable where the purchase is relatively small and low risk.
- (c) Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains a sample form for recording verbal quotations.

\$1,001 to \$19,999

- (a) This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.
- (b) At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.
- (c) The general principles for obtaining verbal quotations are:
 - Ensure that the requirement / specification is clearly understood by the Town of Cottesloe employee seeking the verbal quotations.
 - Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
 - Read back the details to the Supplier contact person to confirm their accuracy.
 - Written notes detailing each verbal quotation must be recorded.
- (d) Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains sample forms for recording verbal and written quotations.

\$20,000 to \$39,999

- (a) For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).
 - (b) The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.
 - (c) NOTES: The general principles relating to written quotations are:
 - An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
 - The request for written quotation should include as a minimum:
-

Written Specification
Selection Criteria to be applied
Price Schedule
Conditions of responding
Validity period of offer

- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
 - Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
 - Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
 - Respondents should be advised in writing as soon as possible after the final determination is made and approved.
- (d) The *Local Government Purchasing and Tender Guide* produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

\$40,000 to \$99,999

- (a) For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.
- (b) The *Local Government Purchasing and Tender Guide* has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.
- (c) For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

REGULATORY COMPLIANCE

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the *Local Government Act 1995*;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), regional council, or another local government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

- Any of the other exclusions under Regulation 11 of the *Functions and General Regulations* apply.

Sole Source of Supply (Monopoly Suppliers)

- The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.
- Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

- The Town of Cottesloe shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

Tender Criteria

- The Town of Cottesloe shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.
- For Requests with a total estimated (Ex GST) price of:
 - Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
 - \$100,000 and above, the panel must contain a minimum of 3 members.

Advertising Tenders

- Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.
 - The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.
 - The notice must include;
 - a brief description of the goods or services required;
 - information as to where and how tenders may be submitted;
 - the date and time after which tenders cannot be submitted;
 - particulars identifying a person from who more detailed information as to tendering may be obtained;
-

- detailed information shall include;
 - such information as the Town of Cottesloe decides should be disclosed to those interested in submitting a tender;
 - detailed specifications of the goods or services required;
 - the criteria for deciding which tender should be accepted;
 - whether or not the Town of Cottesloe has decided to submit a tender; and
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

- Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.
- This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Town of Cottesloe not to compromise its Duty to be Fair.

Tender Deadline

- A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

- No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.
- Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.
- Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Town of Cottesloe. Members of the public are entitled to be present.
- The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Town of Cottesloe Officers present at the opening of tenders.

No Tenders Received

- Where the Town of Cottesloe has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:
 - a sufficient number of quotations are obtained;

- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

- Tenders that have not been rejected shall be assessed by the Town of Cottesloe by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

- If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Town of Cottesloe may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

- If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Town of Cottesloe and tenderer have entered into a Contract, a minor variation may be made by the Town of Cottesloe.
- A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

- Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:
 - The name of the successful tenderer
 - The total value of consideration of the winning offer
- The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

- All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - Tender documentation;
 - Internal documentation;
 - Evaluation documentation;
 - Enquiry and response documentation;
 - Notification and award documentation.

- For a direct purchasing process this includes:
 - Quotation documentation;
 - Internal documentation;
 - Order forms and requisitions.
- Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Town of Cottesloe's internal records management policy.

RESOLUTION NO: 12.1.8

ADOPTION: 26 March 2007

REVIEW: March, 2011

(Replaces April 2003 policy)

COUNCIL COMMENT

Cr Utting raised concern that there is no clause within the proposed policy that requires all materials and products used in Cottesloe projects should be made in Australia, unless permission is obtained from Council to use foreign goods and that all labour be undertaken by Australian citizens.

OFFICER AND COMMITTEE RECOMMENDATION

That Council adopt the following *Purchasing Policy* to take effect as of 30 March, 2007.

PURCHASING

OBJECTIVES

- To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- To deliver a best practice approach and procedures to internal purchasing for the Town of Cottesloe.
- To ensure consistency for all purchasing activities that integrates all of the Town of Cottesloe's operational areas.

PRINCIPLE

The Town of Cottesloe is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Town of Cottesloe with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.

- Ensures that the Town of Cottesloe receives value for money in its purchasing.
- Ensures that the Town of Cottesloe considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Town of Cottesloe is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Town of Cottesloe's purchasing practices that withstands probity.

ETHICS & INTEGRITY

All officers and employees of the Town of Cottesloe shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Town of Cottesloe.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Town of Cottesloe policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Town of Cottesloe by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Town of Cottesloe. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

SUSTAINABLE PROCUREMENT

- Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.
- The Town of Cottesloe is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Town of Cottesloe's sustainability objectives.
- Practically, sustainable procurement means the Town of Cottesloe shall endeavour at all times to identify and procure products and services that:
 - Have been determined as necessary;
 - Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
 - Demonstrate environmental best practice in water efficiency.
 - Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
 - Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
 - For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;

- For new buildings and refurbishments – where available use renewable energy and technologies.

PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

AMOUNT OF MODEL POLICY PURCHASE	
UP TO \$1,000	DIRECT PURCHASE FROM SUPPLIERS REQUIRING ONLY TWO VERBAL QUOTATIONS.
\$1,001 - \$19,999	OBTAIN AT LEAST THREE VERBAL OR WRITTEN QUOTATIONS.
\$20,000 - \$39,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS
\$40,000 - \$99,999	OBTAIN AT LEAST THREE WRITTEN QUOTATIONS CONTAINING PRICE AND SPECIFICATION OF GOODS AND SERVICES (WITH PROCUREMENT DECISION BASED ON ALL VALUE FOR MONEY CONSIDERATIONS).
\$100,000 AND ABOVE	CONDUCT A PUBLIC TENDER PROCESS.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Up to \$1,000

- (d) Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.
- (e) This purchasing method is suitable where the purchase is relatively small and low risk.
- (f) Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains a sample form for recording verbal quotations.

\$1,001 to \$19,999

- (e) This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.
- (f) At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.
- (g) The general principles for obtaining verbal quotations are:
 - Ensure that the requirement / specification is clearly understood by the Town of Cottesloe employee seeking the verbal quotations.
 - Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
 - Read back the details to the Supplier contact person to confirm their accuracy.
 - Written notes detailing each verbal quotation must be recorded.
- (h) Record keeping requirements must be maintained in accordance with record keeping policies. The *Local Government Purchasing and Tender Guide* contains sample forms for recording verbal and written quotations.

\$20,000 to \$39,999

- (e) For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).
- (f) The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.
- (g) NOTES: The general principles relating to written quotations are;
 - An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
 - The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
 - Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
 - Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
 - Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.

- Respondents should be advised in writing as soon as possible after the final determination is made and approved.
- (h) The *Local Government Purchasing and Tender Guide* produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

\$40,000 to \$99,999

- (d) For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.
- (e) The *Local Government Purchasing and Tender Guide* has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.
- (f) For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

REGULATORY COMPLIANCE

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the *Local Government Act 1995*;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), regional council, or another local government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Functions and General Regulations* apply.

Sole Source of Supply (Monopoly Suppliers)

- The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

- Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

- The Town of Cottesloe shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

Tender Criteria

- The Town of Cottesloe shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.
- For Requests with a total estimated (Ex GST) price of:
 - Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
 - \$100,000 and above, the panel must contain a minimum of 3 members.

Advertising Tenders

- Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.
- The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.
- The notice must include;
 - a brief description of the goods or services required;
 - information as to where and how tenders may be submitted;
 - the date and time after which tenders cannot be submitted;
 - particulars identifying a person from who more detailed information as to tendering may be obtained;
 - detailed information shall include;
 - such information as the Town of Cottesloe decides should be disclosed to those interested in submitting a tender;
 - detailed specifications of the goods or services required;
 - the criteria for deciding which tender should be accepted;
 - whether or not the Town of Cottesloe has decided to submit a tender; and
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

- Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.
- This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Town of Cottesloe not to compromise its Duty to be Fair.

Tender Deadline

- A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

- No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.
- Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.
- Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Town of Cottesloe. Members of the public are entitled to be present.
- The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Town of Cottesloe Officers present at the opening of tenders.

No Tenders Received

- Where the Town of Cottesloe has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:
 - a sufficient number of quotations are obtained;
 - the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
 - the specification for goods and/or services remains unchanged;
 - purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

- Tenders that have not been rejected shall be assessed by the Town of Cottesloe by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

- If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Town of Cottesloe may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

- If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Town of Cottesloe and tenderer have entered into a Contract, a minor variation may be made by the Town of Cottesloe.
- A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

- Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:
 - The name of the successful tenderer
 - The total value of consideration of the winning offer
- The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

- All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - Tender documentation;
 - Internal documentation;
 - Evaluation documentation;
 - Enquiry and response documentation;
 - Notification and award documentation.
- For a direct purchasing process this includes:
 - Quotation documentation;
 - Internal documentation;
 - Order forms and requisitions.
- Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Town of Cottesloe's internal records management policy.

RESOLUTION NO: 12.1.8

ADOPTION: 26 March 2007

REVIEW: March, 2011

(Replaces April 2003 policy)

AMENDMENT

Moved Cr Utting, seconded Mayor Morgan

That the item be deferred for staff to provide information to Council on the inclusion of a clause relating to Australian products.

Carried 6/3

12.1.8 COUNCIL RESOLUTION

Moved Cr Utting, seconded Mayor Morgan

That the item be deferred for staff to provide information to Council on the inclusion of a clause relating to Australian products.

Carried 7/2

12.2 ENGINEERING

12.2.1 PROPOSAL TO SURRENDER ROW 17 - HAMERSLEY STREET EAST, SOUTHERN BOUNDARIES OF LOTS 24 & 6, HAWKSTONE STREET

File No:	E13. 1.17
Attachment(s):	Copy of owners letter Plan of ROW Copy of Section 52, LAA, 1997 ROW/Laneways Policy
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	13 March, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

The owner of this portion of Right of Way (ROW) No. 17 has written, offering to surrender the ownership, at no charge, provided Council meets all costs associated with the property transfer.

This report recommends that Council:

- (1) Accept the ownership of the private laneway to the rear of 1-3 and 5 Hawkstone Street, Cottesloe, and meet all costs associated with the transfer of this property;
- (2) Inform the applicant of Council's decision on this matter; and
- (3) Proceed with the formalities associated with the property ownership transfer, including letters to all properties adjacent to the land involved explaining the process.

STATUTORY ENVIRONMENT

The ROW on the southern boundaries of Lots 24 and 6 Hawkstone Street is privately owned by the owner of Lot 6.

Council may obtain ownership through the normal private land purchase process, because this ROW portion exists as a separate parcel of land.

Once in Council's ownership, the *Land Administration Act, 1997 – Section 52* would apply to this proposal, where the land eventually becomes a Crown land ROW.

POLICY IMPLICATIONS

Council's *Right of Way/Laneway* policy applies.

STRATEGIC IMPLICATIONS

The following applies from Council's Strategic Plan:

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

Governance/Long Term Vision - Decisions are made based on the best available advice in the long term interests of the whole community.

FINANCIAL IMPLICATIONS

Less than \$1,000.

BACKGROUND

Council's policy provides for the surrender of privately owned laneways and for their conversion to Crown land for the public purpose of access, similar to road reserves.

Council is legally able to, and responsible for, the ongoing care, control and maintenance of road reserves and Crown rights of way/laneways, to ensure public access, general maintenance and the day-to-day management of these accesses.

If left in private ownership, the owner is responsible for:

- ensuring public access,
- legal liability for injury or damage relating to the right of way/laneway, and
- payment of Town of Cottesloe rates, if applicable.

No approval for any form of development is normally possible on the area of the right of way/laneway apart from maintenance and improvements of the surface and drainage infrastructure.

If this portion of private ROW became Town of Cottesloe private property, the entire length of ROW 17 would then be under Council ownership, and capable of being transferred to the Crown.

CONSULTATION

Nil, at this stage. All abutting owners would receive a Council letter explaining the purchase proposal and eventual conversion to Crown land.

STAFF COMMENT

Council's policy supports the surrender of privately owned laneways and their conversion to Crown land status. It means that the confusion surrounding ownership status and maintenance responsibilities is removed. It also ensures no further adverse possession claims because such claims are not possible on Crown land.

Council's attitude is for the retention of existing laneway alignments for future use and to keep their availability ensured for flexibility in alternative uses, planning consideration and access options.

Private owners gain because:

1. All future maintenance becomes Council's responsibility.
2. Council is legally liable for any claims regarding injury or property damage.
3. All existing property access rights are 'locked in' because of the Crown land status. This status also forbids any claims for adverse possession.

4. Laneway upgrading conditions from rear access requirements or subdivisions can be easily controlled, without a private owner of the laneway making the approval process more complex.
5. There is no future potential for rates to be levied on the private laneway if it becomes Crown land.

This laneway has had rates levied on it, and paid, for many years.

This is the second recent application for the surrender or purchase of private laneways to or by Council.

The cost of the property transfer process should be less than \$1,000.

VOTING

Simple Majority

12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Accept the ownership of the private laneway to the rear of 1-3 and 5 Hawkstone Street, Cottesloe, and meet all costs associated with the transfer of this property;**
- (2) Inform the applicant of Council's decision on this matter; and**
- (3) Proceed with the formalities associated with the property ownership transfer, including letters to all properties adjacent to the land involved explaining the process.**

Carried 9/0

12.2.2 LEIGHTON REDEVELOPMENT PROJECT CURTIN AVE & PORT BEACH RD

File No: X 8.14-04
Attachment(s): [Letter from MRWA](#)
[Landcorp Redevelopment brochure](#)
[MRWA plan - Section 56, LAA 1997](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 12 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

Main Roads WA (MRWA) and Landcorp are involved with realignment of Curtin Avenue and Port Beach Road in regards to the Leighton redevelopment.

A request has been made for a Council resolution agreeing to the dedication of the involved land, as requested by the Department of Planning & Infrastructure, pursuant to Section 56 of the *Land Administration Act 1997*.

This report recommends that Council concur to the dedication of the land contained in Main Roads WA drawings 0660-057 and 0660-058 as road under section 56 of the *Land Administration Act 1997*.

STATUTORY ENVIRONMENT

Section 56 of the *Land Administration Act, 1997* and section 15 of the *Main Roads Act 1930* apply to this proposal.

56. Dedication of roads

(1) If in the district of a local government

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must
- (a) in accordance with the regulations prepare and deliver the request to the Minister; and
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then
- (a) subject to subsection (5), by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be ?
- (a) unallocated Crown land or, in the case of a private road, alienated land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

15. Property in and control of main roads

- (1) The absolute property in the land over which a highway or main road is declared shall vest in the Crown.
- (2) The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.
- (3) The property in -
- (a) the materials of all highways and main roads, and all live and dead timber and vegetation thereon, and all matters and things appurtenant thereto; and
 - (b) all buildings, fences, gates, posts, boards, stones, erections, and structures placed upon any highway or main road; and
 - (c) the scrapings of any highway or main road and all gravel, sand, and other material on any highway or main road,
- shall vest in the Commissioner.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The two plans provided by MRWA show that the Curtin Avenue road reserve is unaffected by this proposal. The affected land exists between the Curtin Avenue road reserve and the Perth to Fremantle railway reserve, starting opposite MacArthur Street and progressing south past the Cottesloe/Mosman Park local government boundary.

The area, within the Town of Cottesloe, is listed as Reserve No. 3730, which is not under the Town of Cottesloe's control.

It does not affect the new Curtin Avenue/Marine Parade intersection roundabout, but provides for a future Wellington Street connection onto Curtin Avenue, probably under a future Curtin Avenue/West Coast Highway construction.

This connector would be north of the McCall Centre property.

CONSULTATION

Nil.

STAFF COMMENT

MRWA, Department of Planning & Infrastructure and Landcorp are running this project, fully funding it and are responsible for all requirements being met including advertising and being responsible for its long term use as a highway.

Council is not being required to accept the vesting of the responsibility of the land involved as a road reserve. Council is only being requested to concur with the dedication of the land as a section of road under Section 56 of the *Land Administration Act 1997*.

This section only covers the creation of a road reserve. In this case, it is by excision from Crown land for purposes created by and administered by State Government authorities.

By virtue of section 52(2) of the *Land Administration Act 1997* and section 3.53 of the *Local Government Act 1995*, the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

This is modified by section 15 of the *Main Roads Act 1930*, which places the care, control and management of highways and main roads with the Commissioner of Main Roads.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee requested that additional information be supplied regarding the proposed layout of the roads. The Manager Engineering Services agreed to provide same to all elected members prior to the Council meeting.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Walsh

That Council concur to the dedication of the land contained in Main Roads Drawings 0660-057 and 0660-058 as road under section 56 of the *Land Administration Act 1997*.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That Council concur to the dedication of the land contained in Main Roads Drawings 0660-057 and 0660-058 as road under section 56 of the *Land Administration Act, 1997*, subject to an assurance that the road configuration will be as per the plans of that which is shown on the most recent Leighton Oceanside Parklands Landscape Masterplan showing two separate roundabouts at the intersections of Wellington Street and Marine Parade with Curtin Avenue .

Carried 5/4

12.2.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

That Council concur to the dedication of the land contained in Main Roads Drawings 0660-057 and 0660-058 as road under section 56 of the *Land Administration Act, 1997*, subject to an assurance that the road configuration will be as per the plans of that which is shown on the most recent Leighton Oceanside Parklands Landscape Masterplan showing two separate roundabouts at the intersections of Wellington Street and Marine Parade with Curtin Avenue.

Carried 5/4

12.3 FINANCE

12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY, 2007

File No:	C 7. 4
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	28 February, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 28 February, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Operating Statement on page 17 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$795,060 as at 28 February 2007. Operating Revenue is ahead of budget by \$76,078 (1.1%). Operating Expenditure is \$718,982 (14.1%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 28 February 2007 is shown on page 38.

The main causes of the lower than anticipated expenditure are: lower than budgeted expenditure on contractors in the area of sanitation (\$71,891) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$143,855). This includes scheme review expenses. Most of the variance in Town Planning is dependent upon the outcome of the current Supreme Court appeal and the Scheme Review.

The Capital Works Program is listed on pages 21 to 22 and shows total expenditure of \$2,094,661. This includes \$171,853 of capital expenditure related to projects funded with grant money received in the last financial year. The other items of capital are budgeted with some timing differences causing the variance.

VOTING

Simple Majority

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 28 February, 2007, as submitted to the 20 March, 2007 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 28 FEBRUARY, 2007

File No: C12 & C13
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 28 February, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on page 47 of the Financial Statements shows that \$1,949,725.37 was invested as at 28 February, 2007

Reserve Funds make up \$703,592.14 of the total invested and are restricted funds. Approximately 49% of the funds are invested with the National Australia Bank, 27% with Home Building Society and 24% with BankWest.

The Schedule of Loans on page 47 shows a balance of \$317,153.24 as at 28 February, 2007. There is \$168,521.51 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

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 28 February, 2007, as submitted to the 20 March, 2007 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY, 2007

File No: C 7. 8
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 28 February, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 39 of the Financial Statements:

- \$13,655.00 to Swan Catchment Council for t/fer of surplus funds
- \$12,690.15 to WA Local Govt Super Fund for staff deductions
- \$12,005.85 to Synergy power usage in January 2007
- \$12,821.65 to WA Local Govt Super Fund for staff deductions
- \$71,547.61 to ProCott for Special Area Rate monies from y/e 30/6/2006
- \$13,153.96 to WMRC for disposal and tipping fees
- \$10,000.00 to Formstone Corp for balustrades for the Civic Centre
- \$28,638.50 to Iplex Pipelines for drainage sump work at Ackland/Marmion
- \$19,042.53 to ATO for BAS return
- \$11,410.00 to Armadale Concrete Tanks for roofs for 2 tanks
- \$12,490.50 to Civica for instalment of council software purchase
- \$10,261.46 to Flexi Staff for temporary depot staff
- \$22,125.82 to Iplex Pipelines for drainage sump work at Ackland/Marmion

- \$129,512.40 to Roads 2000 for laying red asphalt on Marine Parade
- \$10,430.85 to Surf Life Saving WA for lifeguard contract for January 2007
- \$239,572.01 to Town of Mosman Park for construction cost for roundabout at Curtin Avenue and Marine Parade
- \$38,071.72 to Trum P/L for waste collection
- \$13,503.53 to WMRC for disposal and tipping fees
- \$53,171.63 and \$56,447.64 for staff payroll

VOTING

Simple Majority

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 28 February, 2007, as submitted to the 20 March, 2007 meeting of the Works and Corporate Services Committee.

Carried 9/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 28 FEBRUARY, 2007**

File No: C 7. 9
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 28 February, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 28 February, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 43 to 44 of the Financial Statements shows a balance of \$307,062.59 of which \$159,558.59 relates to the current month. The balance of aged debt greater than 30 days stood at \$147,504 of which \$125,742.85 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report on page 45 of the Financial Statements shows a balance of \$792,592.26. Of this amount \$158,207.19 and \$8,894.08 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$595,491 in 2007 compared to \$692,265 last year.

VOTING

Simple Majority

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 28 February, 2007; and**
- (2) Receive the Sundry Debtors Report for the period ending 28 February, 2007.**

Carried 9/0

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

12.4.1 WATER CORPORATION DESALINATION WATER PROMOTION

Correspondence has been received from 303 Advertising Agency in relation to using Cottesloe Beach to promote desalinated water.

303 Group Pty Ltd
ABN 97 009 442 344
Level 3, 435 Roberts Road
Subiaco WA 6008
Telephone (08) 9388 2303
Facsimile (08) 9388 2202
greatads@303.com.au

20 March, 2007

Stephen Tindale
CEO
Town of Cottesloe
109 Broome Street
Cottesloe WA 6011

Dear Stephen

Re: Water Corporation Desalinated Water Promotion

Water Corporation is launching a community initiative to coincide with the new Desalination plant reaching full capacity on April 18, 2007. 450,000 bottles of desalinated water will be made available to community groups across WA and 303, as the Water Corporation's advertising agency has been asked to promote this program and raise awareness of desalinated water in the general community.

Based on the theme of H2Ocean, we have looked at concepts that clearly illustrate that WA's largest single water source now comes from the Indian Ocean. Attached are two concepts, designed to capture the attention of both the public and the media.

The first concept is a tap rising out of the ocean – an unusual sight, designed to stimulate interest. The second is essentially a billboard, but with a bottle shape cut out to leave a clear view through to the ocean. The implication that our water now comes from the ocean would be clear, and closer inspection would reveal the community program.

Obviously each concept is reliant on locating a beach-front Council willing to consider these ideas. We are approaching Cottesloe because we believe it to be the iconic beach of Perth with great exposure to the wider population of Perth. The concepts also tie in with the recent Sculpture by the Sea exhibition.

In terms of logistics, we are prepared to work closely with the Council to resolve any issues that could arise. However to give any discussion a starting point, we were looking at the following:

Floating Tap:

Installation date: Wednesday 18 April

Duration: 1-4 weeks only.

Location: Anchored to the seabed off Cottesloe beach OR encasing the Cottesloe Pylon.

Construction: tba, possible inflatable balloon style or foam.

Size: approx 3-5m high.

Billboard:

Installation date: Wednesday 18 April

Duration: 1-4 weeks only.

Location: Anywhere along Marine Parade, including parks or the beach, where the bottle cutout would frame the ocean.

Construction: Purpose built Billboard.

Size: approximately 4-6m wide.

If the Council saw a benefit to the Cottesloe community then Desalinated water sampling, or provision of desalinated water to Cottesloe community events could also be arranged.

This is a unique and unusual opportunity both the Water Corporation and the Cottesloe Council. We hope you find the concept of interest and we have the opportunity to work with you to bring the concepts through to fruition.

I look forward to your response.

Regards

James Young
Senior Account Manager

The CEO requested the committee's comments and guidance on this proposal.

12.4.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

That the proposal not be supported.

Carried 9/0

13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 21 MARCH 2007**13.1 GENERAL****13.1.1 FUTURE PLAN - COMMUNITY CONSULTATION**

File No: X12.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 March, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The following recommendations are made:

That Council:

- (1) Adopt the following changes to the draft Future Plan: (to be listed by the Strategic Planning Committee).
- (2) Repeat the community consultation process undertaken to date with public submissions closing on Friday 11th May 2007.
- (3) Undertake the following additional community processes: (to be listed by the Strategic Planning Committee).

STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* requires the following:

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Regulation 19C of the *Local Government (Administration) Regulations 1996* requires the following:

19C. Planning for the future S. 5.56

- (1) *In this regulation and regulation 19D*

“plan for the future” means a plan made under section 5.56.

- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
 - (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
 - (4) *A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
-

(5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.

*Absolute majority required.

(6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

(7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.

(8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

(9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

BACKGROUND

As required under the *Local Government Act, 1995*, Council is required to prepare a plan for the future that sets out the broad objectives of the Town of Cottesloe for a period of not less than two financial years.

Electors and ratepayers of its district must be consulted during the development of a plan for the future of the district and when preparing any modifications of a plan.

The plan for the future of a district must also contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

Over the later half of 2006, Council staff and elected members have held several meetings to develop a draft *Future Plan*.

At the November 2006 meeting of Council it was resolved that Council:

1. Undertake at least the minimum requirement of community consultation as required under Council's *Community Consultation Policy* in relation the draft *Future Plan* over the next two months; and
2. Reconsider, at its February 2007 meeting, the matter of further community consultation (by way of discussion groups and community surveys) dependent on the level and nature of community feedback received to that point in time.

Submissions closed on Friday 9th February 2007.

Five submissions on the draft *Future Plan* were received from;

1. Sue Freeth (Cottesloe resident)
 2. Jenny Davis (Shenton Park resident)
 3. SOS Cottesloe (Cottesloe Residents and Ratepayers Association)
 4. Valerie Frearson-Lane (Cottesloe resident)
 5. Robyn Benken (Cottesloe Coastcare)
-

These submissions were considered at Council's February meeting and a number of changes were made to the draft plan. A copy of the revised plan is attached.

Council also decided that the revised Future Plan should be presented to a Special Meeting of the Strategic Planning Committee to be held at 7.00pm on Wednesday 21st March 2007 to put a recommendation to the Full Council at its March Meeting on proposed amendments to the plan and further community consultation to be undertaken.

CONSULTATION

Under Council's *Community Consultation Policy* the draft *Future Plan* is considered to be a major strategic document.

The level of consultation for a major strategic document demands that at the minimum, consultation include;

- The invitation of submissions with the placement of advertisements in the local newspaper.
- Information being placed on the Internet at www.cottesloe.wa.gov.au together with an invitation for submissions,
- An article in *Cottesloe Council News* about the draft *Future Plan* with the article informing and encouraging feedback.
- Consultation with ratepayer groups such as SOS Cottesloe Inc as a valuable means of receiving feedback on a range of strategic issues.

Accordingly, consultation was undertaken by way of:

- Public submissions on the Future Plan being invited in the Post on Saturday 9 December, 13 January and 27 January.
- The advertisement being repeated in the West Australian on the same dates.
- The advertisement being placed on Council's website on 1st December, 2006.
- A feature story being published in the Cottesloe Council News on 9th December 2006.
- Contact with SOS Cottesloe Inc.

STAFF COMMENT

Council's *Community Consultation Policy* also requires that when dealing with a strategic plan such as the draft *Future Plan*, in most circumstances Council would also:

- Issue media releases and conduct interviews with local journalists.
- Undertake a statistically correct survey of particular attitudes, beliefs or information in relation to the draft plan. This may be done by phone, written survey or door-knock of individual households.
- Conduct discussion groups of around 15-20 invited people, usually led by a trained facilitator.

Depending on the circumstances Council might also want to:

- Issue a non-addressed leaflet or flyer that summarises the issues and invites feedback to Council. The flyer indicates how that feedback can be given.
- Undertake personal briefings. These are held at the request of a member of members of the local community to discuss a particular issue with a responsible officer. They may include the Mayor and/or Councillors.
- Conduct community information sessions in the Lesser Hall. Invitations can be extended by advertising in the local papers, by letterbox drop and/or advertisements in the local newspaper.

The Strategic Planning Committee is therefore requested to make a recommendation to Council's March meeting on proposed amendments to the plan and further community consultation to be undertaken.

As a starting point the Committee might like to consider:

1. What immediate changes should be made to the draft *Future Plan* as it currently stands?
2. Whether the minimum level of consultation should be repeated?
3. What additional community consultation should be undertaken?

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

When adopted, the *Future Plan* (see Attachment 1) will become the over-arching strategic plan for the Town of Cottesloe and will replace Councils existing *Strategic Plan*.

FINANCIAL IMPLICATIONS

The cost of further community consultation depends on the extent of consultation undertaken but in any event should not exceed a thousand dollars.

VOTING

Simple Majority

COMMITTEE COMMENT

There was some discussion on whether it would be feasible to prepare a two-page summary of the draft *Future Plan* covering the major issues in the plan. The Committee felt that the scope and breadth of the plan was such that it defied summation and that any community responses made to such a summary would be somewhat devalued for want of a full understanding of the plan.

There was discussion on whether the draft *Future Plan* could be sent out to all residents in its entirety. It was acknowledged that the draft plan and covering letter would have to be printed off site and a consultation firm would have to be engaged to manage the distribution of the plan, collation of responses and analysis of same. This would take time.

There was discussion on other options available to Council in terms of statistically correct surveys and the use of randomly selected discussion groups and the potential value that they, or a comprehensive mail-out, would add to the plan.

The Committee concluded that the original level of consultation was probably sufficient but with the benefit of hindsight, the timing of the consultation could have been better.

It was also felt that the original consultation process had been compromised by a failing in a hyperlink on the Council's website that did not link through to the draft *Future Plan* itself.

The link was only activated very late in the consultation period after a member of SOS made direct contact with the CEO.

Given the publicity that the draft *Future Plan* had received in the local press, it was felt that the original consultation process could be repeated safe in the knowledge that more community members would be aware of the plan than was previously the case.

COUNCIL COMMENT

The following amendments were voted on:

Moved Cr Jeanes, seconded Cr Furlong

That paragraph 4 on page 15:

Care must be taken that the pressure for denser development does not destroy the casual relaxed lifestyle and the green leafy neighbourhood and unduly affect the amenity and ambience enjoyed by our residents.

be removed.

Lost 2/7

Moved Cr Walsh, seconded Cr Dawkins

That Major Strategy 1.1 on page 10 be deleted.

Carried 5/4

Moved Mayor Morgan, seconded Cr Walsh

That the following amendments be made:

- Page 7, sentence 1 to read:

The landscape setting of the foreshore will remain with the Norfolk Island Pine trees and wide open spaces being augmented by low key sculptural elements and low rise buildings.

- Page 9, paragraph 2 to read:

In particular Cottesloe and North Cottesloe beaches are very popular. The fact that the immediate community shares them with other western suburbs residents and those from wider Perth and, that they are also a tourist destination is accepted. This is due to their picturesque nature, accessibility, and low rise facilities that cater to a range of age groups and activities, including the two historic hotels and some short-stay accommodation.

- Page 13, new paragraph 5 to be added:

Council has a strict 12 metre or less height limits for foreshore buildings.

- Page 15, new paragraph 4 to be added:

The Council intends to retain low rise height limits for the foreshore and for established residential lots throughout the district.

Lost 4/5

Moved Cr Miller, seconded Mayor Morgan

- Page 15, paragraph 3 to be amended to read by deleting the words 'if they wish'.

Carried 9/0

Moved Mayor Morgan, seconded Cr Walsh

- Page 2 amend the acknowledgment to read:

This draft of the Future Plan has been developed in consultation with elected members and senior officers of the Town of Cottesloe. A number of corporate documents have been used to provide background material for the plan and these sources are acknowledged. Community input is now being sought in terms of Section 7 before the Future Plan is finalised.

- Page 21, Section 7 amend to read:

In accordance with the Council's Community Consultation Policy, this Future Plan will be subject to a high level of consultation, details of which will be included in this section prior to finalising the Future Plan.

Carried 9/0

Moved Cr Carmichael, seconded Mayor Morgan

- Page 19, Objective 6, paragraph 1 amend to read:

Council recognizes the invaluable contribution that many residents play in the community life of Cottesloe especially those who actively participate in civic affairs. The aim of this objective is to ensure this continues and that Council maintains the spirit of cooperation with the community in an accountable and transparent manner on all occasions.

Carried 8/1

Moved Cr Walsh, seconded Mayor Morgan

- Page 20, Major Strategy 6.1 change 'refined' to 'improved'.

Carried 9/0

Moved Cr Walsh, seconded Cr Utting

- Page 20, new Major Strategy 6.0 to be added:
6.0 Will abide by the community consultation procedures as set out in Council policy.

Cr Utting was absent from the meeting 9.04pm – 9.05pm.

Lost 3/6

OFFICER RECOMMENDATION

That Council:

- (1) Adopt the following changes to the draft Future Plan: (to be listed by the Strategic Planning Committee).
- (2) Repeat the community consultation process undertaken to date with public submissions closing on Friday 11th May 2007.
- (3) Undertake the following additional community processes: (to be listed by the Strategic Planning Committee).

COMMITTEE RECOMMENDATION

That Council:

- (1) Adopt the draft Future Plan as amended.
- (2) Repeat the community consultation process undertaken to date with public submissions closing on Friday 11th May 2007.

AMENDMENT

Moved Mayor Morgan, seconded Cr Utting

That Council:

- (1) Adopt the draft Future Plan as amended;
- (2) Repeat the community consultation process undertaken to date with public submissions closing on Friday 11th May 2007; and
- (3) Seek from randomly selected residents, expressions of interest to participate in groups of 15-20 people led by an impartial facilitator.

Carried by Absolute Majority 7/2

The vote was recorded:

For: Mayor Morgan, Cr Cunningham, Cr Dawkins, Cr Furlong, Cr Jeanes,
Cr Miller, Cr Utting

Against: Cr Carmichael, Cr Walsh

13.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Utting

That Council:

- (1) Adopt the draft Future Plan as amended;**
- (2) Repeat the community consultation process undertaken to date with public submissions closing on Friday 11th May 2007; and**
- (3) Seek from randomly selected residents, expressions of interest to participate in groups of 15-20 people led by an impartial facilitator.**

Carried by Absolute Majority 9/0

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

Nil

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

Nil

16 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.22pm.

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