

# **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 November, 2012**

3 December 2012

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

The Presiding Member announced the meeting opened at 7:04 PM.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor noted that the recently released report of the Inquiry into the City of Canning has confirmed that his Mosman Park counterpart was wrong for alleging that our council was reckless because we were negotiating on co-locating our depot with theirs not through elected members direct as they were but we were instead using our CEO to conduct the negotiations before in due course putting to us the results of negotiation for our approval.

The report points out that the Local Government Act provides a clear distinction between the representative and policy making role of the mayor and other elected members as compared to the administrative and advisory role of the chief executive officer and other staff. The report identifies the importance of Council understanding and practising the principles of the 'separation of powers' and highlights the serious implications for a Council that involves itself with administrative matters whilst ignoring its role to govern at the strategic level. It highlights that woe behold any council that hasn't come to grips with this 17 year old legislation.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**

Nil

**6 ATTENDANCE****Present**

Mayor Kevin Morgan  
Cr Greg Boland  
Cr Katrina Downes  
Cr Yvonne Hart  
Cr Sally Pyvis  
Cr Vic Strzina

Presiding Member

Cr Rob Rowell  
Cr Peter Jeanes

**Officers Present**

Mr Carl Askew  
Mr Mat Humfrey  
Mr Geoff Trigg  
Mr Andrew Jackson  
Mrs Lydia Giles

Chief Executive Officer  
Manager Corporate & Community Services  
Manager Engineering Services  
Manager Development Services  
Executive Officer

**6.1 APOLOGIES**

Cr Jack Walsh

**Officer Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Jeanes, seconded Cr Strzina**

**That Cr Jeanes request for leave of absence from the December Council meeting be granted.**

**Carried 8/0**

**7 DECLARATION OF INTERESTS**

Cr Strzina declared a Proximity interest in Item 10.4.1 due to owning and residing in a dwelling opposite the subject site.

CEO declared an interest in the item 10.2.1 as it relates to his employment.

Cr Boland declared an impartiality interest in item 10.4.1, due knowing the objector to the application.

Mayor Morgan declared an impartiality interest in item 10.4.1, due knowing the objector to the application.

**8 CONFIRMATION OF MINUTES**

Moved Cr Strzina, seconded Cr Rowell

[Minutes October 22 2012 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 22 October, 2012 be confirmed.

Carried 8/0

**9 PRESENTATIONS****9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Michael Swift & Associates (on behalf of the owner/applicant), Wannanup, WA 6210 - Item 10.4.1 - No. 2 Deane Street – Two-Storey Dwelling with Undercroft Garage

Mr Swift spoke representing the owners Mr & Mrs Stewart of the application for 2 Deane Street. He stated that this proposal is separate from the previous application put forward in September as they are two distinct proposals and each should be considered individually. The difference is that this matter is for two-storey development. The pool is not considered an amenity concern and the proposal does not seek variation regarding height, being compliant as covered in the report.

In regard to the submissions received, Mr Swift responded as follows:

1. There is ongoing confusion by Mr Lalor in regard to the true wall height of 6 metres which is compliant with the RDC.
2. The comment by the owner of 80 Marine Parade is the outside the sphere of this application.
3. The owner of 4 Deane Street does not have any objection.
4. The owner on the south-west corner of Marine Parade does not object.
5. The balcony to the street front provides passive surveillance in accordance with the RDC.
6. Removal of the street tree is unavoidable and will be replaced with a suitable specimen.

Mr Swift requested that the application be approved by Council as per the officer recommendation as there is no town planning basis to defer the matter and it should be assessed on its merits.



For the benefit of the members of public present, the Mayor determined to consider the following items first:

- 10.4.1 No. 2 Deane Street – Two-Storey Dwelling with Undercroft Garage
- 10.4.2 No. 31 Eric Street – Two-Storey Dwelling

The following Items From Works & Corporate Services Committee were withdrawn for consideration.

- 10.5.2 Application for Fireworks 8 December 2012
- 10.5.4 Loading Zone Adjacent to Indiana Tea House
- 10.5.6 Events Classification Policy
- 10.5.10 Pedestrian Light Controlled Crossing Proposal - Curtin Avenue / Forrest Street Intersection, Cottesloe

The Remainder of the Officer Reports from Works & Corporate Services Committee Were Dealt with 'En Bloc'.

- 10.5.1 Policy Review - Fireworks Policy
- 10.5.5 Napoleon Street Parking Adjustment
- 10.5.7 Tender for The Provision Of Drainage Components, Station Street Sump, Cottesloe
- 10.5.8 Policy Review - Traffic Management
- 10.5.9 Design for Cottesloe Main Beach Disability Access Path
- 10.5.11 Statutory Financial Reports for the Period 1 July 2012 to 31 October 2012
- 10.5.12 Schedules of Investments and Loans as At 31 October 2012
- 10.5.13 List of Accounts Paid for the Month of October 2012
- 10.5.14 Property and Sundry Debtors Reports as at 31 October 2012

The following Items from Strategic Planning Committee were withdrawn for consideration.

- 10.6.2 Existing Depot Site – Strategy for Disposal And Future Development

The Remainder of the Officer Reports from Works & Corporate Services Committee Were Dealt with 'En Bloc'

- 10.6.1 Council Meeting Dates 2013
- 10.6.3 Update: Western Metropolitan Regional Council (WMRC) Proposal for City Of Nedlands Membership
- 10.6.4 Policy Review - Community Consultation Policy
- 10.6.5 Town of Cottesloe - Action Plan Review - November 2012

The following officer report was held in-camera

- 10.2.1 Annual Performance and Remuneration Review for the CEO 2012

**10 REPORTS****10.1 REPORTS OF OFFICERS****10.2 CHIEF EXECUTIVE OFFICER**

*The CEO declared an interest in this matter as it directly relates to his contract of employment.*

**10.2.1 ANNUAL PERFORMANCE AND REMUNERATION REVIEW FOR THE CEO  
2012**

|                                      |                                                                                                          |
|--------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>File No:</b>                      | <b>PER/94</b>                                                                                            |
| <b>Attachments:</b>                  | <a href="#"><u>Confidential CEO Remuneration Review Report 2012</u></a>                                  |
| <b>Responsible Officer:</b>          | <b>Carl Askew<br/>Chief Executive Officer</b>                                                            |
| <b>Author:</b>                       | <b>Carl Askew<br/>Chief Executive Officer</b>                                                            |
| <b>Proposed Meeting Date:</b>        | <b>26 November 2012</b>                                                                                  |
| <b>Author Disclosure of Interest</b> | <b>The CEO declared an interest in this matter as it directly relates to his contract of employment.</b> |

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**SUMMARY**

This report recommends that Council note and endorses the recommendations of the CEO's Contract and Performance Review Panel as per the attached "confidential" report.

**BACKGROUND**

In October 2012 Council considered an initial report in relation to the CEO's performance review and Key Result Areas (KRA's) for 2013. Specifically it resolved:

*THAT Council;*

- 1. Receive the attached Performance Review report and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".*
- 2. Conduct the next review of the CEO's performance by December 2013*
- 3. Adopt the attached Key Result Areas for the January to December 2013 appraisal period as drafted by the Panel and Mr Askew.*
- 4. Request the facilitator provide a Remuneration Report for consideration by Council at its November 2012 meeting.*

5. *Request the facilitator draft a contract of employment for consideration and discussion of a further contract for the CEO by Council at its November 2012 meeting.*

*Carried 9/0*

This report addresses part 4 of the October resolution.

Council engaged the services of Mr John Phillips (Executive Manager) WALGA Workplace Business Solutions, to facilitate the 2012 CEO performance and remuneration review process. The Review Panel is appointed by Council and is comprised of the Mayor, Deputy Mayor (Cr Walsh), the chairman of the Works & Corporate Services Committee (Cr Rowell) the Deputy Chairman of the Development Services Committee (Cr Jeanes).

The appraisal process included the use of a questionnaire based on the agreed Personal Attributes and Behaviours and the Key Result Areas (KRA's) adopted by Council in December 2011. All Elected members were provided with an assessment questionnaire and an opportunity to meet individually with Mr Phillips as the opportunity to provide feedback on Mr. Askew's performance. Mr. Askew also provided a detailed self assessment report. Ratings and comments were aggregated, summarised and presented in Mr Phillips' 'feedback report' for use at the formal appraisal meeting of the Review Panel on 15 October 2012. A subsequent meeting of the Panel took place on Wednesday 7 November 2012 to consider the Remuneration Report prepared by Mr Phillips (see confidential attachment).

### **STRATEGIC IMPLICATIONS**

The achievement of Council's Future Plan and strategic priorities are directly related to the performance of the CEO.

### **POLICY IMPLICATIONS**

None Known.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995.

The Review is to be conducted in accordance with sections 5.38 and 5.39(3) (b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

#### **5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC**

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and

- (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **FINANCIAL IMPLICATIONS**

Any proposed increase in salary will have an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

- CEO's Contract and Performance Review Panel
- Mr John Phillips (Executive Manager) Workplace Business Solutions WALGA
- All Elected Members

**STAFF COMMENT**

Nil

**VOTING**

Simple Majority

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Morgan, seconded Cr Boland**

In accordance with local government act s 5.23 Meetings Generally Open to the Public (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;

**That council discuss the confidential report behind closed doors.**

**Carried 8/0**

*Members of the public, staff and media were requested to leave the meeting at 8:40 PM.*

The CEO was requested to remain the Chambers by the Mayor to provide further advice and information to Council.

*The CEO left the Chambers at 8:45PM.*

**OFFICER RECOMMENDATION**

**Moved Cr Jeanes, seconded Cr Boland**

**THAT Council endorse the recommendations contained in the attached confidential report.**

**AMENDMENT**

**Moved Mayor Morgan, seconded Cr Boland**

**That the matter be deferred to the December 2012 Council meeting in order to clarify information in the consultant's confidential report.**

**Carried 8/0**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Cr Strzina, seconded Cr Rowell**

**In accordance with LG Act s5.23 the meeting was re-opened to the staff, members of the public and media.**

**Carried 8/0**

*The Public, staff and Media returned to the meeting at 8:51 PM.*

**MAYOR READ ALOUD THE RESOLUTION TO THE PUBLIC**

**That the matter be deferred to the December 2012 Council meeting in order to clarify information in the consultant's confidential report.**

**10.3 REPORTS OF COMMITTEES****10.4 DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 NOVEMBER 2012**

Cr Strzina declared a proximity interest in item 10.4.1, due to owning and residing in a dwelling opposite the subject site, and left the meeting at 7:18pm for the duration of the item.

Cr Boland declared an impartiality interest in item 10.4.1, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

Mayor Morgan declared an impartiality interest in item 10.4.1, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

**10.4.1 NO. 2 DEANE STREET – TWO-STOREY DWELLING WITH UNDERCROFT GARAGE**

|                                       |                                                      |
|---------------------------------------|------------------------------------------------------|
| <b>File No:</b>                       | <b>2523</b>                                          |
| <b>Attachments:</b>                   | <a href="#">2 Deane St Nov 12.pdf</a>                |
| <b>Responsible Officer:</b>           | <b>Carl Askew</b><br><b>Chief Executive Officer</b>  |
| <b>Author:</b>                        | <b>Ed Drewett</b><br><b>Senior Planning Officer</b>  |
| <b>Proposed Meeting Date:</b>         | <b>19 November 2012</b>                              |
| <b>Author Disclosure of Interest:</b> | <b>Nil</b>                                           |
| <b>Property Owner:</b>                | <b>H Stewart</b>                                     |
| <b>Applicant:</b>                     | <b>Russell Stewart</b>                               |
| <b>Date of Application:</b>           | <b>2 October 2012</b>                                |
| <b>Zoning:</b>                        | <b>Residential R30</b>                               |
| <b>Use:</b>                           | <b>P - A use that is permitted under this Scheme</b> |
| <b>Lot Area:</b>                      | <b>569.9m<sup>2</sup></b>                            |
| <b>M.R.S. Reservation:</b>            | <b>Not applicable</b>                                |

---

**BACKGROUND**

A previous application for a two-storey dwelling with an undercroft garage, roof-space third storey, and an elevated pool was refused by Council on 24 September 2012 for the following reasons:

- (1) *It is considered that the proposal does not sufficiently satisfy the provisions of the Scheme in relation to a third storey within the roof space of a dwelling; and*
- (2) *It is considered that the proposal does not sufficiently satisfy privacy requirements having regard to the Residential Design Codes.*

The applicant has since sought a review by the State Administration Tribunal and that matter is presently in mediation.

Following this refusal, as an alternative the applicant has submitted a new application which is of similar design to that previously considered but without the third storey within the roof-space and the elevated pool.

As a fresh application it is to be considered in its own right separate from the previous proposal.

Modifications have also been made at the first-floor level to increase the distance from the proposed rear balcony and dining area to the adjoining western right-of-way.

The proposal satisfies the general provisions of Town Planning Scheme No. 2 (TPS 2) and complies with the Acceptable Development standards of the Residential Design Codes (RDC), with the exception of the following:

- Boundary setback
- Visual privacy
- Removal of street tree

Each of these aspects is discussed in this report and refers to plans received on 2 October 2012.

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

## PROPOSAL

This application is for a two-storey dwelling with an undercroft garage (in addition to a ground level garage).

The dwelling comprises of 4 bedrooms, 1 shared bathroom, 2 ensuites, family/games area, laundry, lift, cellar, TV room, dining area/kitchen, WIR, bar, front and rear balconies and retention of existing pool at ground level.

## STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

## PROPOSED LOCAL PLANNING SCHEME NO. 3

No changes are proposed to the zoning or density coding of this lot.

## VARIATIONS

| <b><i>Design Element</i></b> | <b><i>Permitted</i></b>                                        | <b><i>Provided</i></b> | <b><i>Performance Criteria</i></b> |
|------------------------------|----------------------------------------------------------------|------------------------|------------------------------------|
| 6.3 - Boundary Setbacks      | 2.8m from 1 <sup>st</sup> floor kitchen/pantry/robe to eastern | 1.7m                   | Clause 6.3.1 - P1                  |



|                        |                                                                                                                                                    |                                                                                                                                                                        |                   |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                        | boundary.                                                                                                                                          |                                                                                                                                                                        |                   |
| 6.8 - Visual Privacy   | 7.5m from unenclosed outdoor active habitable space.                                                                                               | 4m cone-of-vision from 1 <sup>st</sup> floor (west-facing) front/side balcony.<br><br>2.5m cone-of-vision from 1 <sup>st</sup> floor rear balcony to eastern boundary. | Clause 6.8.1 - P1 |
| 6.5 - Vehicular access | Driveways located so as to avoid street trees, or where this is unavoidable, the street tree being replaced by Council at the applicant's expense. | Removal of street tree to allow for additional crossover.                                                                                                              | Clause 6.5.4 - P4 |

### ADVERTISING OF PROPOSAL

This current application was advertised in accordance with TPS 2. Advertising consisted of a letter to 4 adjoining property owners (Body Corporate for flats at rear). Two submissions were received which are summarised below:

#### Slavin Architects (on behalf of Peter Lalor, 82 Marine Parade)

- Overlooking from the 1<sup>st</sup> floor balcony does not comply with Clause 6.8.1 - A1 (i) of the RDC.
- The proposed walls on the boundaries do not comply with Clause 6.3.2 - A2 (iii) of the RDC. Walls on boundaries can only be constructed on one boundary.
- The proposed wall height exceeds the 6m maximum wall height permitted under TPS2.
- The proposed carparking spaces and driveways do not comply with Australian Standard AS 2890.1 in accordance with the RDC.
- The proposed development is required to comply with all requirements of the RDC.
- Section AA is not a correct representation through the building. The section does not show the flat roof behind the parapet. Dimensions shown on the floor plans also don't correspond with wall lengths.

#### Baldo Lucaroni, 80 Marine Parade

- The development will result in overlooking and privacy issues for my property.
- The proposed setbacks do not appear to comply with requirements.

### PLANNING COMMENT

The following assessment is made in respect of the current application and plans received 2 October 2012.

Side setback to eastern boundary

The proposed setback to the 1<sup>st</sup> floor recessed area (kitchen/pantry/robe) will be 1.7m from the eastern boundary, in lieu of 2.8m required under the Acceptable Development standards of the RDC.

This setback concession can be considered under the Performance Criteria, which state:

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

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

The reduced setback will still provide adequate direct sun and ventilation to the proposed dwelling and adjoining property due to the lot's north-south orientation which ensures that winter sun will not be unduly disrupted and south-westerly breezes will still prevail. The recess in the wall will also assist in ameliorating building bulk and as it has no major openings it won't impact on visual privacy. The adjoining owner at 4 Deane Street has sighted the plans and has verbally advised that he has no objection to the proposal.

Visual privacy

The proposed 1<sup>st</sup> floor (west-facing) front/side balcony and (north-facing) rear balcony have a 4m and 2.5m cone of vision respectively, in lieu of 7.5m required under the Acceptable Development standards of the RDC. These setback concessions can be considered under Performance Criteria, which state:

- *Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.*
- *Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.*
- *Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.*
- *Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.*

1<sup>st</sup> floor (west-facing) front/side balcony

The applicant proposes a 1m high x 12m long solid screen wall along the front portion of the western boundary at 1<sup>st</sup> floor level to minimise any direct overlooking of the adjoining property's outdoor living area, which is located on the other side of a ROW and is shaded by a large pergola. A 1<sup>st</sup> floor window opposite is approximately

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10.5m from the proposed balcony and whilst it has potential to be overlooked it is only 1m in height and forms part of a corner window that faces north-east so is unlikely to be significantly affected by the proposal.

Although a submission has been received from the owner of 80 Marine Parade this property is setback approximately 12m from the proposed development site (at its closest point) and will not be directly overlooked by the proposed development as it is separated by the existing ROW and 80A Marine Parade.

#### 1<sup>st</sup> floor (north-facing) rear balcony

There will be no direct overlooking of major openings and outdoor active habitable spaces from the proposed rear balcony as, although there will be some overlooking over the rear of the eastern lot, the side of the balcony nearest the boundary will be screened to 1.65m and overlooking will be restricted to the roof of an existing garage on the neighbour's property.

#### Removal of street tree

The original submitted proposal for the lot showed access to a double garage from the adjoining western ROW, in addition to an undercroft garage with access from Deane Street. However, the ROW is privately owned by the Lalors and the applicant was unable to obtain approval from the owner to use it for access. As a result, the plans were amended to accommodate a double garage at ground floor level with access from Deane Street, requiring an additional crossover to the lot.

The crossover on the eastern side that will provide access to the undercroft area will necessitate the removal of a street tree. However, this has been supported by the Town's Works Department as the species is not of significance and should be replaced with a Norfolk Island pine. This has been conditioned accordingly.

#### Building height

The calculation of building height stems from Council's determination of natural ground level (NGL). Clause 5.5.1 of TPS 2 expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height.

Provision is made for Council to depart from the formula where the natural ground forms indicate that a variation is warranted provided that the amenity of the area is not unreasonably diminished. Such a height variation is not sought in this case.

The NGL at the centre of this lot has been determined to be RL: 10.75, based on a site survey plan submitted by the applicant and drawn by a licensed surveyor.

Given this NGL the maximum permitted external wall height is 6m (RL: 16.75) and the maximum permitted ridge height is 8.5m (RL: 19.25). The proposed development complies with these height requirements; although the proposed, centrally-located, 0.25m high lift shaft has not been included in this calculation as in accordance with the RDC it is considered a minor projection, similar to a chimney or the like. A non-accessible, flat roof section at the front and rear of the dwelling will have an overall

height of 6.6m above the centre NGL, which is 0.4m below the maximum 7m height allowable under the RDC for flat or concealed roofs, and is supportable by Council.

Guttering at the base of the curved roof shown on Section AA adjoining the western ROW is considered appropriate to avoid stormwater runoff into the laneway. Details will however be required to be submitted at the building licence stage.

#### Design of parking spaces

The RDC require the provision of a minimum 2 carbays for a single dwelling to be designed in accordance with AS2890.1 and accessed via a minimum 3m wide driveway. The proposed undercroft garage satisfies this requirement and although additional bays and a separate driveway are also proposed for this development these are in addition to the minimum requirements necessary under the Codes and are not required to be assessed as satisfying all of these requirements.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee discussed privacy controls in terms of any windows to the upper floor TV Room and the screen to the front balcony. Officers explained that there was a discrepancy in the plans which could be clarified by a condition for no windows, and that the balcony screen was assessed as satisfactory given that it is at the front of the dwelling to the street and the view is beyond adjacent dwellings to the ocean.

### **OFFICER RECOMMENDATION**

Moved Cr Rowell, seconded Cr Downes

That Council GRANT its approval to commence development for the proposed two-storey dwelling with undercroft garage at No. 2 (Lot 25) Deane Street, Cottesloe, in accordance with the plans received 2 October 2012, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.
- (4) 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 do not exceed those specified in the Environment Protection (Noise) Regulations 1997.

- (5) The applicant applying to the Town of Cottesloe for approval to construct the two new crossovers, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (6) The existing redundant crossover is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) The existing street tree shall be removed and replaced with a Norfolk Island pine tree to the satisfaction of the Town's Works Supervisor, at the applicant's cost.

Amendment

Moved Cr Rowell, seconded Cr Walsh

A condition be added that the first floor TV Room shall have no west-facing windows.  
Carried 5/0

Amendment

Moved Cr Walsh, seconded \_\_\_\_\_

A condition be added that the screen along the western side of the front balcony be increased in height to 1.6m.

Lost for want of a seconder.

#### **COMMITTEE RECOMMENDATION**

**Moved Cr Jeanes, seconded Cr Rowell**

**That Council GRANT its approval to commence development for the proposed two-storey dwelling with undercroft garage at No. 2 (Lot 25) Deane Street, Cottesloe, in accordance with the plans received 2 October 2012, subject to the following conditions:**

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.**
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.**

- (4) 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 do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (5) The applicant applying to the Town of Cottesloe for approval to construct the two new crossovers, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (6) The existing redundant crossover is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) The existing street tree shall be removed and replaced with a Norfolk Island pine tree to the satisfaction of the Town's Works Supervisor, at the applicant's cost.
- (8) The first floor TV Room shall have no west-facing windows.

#### **COUNCIL DISCUSSION**

Council discussed the report at length and Cr Boland made reference to the current appeal and mediation at the SAT in relation to the previous application. As a consequence he suggested that Council should consider both applications at its December meeting. Cr Boland also foreshadowed an alternative amendment that Council refuse the application for a range of reasons.

#### **AMENDMENT**

Moved Cr Boland, seconded Cr Pyvis

That Council defer the matter for further consideration of the application at the December 2012 round of meetings.

Lost 2/5

#### **AMENDMENT**

Moved Cr Boland, seconded Cr Pyvis

That Council refuse the application based on the following reasons:

- 1. Boundary set-backs non compliant;
- 2. Visual privacy non compliant;
- 3. Wall height exceed limits;
- 4. Boundary to boundary building;
- 5. Loss of street tree when it can be avoided.

Lost 3/4

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

That Council GRANT its approval to commence development for the proposed two-storey dwelling with undercroft garage at No. 2 (Lot 25) Deane Street, Cottesloe, in accordance with the plans received 2 October 2012, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.
- (4) 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 do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (5) The applicant applying to the Town of Cottesloe for approval to construct the two new crossovers, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (6) The existing redundant crossover is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) The existing street tree shall be removed and replaced with a Norfolk Island pine tree to the satisfaction of the Town's Works Supervisor, at the applicant's cost.
- (8) The first floor TV Room shall have no west-facing windows.

**THE SUBSTANTIVE MOTION WAS PUT**

Carried 5/2

*Cr Strzina returned to the Chambers at 7:35 PM*

**10.4.2 NO. 31 ERIC STREET – TWO-STOREY DWELLING**

**File No:** 2507  
**Attachments:** [31 Eric Street Nov 12.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer

**Proposed Meeting Date:** 19 November 2012

**Author Disclosure of Interest:** Nil  
**Property Owner:** Mr & Mrs J Fisher  
**Applicant:** Paul Burnham Architects Pty Ltd  
**Date of Application:** 5 September 2012  
**Zoning:** Residential R30  
**Use:** P - A use that is permitted under this Scheme  
**Lot Area:** 338m<sup>2</sup>  
**M.R.S. Reservation:** Not applicable

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**SUMMARY**

This application is for a two-storey dwelling on a green title lot that was created in 2008 following the subdivision of the corner property at 151 Broome Street. Both lots remain under the same ownership.

A previous application for a two-storey dwelling that included a pool and garage in the front setback was approved on this lot in August 2007. A number of similar setback concessions are sought for the current proposal although the design has changed.

The applicant is seeking the following variations to Council's Scheme, Policies, Local Laws and/or the Residential Design Codes:

- Front setback
- Side setback
- Visual privacy
- Building on boundaries
- Carport in Front Setback Area
- Front Fencing

Each of these aspects is discussed in this report and refers to plans received on 5 September 2012.

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

**PROPOSAL**

A two-storey dwelling is proposed comprising of 3 bedrooms, 1 bathroom, ensuite, WIR, laundry, living area/kitchen, sitting room, study, double carport and north-facing front balconies at 1<sup>st</sup> floor and roof-top level.

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**POLICY/LOCAL LAW IMPLICATIONS**

- Garages and Carports in the Front Setback Area
- Fencing Local Law

**STATUTORY ENVIRONMENT**

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

**PROPOSED LOCAL PLANNING SCHEME NO. 3**

No changes are proposed to the zoning or density of this lot.

**VARIATIONS****Town of Cottesloe Council Resolution**

| <b><i>Resolution</i></b> | <b><i>Required</i></b>                                                    | <b><i>Proposed</i></b>      |
|--------------------------|---------------------------------------------------------------------------|-----------------------------|
| TP128a                   | Generally insists on a 6m front setback which does not include averaging. | 2.4m to 7.8m front setback. |

**Town Planning Scheme Policy**

| <b><i>Policy</i></b>                                     | <b><i>Required</i></b>                                                                                                  | <b><i>Proposed</i></b> |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|
| TPSP 003-Garages and Carports in the Front Setback Area. | Generally requires a 6m front setback but has discretion to allow a carport to be constructed up to the front boundary. | 2.4m to carport.       |

**Town of Cottesloe Fencing Local Law**

| <b><i>Local Law</i></b> | <b><i>Required</i></b>                            | <b><i>Proposed</i></b>                   |
|-------------------------|---------------------------------------------------|------------------------------------------|
| Fencing Local Law       | Fence may be solid to 0.9m and open-aspect above. | Solid timberlap fence to 1.8m in height. |

**Residential Design Codes**

| <b><i>Design Element</i></b> | <b><i>Permitted</i></b>                                    | <b><i>Provided</i></b> | <b><i>Performance Criteria</i></b> |
|------------------------------|------------------------------------------------------------|------------------------|------------------------------------|
| 6.3 – Boundary Setbacks      | 2m from 1 <sup>st</sup> floor balcony to western boundary. | 1.8m setback           | Clause 6.3.1 - P1                  |
| 6.3 – Boundary Setbacks      | 3.3m from roof-top balcony to western boundary.            | 1.8m setback           | Clause 6.3.1 - P1                  |
| 6.3 – Boundary Setbacks      | 1m from carport to eastern boundary.                       | 0.4m setback           | Clause 6.3.1 - P1                  |

|                             |                                                                                             |                                                                                                                  |                   |
|-----------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------|
| 6.3 – Boundary Setbacks     | 3m from 1 <sup>st</sup> floor balcony to eastern boundary.                                  | 1.35m setback                                                                                                    | Clause 6.3.1 - P1 |
| 6.3 – Boundary Setbacks     | 4.3m from roof-top balcony to eastern boundary                                              | 1.35m                                                                                                            | Clause 6.3.1 - P1 |
| 6.3 – Boundary Setbacks     | 1.1m from laundry to southern boundary.                                                     | 0.8m setback                                                                                                     | Clause 6.3.1 - P1 |
| 6.3 – Buildings on Boundary | Walls not higher than 3.5m with an average of 3m for 2/3 <sup>rds</sup> length of boundary. | 4m height, average 3.95m.                                                                                        | Clause 6.3.2 - P2 |
| 6.8 – Visual Privacy        | 4.5m from bedrooms & studies.                                                               | 4.3m cone of vision from bedroom 1 to western boundary;<br><br>3m cone of vision from study to eastern boundary. | Clause 6.8.1 - P1 |
| 6.8 – Visual Privacy        | 7.5m from unenclosed outdoor active habitable space.                                        | 1.3m & 1.8m cone-of-vision from balconies to eastern and western boundaries respectively.                        | Clause 6.8.1 - P1 |

### ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2. Advertising consisted of a letter to 2 adjoining property owners. One submission was received which is summarised below:

MH Brown & EP O'Reilly, 29A Eric Street

- The proposed front balconies are too wide and long and will extend beyond the existing setback and have a significant impact on our privacy;
- The issue could be dealt with by decreasing both the width and length of the two balconies at the front of the proposed development.

### PLANNING COMMENT

The following assessment is made in respect of the application and plans received 5 September 2012.

#### Front setback

Council generally requires a 6m front setback for residential development which does not include averaging, whilst the Residential Design Codes (RDC) permit a 4m

averaged setback for a dwelling in an R30 coded area. However, where a single dwelling results from the subdivision of an original corner lot and has a frontage to the original secondary street, as in this instance, the front setback may be reduced to 2.5m or 1.5m to a porch, verandah, balcony or the equivalent under the RDC.

This proposal has a minimum setback of 2.4m from the front boundary to a double carport/entry. The proposed living room/kitchen area on the ground floor has a minimum setback of 5.4m with the remainder of ground floor setback at 7.8m. The ground floor, excluding the carport, therefore has an average front setback of 6.6m which exceeds the RDC and Council's setback requirements.

The proposed upper-floor study, sitting room and bedroom will be setback 7.8m from the front boundary and have direct access to a large balcony with a 4.2m front setback. A separate matching balcony is also proposed directly above with sole access from the balcony below.

Whilst a front boundary setback variation to the Council Resolution is not always supported, there is merit to this proposal. It has a large frontage and a shallow depth as a result of the subdivision. The irregular shaped lot has the dimensions of a 20.11m frontage, and a depth of only 16.76m. If a 6m front setback is applied, more than a third of the lot could not be built upon and make designing a house which has a backyard difficult.

The adjoining dwelling on the eastern side of the lot is situated on the corner of Eric and Broome Streets and has its primary frontage to Broome Street. As a result, it has a reduced setback to Eric Street which is typical of corner lots generally. This is similar to the front setback proposed to the double carport.

The previous approved dwelling on the subject lot had minimum front setbacks at ground and 1<sup>st</sup> floor level of between 2.3m to 4.2m, including to a garage, and an average setback of 5.2m, whereas the current proposal seeks similar setback concessions but has a carport and unenclosed balconies in the front setback area to retain a more open-aspect to the street.

#### Side setbacks

The proposed 1<sup>st</sup> floor and roof-top front balconies have 1.8m setbacks from the western boundary, in lieu of 2m and 3.3m required under the RDC, and a 1.35m setback from the eastern boundary, in lieu of 3m and 4.3m required under the RDC.

The proposed carport has a 0.4m setback from the eastern boundary, in lieu of 1m required under the RDC and the proposed laundry has a 0.8m setback from the southern boundary, in lieu of 1.1m required under the RDC.

These setback concessions can be considered under Performance Criteria, which state:

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

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*

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

The proposed reduced side setbacks will still provide adequate direct sun and ventilation to the proposed dwelling and adjoining properties on the eastern and western sides due to the lot's north-south orientation which ensures that winter sun will not be unduly disrupted and south-westerly breezes will still prevail.

The open-aspect design of the carport and balconies and the short depth of the lot compared to the length of the adjoining lots will assist in ameliorating the impact of building bulk, and the location of the balconies are not within the cone of vision of the existing front balconies of the adjoining western property and are unlikely to significantly affect privacy, even though it may be preferable to provide some screening. It should also be noted that if the balconies were screened at the western end then the proposed side setbacks would be compliant with the RDC.

The previous application was approved with ground and upper floor setbacks of 1.3m and 1.65m to the western boundary, in lieu of 1.5m and 2.9m required under the RDC and similarly projected to 4.2m from the front boundary.

The proposed setback from the ground floor laundry to the southern boundary is 0.8m, in lieu of 1.1m required under the RDC. Although its length is only 2.6m, its height is approximately 3.8m above the existing ground level at the boundary and it will appear approximately 1.3m higher than the existing boundary wall. It is therefore recommended that this be setback the required 1.1m to ensure that there is no loss of amenity to the southern neighbour or alternatively it should be reduced in height to comply with the RDC.

#### Walls on Boundaries

Walls are proposed on both the east and west boundaries abutting existing walls of similar or greater dimension and are permitted "as-of-right" under the RDC. However, the proposed wall on the southern boundary does not abut an existing wall and it does not satisfy the RDC as it has a height ranging from 3.8m to 4m above the existing ground level at the boundary which exceeds the maximum 3.5m, average 3m required under the RDC. Its length will be 6.2m and it will project approximately 1.3m above the existing boundary wall and be visible from the rear of the adjoining property.

In order for the proposed wall to be supported under Performance Criteria it must satisfy the following:

*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.*
-

It is not considered the proposed height of the wall on the southern boundary will avoid having any significant adverse effect on the amenity of the adjoining property and, notwithstanding that no submission was received from the affected neighbour, it would be difficult to support in its present form. However, there is no objection to supporting a lower height wall on the boundary, such as with a skillion roof, that satisfies the RDC requirements. This would also be more consistent with the previous planning approval that proposed only a 3m high wall along this boundary.

#### Visual Privacy

The proposed north-facing windows to the upper floor study and bedroom 1 have a 3m cone of vision to the eastern boundary and 4.3m cone of vision to the western boundary respectively, in lieu of 4.5m required under the RDC and the proposed 1<sup>st</sup> floor and roof-top balconies have a 1.3m and 1.8m cone of vision, in lieu of 7.5m required under the RDC.

These setback concessions may be considered under Performance Criteria which state:

*Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.*

*Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.*

*Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.*

*Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.*

The proposed north-facing window to bedroom 1 will partially overlook the front setback area and driveway of the adjoining western lot and will not result in direct overlooking of any active habitable spaces. Similarly the proposed north-facing study window will only partially overlook the roof of a verandah on the eastern neighbour's property which is owned by the applicant.

The proposed front balconies have greater potential for overlooking than from the study and bedroom windows and although are unlikely to result in significant direct overlooking of the balcony areas it is recommended that the western ends could be screened with 1.6m high angled louvers or the equivalent, to the satisfaction of the Manger Development Services, to minimise the likelihood of overlooking occurring directly into the neighbour's front living areas.

The eastern ends of the balconies are considered acceptable without screening as any potential overlooking will be restricted to the partially covered side area of the adjoining property which is under the same ownership.

### Carport in Front Setback Area

The proposed double carport/entry is a flat-roofed, partially open-sided structure that has a 2.4m front setback and 0.4m setback from the eastern boundary.

Although it is the Council's general policy to require carports to be located behind a 6m front setback line, there is discretion under its policy to allow reduced setbacks where the following criteria of the policy are satisfied.

*"The materials of construction, design and appearance of a carport or garage erected within the front setback area shall be in character with the residence upon the site and be in harmony with the surrounding streetscape.*

*Further, the location of the building:*

- (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.*

*In consideration of variations to setback, Council shall also have regard to:*

- (a) the objectives set out in the Residential Codes;*
- (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."*

The proposed carport location has been assessed against the Policy criteria and is considered acceptable as it will form an integral part of the design being partially below the proposed front balconies, it will have a similar setback to the existing covered verandah on the adjoining eastern neighbour's property, it will not affect view lines and it satisfies the permitted setback requirements of the RDC for subdivided corner lots.

The proposed crossover will need to be slightly modified to ensure that there is a minimum 1.5m clearance from the existing Norfolk Island Pine street tree and this can be conditioned accordingly.

Council previously approved a double garage adjoining the eastern boundary with only a 2.3m front setback, so the current proposal would be consistent with this previous decision whilst potentially having less visual impact on the streetscape.

### Front Fence

A solid timberlap fence up to 1.8m in height is proposed within the front setback area which does not satisfy the Council's Fencing Local Law, whereby it should not exceed 0.9m in height unless of an open-aspect design.

The proposed fence may assist the safe use of land and persons because it will provide a barrier against unwanted visitors. However, an open-aspect fence would also provide better surveillance to the street. It is observed that the public footpath is well-separated from the property by the wide verge, which provides for both physical

security and a sense of distance in terms of private outdoor recreation (by choice in a front yard facing the street) and pedestrian movement. There is also a rear private courtyard as well as balconies, so the front yard is not the sole outdoor private open space.

The streetscape would not be enhanced as the non-complying front fence would create bulk to the front setback area and overall, there is a predominant pattern of open front yards along this side of the street heading west.

### **CONCLUSION**

The proposed development is contemporary in design and maximises its northern aspect whilst fully complying with overshadowing requirements over the adjoining southern lot.

Its overall height does not exceed 7m above the natural ground level calculated at the centre of the lot, including the balustrade around the top balcony, although a minor adjustment of approx. 0.16m may be required to allow for a 1.6m high screen along the western end of the roof-top balcony if considered necessary. Alternatively, Council could decide that screening to the top balcony was not required due to the limited use it is likely to have as it is uncovered and has no direct access from a habitable room.

The front setback variation could be supported on the basis of the dwelling being the result of subdivision and the open balconies in the front setback not presenting a large bulk presence to the street. Furthermore, the setback variations are not dissimilar to that previous approved by Council for a two-storey dwelling on this lot.

Some minor changes to the rear of the dwelling are appropriate to minimise potential loss of amenity to the southern neighbour and the proposed front fencing should be amended to comply with the Fencing Local Law to ensure the existing predominantly open streetscape on this side of Eric Street is maintained. A minor adjustment to the crossover location is also necessary to ensure that adequate clearance is maintained to the existing street tree.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee discussed the design approach in the context of the constraints of the site and in relation to the streetscape. Officers explained the assessment in terms of boundary walls and privacy controls and referred to the condition for revised plans addressing these aspects, which the architect has accepted.

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Jeanes, seconded Cr Strzina**

**That Council GRANT its approval to commence development for the proposed two-storey dwelling at 31 (Lot 89) Eric Street, Cottesloe, in accordance with the plans received on 5 September 2012, subject to the following conditions:**

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- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.
- (2) The external profile of the development as shown on the approved plans, not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Air-conditioning plant and equipment 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.
- (6) The finish and colour of the boundary wall facing the southern neighbour shall be to the satisfaction of the Manager Development Services.
- (7) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer, with the Works Supervisor determining the minimum distance that the crossover shall be located away from the base of the street tree.
- (8) The existing redundant crossover in Eric Street is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (9) Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing:
  - (a) the height of the boundary wall (bedroom 2) facing the southern neighbour being a maximum of 3.5m and average of 3m above the existing ground level on the boundary, in accordance with the Residential Design Codes;
  - (b) the laundry having a minimum 1.1m setback from the southern boundary, in accordance with the Residential Design Codes;
  - (c) the proposed fencing in the front setback area being modified to comply with the Council's Fencing Local Law. The fencing may be solid to a maximum height of 900mm and any proposed infill panels above shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level; and



- (d) the western end of the two balconies being screened to prevent direct overlooking into the front living areas of the neighbouring dwelling. In this respect, the overall height of the proposed dwelling, including the rooftop balustrade, shall not exceed 7m above the calculated natural ground level measured at the centre of the lot (ie: max. RL: 27.74).

*The administration circulated revised plans provided by the applicant and proposed that the recommendation be amended accordingly.*

#### **AMENDMENT**

Moved Cr Strzina, seconded Cr Rowell

1. That the recommendation be amended to change the 'plans received on 5 September 2012' with revised plans received 23 November 2012.
2. that condition 9(a) and 9(b) be deleted and renumber conditions (c) and (d) accordingly.

Carried 8/0

#### **AMENDMENT**

Moved Cr Hart, seconded Cr Pyvis

That the following words be added after the word 'screened' in new condition 9(b) "*with 1.65 metre high angled louvers*".

Lost 3/5

#### **COUNCIL RESOLUTION**

That Council GRANT its approval to commence development for the proposed two-storey dwelling at 31 (Lot 89) Eric Street, Cottesloe, in accordance with the plans received on 23 November 2012, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.
- (2) The external profile of the development as shown on the approved plans, not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.

- (5) Air-conditioning plant and equipment 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.
- (6) The finish and colour of the boundary wall facing the southern neighbour shall be to the satisfaction of the Manager Development Services.
- (7) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer, with the Works Supervisor determining the minimum distance that the crossover shall be located away from the base of the street tree.
- (8) The existing redundant crossover in Eric Street is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (9) Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing:
  - (a) the proposed fencing in the front setback area being modified to comply with the Council's Fencing Local Law. The fencing may be solid to a maximum height of 900mm and any proposed infill panels above shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level; and
  - (b) the western end of the two balconies being screened to prevent direct overlooking into the front living areas of the neighbouring dwelling. In this respect, the overall height of the proposed dwelling, including the rooftop balustrade, shall not exceed 7m above the calculated natural ground level measured at the centre of the lot (ie: max. RL: 27.74).

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 6/2**

**10.5 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 NOVEMBER 2012****10.5.1 POLICY REVIEW - FIREWORKS POLICY**

**File No:** POL/64  
**Attachment:** [Fireworks Policy](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

To consider changes made to the Fireworks Policy, which are a result of the adoption of the Beaches and Beach Reserves Local Law 2012.

**BACKGROUND**

In May 2012, Council adopted the Beaches and Beach Reserves Local Law 2012. There are several policies that have been written under the previous local law, which will need to be reviewed in the near future. The first of these is the Fireworks Policy, which is now being presented to Council.

**STRATEGIC IMPLICATIONS**

As there are no changes to the operative part of the policy, there are no anticipated strategic implications.

**POLICY IMPLICATIONS**

The changes suggested will update the Fireworks Policy.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The changes being made to the policy do not affect the policy's operation. Some improvements to wording have been made and changes to the references of the Beaches and Beach Reserves Local Law 2012 have been updated.

The purpose of a policy is purely to guide staff in assessing applications and to provide some guidance to members of the public as to the likelihood of an application being approved. That is, if someone makes an applications that complies with every aspect of the policy, they could reasonably expect that it would be approved. Conversely, an event that contravenes several aspects of the policy is likely to be refused.

However, as this is a policy, Council can still exercise its discretion in how and when it applies the policy. Simply because an event complies with the policy does not guarantee approval and conversely, if an applicant isn't able to satisfy every requirement of a policy, Council can still approve it.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council adopt the amended Fireworks Policy, as presented to the 20 November 2012, Works and Corporate Services Committee.**

**Carried 8/0**

**10.5.2 APPLICATION FOR FIREWORKS 8 DECEMBER 2012**

**File No:** SUB/550-02  
**Attachments:** [Table 8 2 Minimum clearance distances for aerial fireworks](#)  
[Fireworks Layout Map](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

An application has been received for a Fireworks Event to be held on Saturday 8<sup>th</sup> December 2012 at 8.30pm for five minutes duration at Cottesloe beach, between Eileen Street and Eric Street. The event is part of a celebratory function to be held at Barchetta Restaurant, 149 Marine Parade, Cottesloe.

**BACKGROUND**

At the Council meeting on 27<sup>th</sup> April 2011, a firework event application was approved with conditions, by Council.

At the Council meeting on 22nd August 2011, a similar application was not approved by Council. Issues relating to the beach closure and public safety were noted as important considerations in making this decision.

The current request has been submitted by the licensed fireworks contractor, Kim Gamble, for the northern end of Cottesloe beach. In the past fireworks have been set up on the Groyne, which is blocked off at the entrance for security and safety during the display. According to the contractor, the fireworks will be set up on the beach between Eileen and Eric Street, therefore requiring more safety which will be provided by four security guards and two North Cottesloe Surf Lifesaving Club lifesavers. Further measures will also be taken to secure the beach area with signs and roping off access points to the beach. The beach will need to be closed between Eileen and Eric Street from 7.00pm to 8.30pm.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Fireworks: (Resolution No: 12.1.2, Adopted: April, 1997)

**STATUTORY ENVIRONMENT**

The Town of Cottesloe's Beaches and Beach Reserve Local Law provides that no person shall discharge any fireworks unless approved in writing by the Council.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Consideration should be given to minimising the potential damage to sand dune vegetation caused by spectators and fireworks. In addition, consideration must be given to minimise adverse noises for nesting birds.

**CONSULTATION**

The applicant has consulted with North Cottesloe Surf Lifesaving Club, who have agreed to provide two lifesavers in attendance during the event, for added safety and security.

**STAFF COMMENT**

According to the Fireworks Policy the main issues to be considered by Council when approving a fireworks event are:

- potential damage to sand dune vegetations caused by spectators and fireworks;
- litter management and disposal;
- adverse noises for adjacent residents and nesting birds; and
- public liability protection for the Town of Cottesloe.

Mr Gamble has stated the following:

- the display would not affect any sand dune vegetation because viewing will take place from the balcony at 149 Marine Parade, Cottesloe;
- all litter will be collected completely;
- noise will be reduced due to the size of the aerial shells being 75mm and mid-level type fireworks. Additionally the duration will only be 5 minutes and due to the open area of the fireworks, the noise factor will be minimal. The particular fireworks launch site, has been chosen specifically to minimise noise, and at a distance from significant nesting bird sites; and
- A certificate of Currency for \$10m for public liability insurance will be provided to the satisfaction of the CEO prior to the event.

Section 7 of the Government of Western Australia, Department of Mines and Petroleum Firework Event Notice shows the various departments which have been notified regarding the possible firework event. These are:

- Department of Planning and Infrastructure (Marine Safety Branch)
- Local Volunteer Marine Rescue
- Local Police
- FESA

Additionally a cadastral map has been attached showing a 50m radius from the event site, in accordance with type of fireworks listed in the application to the department of Mines and Petroleum. The standard supporting the 50m radius is listed in the first row of the table attached.

The Firework Policy also states that, 'Applications will not be approved for events within 500m of a Protected Place or for hours outside Restricted Times or for events

beginning later than 8.30pm'. The event is scheduled to take place between 8.15pm to 8.20pm and is 500m from a Protected Place.

Including set up and pack down, the fireworks will make the area of the beach between Eric and Eileen Street unavailable from 7.00pm to 8.30pm. Access for a vehicle is possible through a pathway in front of North Cottesloe Surf Life Saving Club and no other events have been scheduled for North Cottesloe Beach on this date. The beach will therefore need to be closed between Eileen and Eric Street from 7.00pm to 8.30pm.

At the 16 August 2011 Works and Corporate Services Committee meeting, discussion included, "Issues of beach closure and public safety were noted as important considerations. There was also a general consensus that the "groyne" was perhaps the only place that might be considered suitable as a location for fireworks displays and that this should be noted for staff benefit when considering future applications."

In considering this matter Council has a number of options including:

1. Approve as requested
2. Approve with conditions
3. Approve but for a different location i.e. groyne
4. Not approve

If Council wishes to approve the fireworks with closure of and vehicle access to the beach at 7.00pm on Saturday 8th December, it would be advised to apply the following conditions:

- Litter will be collected completely.
- Duration of fireworks display not to exceed 10 minutes.
- Applicant to pay for notice in local newspaper notifying residents of closed section of the beach.
- Vehicle access to the beach to be via North Cottesloe Surf Life Saving Club
- Submission of an acceptable plan detailing how and when the beach will be closed, and the affected area kept clear and safe, and traffic managed.
- Road closures will be between the following times.

Closure of a public beach, even for short periods, is a significant decision and does affect members of the general public. The safety of the public is also a factor to be considered. On that basis, the officer recommendation is not to approve the application as submitted.

## **VOTING**

Simple Majority

## **COMMITTEE DISCUSSION**

Committee discussed the report with Cr Jeanes supporting the application with conditions as outlined in the officer report. Concern was raised in relation to closure of the beach for 1.5 hours and the restrictions this places on other users. It was also suggested that the groyne was a preferable location for fireworks.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council:**

- 1. Not approve the application for fireworks at 8.30pm on Saturday the 8<sup>th</sup> December 2012.**
- 2. Advise the applicant of Council's decision accordingly.**

**Carried 7/1**



**10.5.3 EVENT APPLICATION THE WILDERNESS SOCIETY W.A.**

**File No:** SUB/550-02  
**Attachments:** [Event Application Form community art installation](#)  
[Letter of application to the CEO for community](#)  
[beach event](#)  
[Community art installation Proposal](#)  
[Site options for the community art installation event](#)  
[Certificate of currency](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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*Event Application – Wilderness Society WA was withdrawn at the request of the event organisers.*

**10.5.4 LOADING ZONE ADJACENT TO INDIANA TEA HOUSE**

**File No:** SUB/992  
**Attachments:** [ITH Plan of Site](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services

**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider creating a loading zone at the beach reserve immediately adjacent to Indiana Tea House, as shown in red on the aerial photo in the attachment.

**BACKGROUND**

The Town of Cottesloe has entered into a lease over the premises commonly known as Indiana Tea House. There are no locations within the leased area that allow for parking or loading/unloading activities. The lease is also silent on the provision of staff parking or parking facilities to the lessee.

One area in particular, marked on the attached map as “proposed loading zone” has been used on a number of occasions for people to load and unload goods. In this same area, the Town periodically has parking issues, whereby a number of people park their vehicles. As a consequence infringements are issued. Some of the drivers involved claim to have permission to park there, but currently no person or company is authorised to park in that location.

The location marked in the attachment is also where bins for Indiana Tea House are stored. They are often left in view of the public, which is not ideal.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Under the Town's Parking and Parking Facilities Local Law 2009, Council can authorise the creation of a parking stall on a reserve by resolution of Council.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

Administration has received many requests from the management of Indiana Tea House for the placement of some form of delivery parking in this area. Internal consultation has taken place with input being received from Rangers and Management.

**STAFF COMMENT**

At present there is an issue with deliveries to and works being done at Indiana Tea House (ITH). Drivers are parking either in the place shown as “proposed loading zone” on the aerial photo in attachment 1, or alternatively driving around the marked bollard and parking on the footpath at the front of Indiana Tea House.

When some of these driver’s have appealed the infringements given to them, they have insisted that staff at Indiana Tea House have told them they could park there. Indeed staff from Indiana Tea House have been infringed for parking in this area.

The lease for Indiana Tea House does not cover the area marked as “proposed loading zone”. The pathway to the front of ITH is a part of the leased area, however, it would also be considered a thoroughfare as it has been a thoroughfare for more than the prescribed time. Any attempt to prevent it being used as a thoroughfare (i.e. placing an obstruction or attempting to close it) could be dealt with under the Local Government (Uniform Local Provisions) Regulations 1996. As it is a thoroughfare, it is also covered by the Town’s Parking and Parking Facilities Local Law 2009.

The most concerning element of recent infringements is that people appear to be being told to drive around the bollard (shown on attachment 1) and to proceed down the pathway to make deliveries. This has been communicated to the Town by more than one person appealing an infringement and has been reported by the Rangers following discussions with staff and infringed drivers. While it’s dangerous enough driving forward on a footpath, reversing or performing a three point turn (which would be required to exit this area) is even more of a hazard.

As this area is a reserve and not a gazetted road, there is some doubt as to whether or not the third party insurance cover, or indeed people’s motor vehicle insurance, would cover drivers in the event of an accident. As there are a high number of pedestrians in this area, particularly during the summer months, it would be ideal to keep vehicles out of this area.

The area marked as “proposed loading zone” is adjacent to where the bins are collected from for ITH. It is a wider area and there are no obstructions preventing access. If a loading zone is to be installed, this would be the most appropriate area. However, it could also be requested that the area be cleaned up before the loading zone is placed in this location, otherwise there is a chance that rubbish and the bins themselves will interfere with the loading zone.

In order to use a loading zone, a vehicle must be;

1. A commercial vehicle (or vehicle capable of being a commercial vehicle);
2. Must be being used for the loading or unloading of commercial goods (ie not private goods); and

3. Must not remain in the bay for more than 15 minutes.

Such a bay would allow for deliveries and pickups, however it would not be available for general parking. In enforcing loading bays, some discretion is used by rangers for people delivering goods from passenger vehicles. That is, if a driver is dropping off goods for a commercial purpose or event, and leaves immediately after, an infringement is not normally issued. This is because there is no way of knowing at the time of issuing an infringement whether a vehicle is registered as a commercial vehicle. If a driver is picking up goods as a part of retail a transaction (ie take away food or drinks) they would be infringed.

Council has previously advised that they did not wish for parking to be allowed in this area. This was in the context of parking for ITH staff and / or general public, which a loading zone could not be used for due to the 15 minute time restriction. This restriction could be easily enforced by rangers as a part of their normal patrols of that area.

A sign for the loading zone could be erected on the side of the leased area and would be discrete in this location, but visible for anyone using the loading zone. Loading zones are marked with yellow paint, with the words "loading zone" stencilled on the ground. In the event the loading zone were removed, the paint can be removed using a high pressure water cleaner.

While there is a loading zone close by on Marine Parade, the 40 metres down the steep path has been given as grounds for not using this area, particularly by people making large deliveries to ITH or people involved in waste collection (used oils and waste from grease traps).

Any person parking outside of the loading zone, for any reason, will be infringed as per current arrangements.

## **VOTING**

Simple Majority

## **COMMITTEE DISCUSSION**

Committee discussed the request from Indiana Tea House for delivery parking. The Mayor advised that Indiana staff have used the area in the past to park private staff vehicles, and that he had brought this to the attention of the Town's rangers. Cr Strzina stated that in his opinion, having a loading zone located in close proximity to pedestrian traffic, could potentially put the public at harm, as large vehicles drive in and reverse out of the area.

Committee further discussed the location of Indiana's bins and agreed that at present they are unsightly, and questioned whether they could be screened or stored in what used to be the "children's play area".

## **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Jeanes

THAT Council:

1. Request that Indiana Tea House place their bins away from publicly visible areas, or install a screen in this location and that once this is complete;
2. Authorise the placement of 1 "loading zone" bay as marked on the map in attachment 1.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That point (2) of the officer recommendation and the words "and that once this is complete;" in point (1) of the officer recommendation be deleted.

Carried 3/1

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

**THAT Council request that Indiana Tea House place their bins away from publicly visible areas, or install a screen in this location.**

Carried 8/0

**10.5.5 NAPOLEON STREET PARKING ADJUSTMENT**

**File No:** SUB/485  
**Attachments:** [Napoleon Street Plan](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A minor change to parking arrangements is being proposed for Napoleon Street, Cottesloe, being the reassignment of four 15 minute bays to 1 hour bays – following a request from the ProCott Board.

**BACKGROUND**

The Manager Corporate and Community Services, together with Cr's Rowell and Downes attended the ProCott Board meeting on Tuesday, 13 November 2012. At this meeting the issue of parking in the Town Centre was raised. As a part of this discussion the idea of making the western part of Napoleon Street all 1 hour bays was raised and supported at the board meeting.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

The Town's Parking and Parking Facilities Local Law 2009 gives the Council authority to create or vary parking stalls on thoroughfares within the District.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The Manager Corporate and Community Services has liaised with the ProCott board with regards to this matter. The Board have advised that they believe this will reduce confusion over parking restrictions in this area.

Rangers have also been asked for input, particularly with regards to enforcement. Under the current arrangements, enforcing the 15 minute times has been problematic.

### **STAFF COMMENT**

Parking within the Town Centre has come under scrutiny in recent times. There has been a change made to parking restrictions in the private car park at 11 Station Street (1 hour to 2 hour) and many discussions amongst business owners and customers as to the ideal mix of parking types in the Town Centre. While consensus on many areas has not been reached, there is a general consensus that there needs to be more consistency in parking restrictions within the Town Centre.

Under the current arrangements there are eleven 15 minute bays on Napoleon Street. This parking regime has been in place for some time, and the mix of vendors on Napoleon Street has changed during this time. The Senior Ranger has noted that he has seen a shift from convenience type stores, where people would need short term parking, to cafés and boutique stores, where generally people stay a little longer.

The proposed changes would reduce the number of 15 minute bays to 7, with 23 one-hour bays (up from 19). This represents a shift from 57% short term bays to 30% short term bays. Given the types of shops now on Napoleon Street, this is most likely the appropriate level.

It's also been noted by the Senior Ranger that the proposal would effectively mean that all parking west of "Elba's" would be 1 hour and east of this location short term or ACROD. It is believed that the physical separation of the two zones, will result in a higher level of compliance and less confusion amongst drivers.

At the same time as reducing the number of 15 minute bays, it's recommended that the restriction for Mondays to Saturdays be removed from the 15 minute bays. At present the 15 minute bays at the eastern end of Napoleon Street are always 15 minutes bays, where as the remainder are only 15 minute bays Monday to Saturday.

This report does not recommend any changes to ACROD bays or Motor Cycle bays on Napoleon Street at this time, as no consensus has been communicated. However this issue will continue to be raised by the ProCott Board who will report through the Council representatives as well as the Manager Corporate and Community Services.

### **VOTING**

Simple Majority

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

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council authorise the variation on parking restrictions on Napoleon Street such;**

- a. That all standard car bays west of 31 Napoleon Street become;**
  - i. 1 Hour Parking**
  - ii. Monday to Friday 8.00am to 6.00pm**

**iii. Saturday 8.00am to 1.00pm**

- b. That all standard car bays east of 31 Napoleon Street become 15 Minute Parking.**

**Carried 8/0**



**10.5.6 EVENTS CLASSIFICATION POLICY**

**File No:** POL/84  
**Attachments:** [Event Classification Policy](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider the attached Event Classification Policy.

**BACKGROUND**

The Town of Cottesloe has many events held at its facilities each year. They range in size and complexity, from small weddings on the beach, to full scale promotional events.

Previously, the classification of these events as charitable, community or commercial events was done on a case by case basis. As would be expected, event organisers, in seeking to minimise their costs, would always ask for a waiver of fees, usually because they believe their event is in the community's interest.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

If the recommendation is adopted a new Event Classification Policy would be added to the Policy Manual.

**STATUTORY ENVIRONMENT**

Beaches and Beach Reserves Local Law 2012  
Local Government Property Law 2001

Both of these local laws contain provisions that allow Council at its discretion, to allow events at facilities controlled by the Town, and to charge fees as appropriate.

**FINANCIAL IMPLICATIONS**

Ensuring that events are classified consistently and correctly will ensure that the correct fees are raised.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

This policy was presented to the September 2012 Public Events Committee meeting. Committee members commented that it is now common for community and charity groups to employ specialist event organisation companies to organise their events instead of volunteers and agreed that this should not solely be a reason to classify an event as being “commercial”.

Committee commented that in some instances, if Council were to take a fee, they may be taking directly from the charity, not the event organisers, and as such, as a public gesture on Councils behalf, a minimal fee could be considered in such instances.

**STAFF COMMENT**

This policy will provide guidance to staff in recommending fees for events that require Council approval. It will also provide event organisers with a reasonable level of certainty as to the fees they will be charged for their event, before applying for event approval.

As this would be a policy, Council at its own discretion, can set aside the policy when making the final determination on an event application. In this way, if Council believed that factors outside the criteria listed meant that it was more appropriate to charge a different fee (or Council wished to set fees aside completely) it is still possible to do so.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Hart addressed Committee and stated that it would be good to have a policy of this nature, but in her opinion, the policy required further time to be considered and suggested that Committee defer the matter for a month. Mayor Morgan advised that the Committee was the appropriate forum for suggested changes to be made to the policy, and requested that officers provide Cr Hart with the document in “word” format for electronic review and edit prior to the next Council meeting. Committee also discussed the criteria for deeming an event to be “charitable”.

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council adopt the attached Event Classification Policy as submitted to the Works and Corporate Services Committee on 20 November 2012.**

**AMENDMENT**

**Moved Cr Hart, seconded Cr Boland**

**That Council defer the matter for further consideration of the Events Classification Policy until the December 2012 round of meetings.**

**EQUALITY 4/4  
MAYOR CASTING VOTE FOR 5/4**

**COUNCIL RESOLUTION**

That Council defer the matter for further consideration of the Events Classification Policy until the December 2012 round of meetings.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**EQUALITY 4/4  
MAYOR CASTING VOTE FOR 5/4**

**10.5.7 TENDER FOR THE PROVISION OF DRAINAGE COMPONENTS, STATION STREET SUMP, COTTESLOE**

**File No:** SUB/935  
**Attachments:** [Confidential](#) - [Tenders Received](#)  
[Confidential](#) - [Images of products tendered](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its meeting on 24<sup>th</sup> September 2012, it was resolved:

*THAT Council:*

- 1) Call a tender for the supply of materials for the construction of a large drainage cell in the Station Street sump, capable of carrying all design traffic of a heavy use car park as a surface load, with no tender necessarily being accepted.*
- 2) Conduct community consultation on any car park design and landscape plan, in the event that a tender is accepted.*

This report details the tenders received for the supply of drainage materials to be used in the address part (1) of the above resolution and Station Street drainage sump, to convert it to an underground drainage cell.

**BACKGROUND**

Council has already resolved to expend Cash In Lieu reserve funds to convert the existing open sump in Station Street to an underground drainage cell equipped with pollution traps, plus a street level surface car park. The first 'test' of this proposal is to ensure that available funds are sufficient to undertake the works. The tender, called for the design of the drainage cell and supply of all required drainage components, is required because the value of the components will be in excess of \$100,000, which is the minimum expenditure level requiring tenders to be called, under Tender regulations.

**STRATEGIC IMPLICATIONS**

In Council's 2006-2010 Future Plan, Objective 5 is "Maintain Infrastructure and Council Buildings in a Sustainable Way."

Major Strategy 5.3 within this objective states "Develop an Integrated Town Centre Plan to Improve all Aspects of the Infrastructure of the Town Centre." This proposed project is aimed at improving the Town Centre parking provision, as part of that strategy.

**POLICY IMPLICATIONS**

Council's "Engineering Programs – Long Term" applies.

**STATUTORY ENVIRONMENT**

Council owns the majority of the sump site and has the vesting control of the eastern end drainage reserve property. The drainage Reserve No. 40348 was originally under Main Roads WA control but was given over for Council vesting on the basis that drainage of Stirling Highway would always be permitted into that site. Council therefore has an obligation to have highway drainage water enter any new drainage installation in the sump. In addition, all cash in lieu funds must go towards the creation or improvement of parking facilities. Both of these requirements will be met in the proposed installation.

**FINANCIAL IMPLICATIONS**

Council has not budgeted to undertake this work in the 2012/2013 budget. However, the Parking Reserve is available and can be legally allocated to fund the work. The Parking Reserve was \$395,234 in July 2012 and is predicted to rise to \$409,510 by June 2013, with interest earned on the account. The estimated cost of the car park construction still appears adequate. The drainage cell component of cost is the subject of this tender and report.

**SUSTAINABILITY IMPLICATIONS**

The main sustainability objective is to install a system that allows for the removal of pollutants from drainage off Stirling Highway and town centre streets then direct the water into the below ground aquifer in the most efficient way.

**CONSULTATION**

No formal consultation on this proposal has taken place other than it being discussed with Procott. Debate over the development of this site has occurred for many years, with a variety of Council agenda items on the subject and local newspaper coverage.

**STAFF COMMENT**

The tender advertisement was published in the West Australian newspaper on 20<sup>th</sup> October 2012. The advertising period for the design and supply of drainage components for the Station Street sump has closed, with 6 tenders being received.

Of the tenders received, two were for large solid concrete components or large diameter plastic pipes, with expensive gross pollution traps. At \$375,000 and \$755,079, both of these systems were judged as being too expensive for the available budget.

Of the remaining four tenders, all being relatively light plastic components, two were from the same company, Cubic Solutions.

Cubic Solutions, Global Synthetics and Geofabrics have all tendered components previously used in the seven sump upgrade works undertaken in Cottesloe during the four year Water Smart program.

The Global Synthetics tender uses 'box' type components which fit together and are wrapped in geotextile sheeting. The tender, at \$227,091.18, does not include connection piping, connection pits or any form of pollution trap.

The Cubic Solutions #1 or compliant tender of \$191,000 includes required materials ready for installation. This includes 1000m<sup>3</sup> of crushed recycled concrete aggregate (rather than new crushed rock) as a \$39,500 cost.

The second tender from Cubic Solutions was the #1 tender cost less all connection piping, junction pits, pollution traps and crushed recycled concrete. This material is sometimes supplied from other sources.

The Geofabrics tender also does not include the provision of connection piping, junction pits, pollution traps and crushed recycled concrete.

The difference of cost in the two Cubic Solutions tenders is \$95,200, which covers the difference between all materials being supplied versus only the plastic drainage components.

The Cubic Solutions tender of \$191,000 for full component supply or \$95,800 for plastic components plus geotextiles is based on a very similar design to Geofabrics, with the size of the 'U' shaped components being larger in the Cubic Solutions design.

The recommendation is for the adoption of the Cubic Solutions compliant tender of \$191,000 (ex GST) for all components, including 1000m<sup>3</sup> of crushed recycled concrete, being supplied.

With the total budget of \$400,000, this leaves approximately \$200,000 to install the drainage cell and construct the car parking area. Installation is estimated below \$80,000 and the car park construction approximately \$110,000.

## **VOTING**

Simple Majority

## **COMMITTEE DISCUSSION**

Cr Jeanes asked whether the drainage cell tendered by Cubic Solutions would allow a multistorey development at a later date. The Manager Engineering Services advised that the drainage cell would need to be removed to allow for the installation of appropriate foundations for a multistorey development.

Mayor Morgan commented that parking on the eastern side of the railway is imperative for local businesses and shoppers.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council:**

- 1. Accept the tender lodged by Cubic Solutions for the supply of all materials for the construction of a 1100 cubic meter drainage cell at the Station Street sump for a tender cost of \$191,000.**
- 2. Agree to increase the size of the drainage cell by 100m<sup>3</sup> capacity at a cost of \$9,900 to \$16,000.**
- 3. Thank all unsuccessful tenderers for their tenders.**
- 4. Arrange for a design of the car park at the site, with emphasis on landscaping, closure of any access/egress with the north side rear lane and a solid barrier from sound on the sump north side boundary.**

**Carried 8/0**

**10.5.8 POLICY REVIEW - TRAFFIC MANAGEMENT**

**File No:** POL/37  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Attachment:** [Traffic Management Policy](#)  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is required to regularly review its policies. It's policy on "Traffic Management" was reviewed in November 2010, however, recent Council decisions on the installation of traffic control devices as well as comments on required consultation justifies reconsideration of parts of this policy.

**BACKGROUND**

Problems with the applicability of the current policy are:

1. Under policy Principals, item (h) states: "Ensure full consultation is undertaken when assessing traffic management issues." Clarification of the meaning of "full consultation" is required.
2. Schedules 2 and 3 provide for Assessment Procedure and Intervention Guidelines relating to traffic treatments. However in Schedule 3, item (8) states "Traffic treatments that are warranted on traffic safety grounds would be exempted from meeting the criteria of this policy". Most of the traffic treatments considered in Cottesloe relate to traffic safety and are therefore exempted from this policy.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Review of existing policy.

**STATUTORY ENVIRONMENT**

This policy relates to Council's obligations to provide safe infrastructure to allow for the movement of pedestrians, cyclists, motorists and public transport. It includes the construction of various assets which restrict or control the movement of vehicles at intersections or to slow down vehicles to the zoned speeds to improve traffic safety.

Control of vehicle speeds and movement is a Police responsibility, bound by state legislation. All new traffic installations must first be approved by Main Roads WA for the legal installation of line marking and control signage.



**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Existing Policy

**STAFF COMMENT**

The original policy had been a modified version of a much larger Council policy, particularly regarding consultation, which tended to cover much larger scale traffic management changes. Most of the policy is still applicable, apart from an understanding of what “full consultation” means and changes to Schedules 2 and 3 to make them more practical, particularly with small scale installations.

Item 8 of Schedule 3 could be clarified by the additional words “State or National Black Spot submission” before the words “traffic safety grounds”. The priority then applying is the accident statistics at a particular site and the need to install a device to solve a problem at that site.

In regards to consultation, there should be a scale applying to the level of such consultation, ranging from affected properties where a street ‘splitter’ island or pedestrian crossing island is concerned through to a major change to the way a strategic route is used. This could be closure of a section of Marine Parade or Broome Street requiring Town wide advertising and a request for public submissions. This occurred when Jarred Street through the Seaview Golf Club reserve was closed.

The use of the word “Precinct” tends to indicate large portions of a local government authority. It is not applicable for a small intersection or mid block improvement when no road closure is involved and the aim is only to slow speeding traffic or tighten up turning movements at an intersection. The attached proposed modified policy includes the removal of Schedule 2 and a modified Schedule 3 (now numbered #2).

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council adopt the modified version of its Traffic Management Policy as presented to the 20 November 2012, Works and Corporate Services Committee meeting.**

**Carried 8/0**

**10.5.9 DESIGN FOR COTTESLOE MAIN BEACH DISABILITY ACCESS PATH**

**File No:** SUB/1390  
**Attachments:** [Copy of GHD Consultants display plan](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

GHD Consultants were engaged by the Town, in September 2012, to undertake a design for a Disability Access Path to the beach level at the Cottesloe Main Beach. After working through options with staff, a final design concept was put to Council's Disability Services Advisory Committee in October for comment. The design concept and location for the path was supported by the committee.

The recommendation is that Council adopt the GHD Consultant designs for the proposed Cottesloe Main Beach Disability Access Ramp and forward developed copies of those plans to the West Australian Planning Commission and the Heritage Council to request approval for construction.

**BACKGROUND**

Council received confirmation in July 2012 that its application to Lottery West for a \$200,000 grant towards a new Disability Access Path at the Cottesloe Main Beach was successful. The 2012/2013 budget includes a project of \$300,000 expenditure, \$200,000 grant income.

In July, a full site survey was undertaken, including levels and the location of all trees and infrastructure. In August, this site survey was the basis of a request to three consultancy firms to provide quotations to initially undertake the design process and, once considered by the Disability Services Advisory Committee, and approved by Council, WAPC and the Heritage Commission, draw up construction plans to be used for a tender to be called for full construction. Construction is proposed to take place commencing April 2013. GHD was the successful consultancy firm engaged to undertake landscape and engineering architectural services for the project.

Site discussions have taken place and a number of draft concept plans have been generated to finalise the concept, including alignment, cross sections, the locations of hand rails, modifications to site retaining walls and the creation of new walls. Senior staff considered these concepts and made comments.

The final concept plan and display views were put to the Disability Services Advisory Committee on the 30<sup>th</sup> October, with full endorsement of the concepts and alignment plus the suggestion of some seating near the path alignment.

After the Disability Services Advisory Committee accepted the proposed design and alignment, a site visit took place with the Manager Engineering Services, Manager Development Services, Dr Linley Lutton and the GHD designer inspecting the application of the design to the site.

**STRATEGIC IMPLICATIONS**

Council's 2006-2010 Future Plan, under Objective 1 – "Protect and enhance the lifestyle of residents and visitors", has under Major Strategies, item 1.7 "Develop a Strategy to ensure access and inclusion of aged persons and persons with disabilities".

Under Objective 3 – "Enhance beach access and the foreshore", Major Strategy item 3.5 states "Improve bicycle and disabled access to beach facilities.

The Disability Access Path is a major step towards meeting these objectives.

**POLICY IMPLICATIONS**

Council's Disability Access and Inclusion policy applies.

**STATUTORY ENVIRONMENT**

The Disability Services Act (1993) requires a Disability Access and Inclusion Plan to be created by all local government authorities. Obligations under this plan include the construction of access capacity to all of Council's facilities, including the Cottesloe Main Beach for all people including aged and disabled members of the community.

**FINANCIAL IMPLICATIONS**

Council has a budgeted expenditure of \$300,000 for this project and an income of \$200,000 from the approved Lottery West grant.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

This path has been included as a component for several years during the development and advertising of the Foreshore Redevelopment Plan. For many years, the community has requested this type of access to meet the needs of the aged, disabled and parents using prams for young children.

**STAFF COMMENT**

GHD Consultants have developed initial concepts with some options in relation to the alignment, cross section design and the location of items such as hand rails, support walls and garden beds. This concept development, after a number of referrals to staff for comment, including all Executive staff, has resulted in the design shown to the Disability Services Advisory Committee, where the presentation was fully endorsed by all members of the committee. A suggestion was made by the Committee to place one or two seats on the edge of the path as a 'rest station', and was put back to GHD to be included.

Dr Linley Lutton was also shown the proposed plans, and a site visit with the GHD designer took place. Dr Lutton proposed changes to the design on site. These changes were further modified when contours and levels at the site were considered by Dr Lutton.

Dr Lutton's concept, if installed, would require an existing tree to be removed. There is also a question on whether the 1 in 14 grade plus flat 'landings' every 9m could be achieved. The GHD design meets all disability access standards, without any tree removals.

In order to give WAPC and the Heritage Council sufficient time for consideration of these plans, plus create sufficient time after approval is received, for documentation to be completed and a tender called for construction starting in April 2013, submission to WAPC and the Heritage Council in 2012 is recommended.

### **VOTING**

Simple Majority

### **COMMITTEE DISCUSSION**

Committee discussed the proposal in detail including issues related to path alignment, use and location of hand rails, potential site works and retaining walls. Committee requested that officers liaise with GHD consultants and Dr Linley Lutton with a view to ensuring that the final outcome created an environment that was pedestrian and user friendly, compliant with Disability requirements and standards and improved the overall appearance and functionality of the terraces. Committee also noted the timeframes required to approve a final design and submit it to WAPC and the Heritage Council for approval in order for construction works to commence in April 2013.

### **OFFICER RECOMMENDATION**

THAT Council adopt the GHD Consultant designs for the proposed Cottesloe Main Beach Disability Access Ramp and forward developed copies of those plans to the West Australian Planning Commission and the Heritage Council to request approval for construction.

### **NEW MOTION/COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council defer consideration of this matter, for the shortest possible time, for further investigation of the final design outcome for the Disability Access Path.**

**Carried 8/0**

**10.5.10 PEDESTRIAN LIGHT CONTROLLED CROSSING PROPOSAL -  
CURTIN AVENUE / FORREST STREET INTERSECTION, COTTESLOE**

**File No:** SUB/610  
**Attachments:** [Letter Agreement In Principle Pedestrian Traffic Signals Curtin Avenue Forrest Street Intersection](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 16 October 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its meeting in April 2012, Council resolved:

*THAT Council send the results of it's video survey of pedestrians crossing Curtin Avenue and the traffic counting survey for Curtin Avenue to Main Roads WA with a case for the installation of a light controlled pedestrian crossing across Curtin Avenue at Forrest Street.*

Main Roads WA has provided an answer to the request for consideration of this proposal. The local Member's office has also received a letter from the Minister for Transport's office on the same matter.

This item discusses the contents of these responses, and recommends that Council not proceed with any further action regarding the installation of a light controlled pedestrian crossing over Curtin Avenue at Forrest Street, Cottesloe.

**BACKGROUND**

There is a strong flow of pedestrians between the Cottesloe railway station and the Cottesloe main beach, along Forrest Street and over its intersection with Curtin Avenue. This flow is heavy in summer and light in winter. The traffic flow on Curtin Avenue, apart from Stirling Highway, is the highest in the Town of Cottesloe, and includes road trains and other heavy transport.

Because of accident statistics, Council was able to claim a Black Spot grant in 2004/05, and the Curtin Avenue / Forrest Street intersection was widened and median crossing islands installed. Main Roads WA's (MRWA) response to Council's request for a light controlled crosswalk over Curtin Avenue, similar to Grant Street, contained a standard requirement for support information relating to the volume of pedestrian crossing and the flow of traffic on Curtin Avenue.

There is no financial commitment from MRWA, for this type of crossing, to fund all works if pedestrian and vehicle numbers at the intersection reach a pre-set level. MRWA may agree, eventually, with the proposal if proof is provided as requested in their reply of the serious nature of the threat to pedestrians crossing.

However, without substantial accident statistics, as was the case at Grant Street, no \$2: \$1 grant basis under Black Spot grant requirements would normally apply.

Main Roads WA, even if Council funded the full installation (est. cost \$300,000 to \$400,000), still has the veto power to prevent such an installation if the design offered by Council is unacceptable or if it has unwarranted negative impact on other MRWA concerns, e.g. traffic flow on Curtin Avenue.

### **STRATEGIC IMPLICATIONS**

Under Councils' Future Plan 2006 to 2010, Objective 1 is "Protect and enhance the lifestyle of residents and visitors". Under this heading, Major Strategy 1.1 is "Develop an integrated transport strategy that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic.

The needs of pedestrians applies to this location.

### **POLICY IMPLICATIONS**

Council has no policy dealing with pedestrian crossings.

### **STATUTORY ENVIRONMENT**

There is no statutory requirement for Council to install light controlled pedestrian crossings. Main Roads WA policy controls the installation of new crossings, with several standards to be met if MRWA approval is to be given and signage plus line marking is to be installed by MRWA contractors.

### **FINANCIAL IMPLICATIONS**

The vehicle / traffic count on Curtin Avenue was undertaken 'in house', by Council staff. The 24 hour pedestrian video survey was undertaken by a consultant for \$2,900. The potential cost for a specialist consultant to complete designs and specifications for the light control system is likely to be in excess of \$20,000.

Due to the lack of significant accident statistics, it is unlikely that Council would be granted a \$2:\$1 Black Spot grant for the installation of pedestrian crossing lights at this location. Therefore, if approved by MRWA, a cost in excess of \$300,000 would be expected to be funded by Council.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Only with Main Roads WA.

### **STAFF COMMENT**

The Main Roads WA response gives "Agreement in Principle" to the installation of a system of light controls for pedestrians at this intersection, but with a number of conditions. The main issue is that Main Roads WA will not provide funds for installation but also for the process of design, creation of specifications and for software documentation.

No guarantee is given that the Department would eventually give any formal approval for any installation to take place, even after all initial conditions have been met and substantial investment undertaken by Council.

The letter from the Minister for Transport to the local Member's office repeats the basis of the MRWA letter.

The bottom line is that if Council wants this installation to take place, it must first fund \$20,000+ for a specialist consultant to prepare documentation to cover all works. That will then go to Main Roads WA which may, or may not approve the works. If approved, a cost will be obtained from the only approved contract firm (by MRWA) to install the lighting system. Council would then have to fund that quotation, probably in excess of \$300,000. The installation would then become the property of Main Roads WA.

If Council is not fully committed to providing approximately \$300,000 in the 2012/13 budget for the installation works, there is a good chance that the \$20,000+ needed for all design and preparation documentation would be wasted, if Council resolved to continue with the project, at its full cost. At a future time, when West Coast Highway is extended through Cottesloe, this intersection will be affected by some form of re-design, with an impact on any light controlled pedestrian crossing at the site.

### **VOTING**

Simple Majority

### **COMMITTEE DISCUSSION**

Committee discussed the busy crossing, with Cr Strzina stating that in his opinion there is potential for accidents and Council should pre-empt such concerns where possible.

Cr Jeanes advised Committee that Cr Downes had been dealing with the local member for Cottesloe, on the matter, and commented that he was under the impression that something would be happening on this matter.

Mayor Morgan commented that it is a busy crossing, and the area is likely to get busier with future works to Cottesloe and that the public transport situation needs to be looked at. Mayor Morgan suggested that Council lobby local politicians and the State Government for funding and proposed a new part 2 to the officer recommendation.

### **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

THAT Council not proceed with any further action regarding the installation of a light controlled pedestrian crossing over Curtin Avenue at Forrest Street, Cottesloe, unless a commitment from the State Government is received for a minimum grant of two thirds of the design and installation cost.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Strzina

That the officer recommendation become part (1) and a new part (2) be added that states "Write to Local State politicians and the Ministers for Transport and Tourism requesting that consideration be given to meeting 2/3<sup>ds</sup> of the cost of these important safety initiatives for visitors arriving on public transport to this key WA tourism destination of Cottesloe beach, bearing in mind the State's long delay in upgrading Curtin Avenue to cope with the increasing level of traffic it now carries".

Carried 3/1

**COMMITTEE RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Downes

**THAT Council:**

- 1) Not proceed with any further action regarding the installation of a light controlled pedestrian crossing over Curtin Avenue at Forrest Street, Cottesloe, unless a commitment from the State Government is received for a minimum grant of two thirds of the design and installation cost.
- 2) Write to Local State politicians and the Ministers for Transport and Tourism requesting that consideration be given to meeting 2/3<sup>ds</sup> of the cost of these important safety initiatives for visitors arriving on public transport to this key WA tourism destination of Cottesloe beach, bearing in mind the State's long delay in upgrading Curtin Avenue to cope with the increasing level of traffic it now carries.

**AMENDMENT**

Moved Cr Downes, seconded Cr Strzina

That the words "a minimum grant of two thirds of" in part (1) be deleted and the words "2/3<sup>ds</sup> of" in part (2) be deleted.

Carried 8/0

**AMENDMENT**

Moved Cr Jeanes, seconded Cr Strzina

That the following words be added to part (2) "That Council's correspondence refer to and include previously collected pedestrian and traffic statistics".

Carried 8/0

**COUNCIL RESOLUTION**

**THAT Council:**

- 1) Not proceed with any further action regarding the installation of a light controlled pedestrian crossing over Curtin Avenue at Forrest Street,



Cottesloe, unless a commitment from the State Government is received for the design and installation cost.

- 2) Write to Local State politicians and the Ministers for Transport and Tourism requesting that consideration be given to meeting the cost of these important safety initiatives for visitors arriving on public transport to this key WA tourism destination of Cottesloe beach, bearing in mind the State's long delay in upgrading Curtin Avenue to cope with the increasing level of traffic it now carries. That Council's correspondence refer to and include previously collected pedestrian and traffic statistics.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 8/0**

**10.5.11 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2012  
TO 31 OCTOBER 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting information for the period 1<sup>st</sup> July 2012 to 31<sup>st</sup> October 2012 as included in the attached Financial Statements.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of Financial Activity on page 1 of the attached Financial Statements shows a favourable operating revenue of \$273,027. Operating expenditure is \$251,549 less than year to date budget. Material variances are outlined on pages 7 to 10 of the Variance Analysis Report in the attached Financial Statements.

**VOTING**

Simple Majority

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Council were advised by the CEO of an administrative amendment to the statutory financial report and a replacement page 11 was provided to all members.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Statement of financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2012 to 31 October 2012, as submitted to the 20 November 2012 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**10.5.12 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 OCTOBER 2012**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 October 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 20 of the attached Financial Statements shows that \$5,054,102.35 was invested as at 31 October 2012. Approximately 39% of these funds were invested with Westpac Bank, 31% with National Australia Bank, 15% with Commonwealth Bank and 15% with Bankwest.

The Schedule of Loans on page 21 of the attached financial Statements shows a balance of \$6,041,950.58 as at 31 October 2012. Included in this balance is \$359,499.60 that relates to self supporting loans for local community organisations.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 October 2012. These schedules are included in the attached Financial Statements as submitted to the 20 November 2012 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**10.5.13 LIST OF ACCOUNTS PAID FOR THE MONTH OF OCTOBER 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts Paid for the month of October 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil;

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The List of Accounts Paid in October 2012 is included in the report on pages 12 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$25,482.99 to the Australian Taxation Office for the September Business Activity Statement
  - \$124,082.01 to WA Treasury Corporation for a loan repayment
  - \$26,180.00 to ID Consulting for services relating to a WESROC project.
  - \$29,601.33 to WMRC for waste disposal charges.
  - \$37,425.66 to Transpacific Cleanaway for waste disposal charges.
  - \$37,200.40 to Subaru Wangara for a new passenger vehicle.
-

- \$90,796.92 to PROCOTT Inc being extra monies raised by way of a differential rate.
- \$120,137.17 to LGISWA being Council insurances for 2012-2013.
- \$475,000.00 & \$335,000.00 to National Australia Bank being transfers to the Investment Account.
- \$70,514.58 & \$80,159.46 to Town of Cottesloe Staff for fortnightly payroll.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the List of Accounts Paid for the month of October 2012 as included in the attached Financial Statements, as submitted to the 20 November 2012 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**10.5.14 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 OCTOBER 2012**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry debtors Report on pages 22 and 23 of the Financial Statements shows a balance of \$162,821.18 of which \$130,384.92 relates to the current month. The balance of aged debtors is \$32,436.26.

The Rates and Charges analysis on page 24 of the attached Financial Statements shows a total balance outstanding of \$2,513,578.89. Of this amount, \$205,419.79 and \$470,636.42 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows rates outstanding as a current asset of \$2,549,730 as compared to \$2,661,334 this time last year.



**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Property and Sundry Debtors Reports as at 31 October 2012. These reports are included in the attached Financial Statements as submitted to the 20 November 2012 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**10.6 STRATEGIC PLANNING COMMITTEE MINUTES - 21 NOVEMBER 2012****10.6.1 COUNCIL MEETING DATES 2013**

**File No:** SUB/1261  
**Attachments:** [Committee and Council Meeting Dates 2013](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
  
**Proposed Meeting Date:** 21 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A resolution is required to set Council and Committee Meeting dates and times for 2013.

**STRATEGIC IMPLICATIONS****Objective 7: Organisation Development**

*To effectively manage Council's resources and work processes.*

- Deliver high quality professional governance and administration.

**POLICY IMPLICATIONS**

None known

**STATUTORY ENVIRONMENT**

Regulation 12 of the Local Government (Administration) Regulations applies:

*Public Notice of Council or Committee meetings –s.5.25(g):*

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

Nil

**STAFF COMMENT**

Due to the 2013 Local Government Elections which will be held on Saturday 19 October 2013, for the October round of meeting, it is proposed that a special meeting of Council be scheduled for Monday 21 October 2013 for Elected Members Declaration of Office and to appoint committee membership. The ordinary Committee meetings are proposed to be moved to 28 and 29 October (as opposed to the normal schedule on 21 and 22 October) and the Ordinary Council Meeting to be moved to 4 November 2013 (as opposed to 28 October). This will allow time for new members of Council to consider the agenda and prepare themselves for the meetings.

For the December round of meetings, it is proposed that Committee meetings will be on 2 and 3 December and Council on 9 December. However given the closeness to the November Council meeting an alternative is to consider the Committee meetings on the 9 and 10 December and Council on 16 December 2013.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Committee discussed the Council meeting dates in the officer recommendation and agreed that the December round of meetings could be put back a week, to provide sufficient time for officers to prepare reports.

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, Seconded Cr Jeanes

THAT Council adopt the following meeting dates for 2013 and:

1. Observe a recess in January 2013, with no ordinary meeting of Council;
2. Advertise the ordinary Council meeting dates for 2013 as the fourth Monday in the month commencing at 7:00pm;-

|           |                                                      |
|-----------|------------------------------------------------------|
| January   | No meeting                                           |
| February  | Monday 25                                            |
| March     | Monday 25                                            |
| April     | Monday 22                                            |
| May       | Monday 27                                            |
| June      | Monday 24                                            |
| July      | Monday 22                                            |
| August    | Monday 26                                            |
| September | Monday 23                                            |
| October   | Monday November 4 – Due to Local Government Election |
| November  | Monday 25                                            |
| December  | Monday 09 - To avoid proximity to Christmas          |
3. Advertise the Development Services Committee meeting dates for 2013 as the third Monday in the month commencing at 6:00pm;-

|           |                                              |
|-----------|----------------------------------------------|
| January   | No meeting                                   |
| February  | Monday 18                                    |
| March     | Monday 18                                    |
| April     | Monday 15                                    |
| May       | Monday 20                                    |
| June      | Monday 17                                    |
| July      | Monday 15                                    |
| August    | Monday 19                                    |
| September | Monday 16                                    |
| October   | Monday 28 – Due to Local Government Election |
| November  | Monday 18                                    |
| December  | Monday 02- To avoid proximity to Christmas   |

4. Advertise the Works & Corporate Services Committee meeting dates for 2013 as being held on the day after the Development Services Committee meeting commencing at 7:00pm:-

|           |                                                   |
|-----------|---------------------------------------------------|
| January   | No meeting                                        |
| February  | Tuesday 19                                        |
| March     | Tuesday 19                                        |
| April     | Tuesday 16                                        |
| May       | Tuesday 21                                        |
| June      | Tuesday 18                                        |
| July      | Tuesday 16                                        |
| August    | Tuesday 20                                        |
| September | Tuesday 17                                        |
| October   | Tuesday 29 – Due to Local Government Election     |
| November  | Tuesday 19                                        |
| December  | Tuesday 03 - To avoid proximity to Christmas; and |

5. Advertise the Strategic Planning Committee meeting dates for 2013 being held on the day after the Works & Corporate Services Committee meeting in the months of February, May, August & November commencing at 7:00pm:-

|          |              |
|----------|--------------|
| February | Wednesday 20 |
| May      | Wednesday 22 |
| August   | Wednesday 21 |
| November | Wednesday 20 |

6. Advertise a Special meeting of Council for Monday 21 October 2013 after the Local Government Election in October 2013.

#### AMENDMENT

Moved Cr Boland, Seconded Mayor Morgan

That the officer recommendation be amended by:

1. In point (2) "December Monday 09" be replaced with "December Monday 16"
2. In point (3) "December Monday 02" be replaced with "December Monday 09"
3. In point (4) "December Tuesday 03 be replaced with December Tuesday 10"

Carried 3/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION****Moved Mayor Morgan, seconded Cr Strzina****THAT Council adopt the following meeting dates for 2013 and:**

- 1. Observe a recess in January 2013, with no ordinary meeting of Council;**
- 2. Advertise the ordinary Council meeting dates for 2013 as the fourth Monday in the month commencing at 7:00pm;-**

|           |                                                      |
|-----------|------------------------------------------------------|
| January   | No meeting                                           |
| February  | Monday 25                                            |
| March     | Monday 25                                            |
| April     | Monday 22                                            |
| May       | Monday 27                                            |
| June      | Monday 24                                            |
| July      | Monday 22                                            |
| August    | Monday 26                                            |
| September | Monday 23                                            |
| October   | Monday November 4 – Due to Local Government Election |
| November  | Monday 25                                            |
| December  | Monday 16 - To avoid proximity to Christmas          |

- 3. Advertise the Development Services Committee meeting dates for 2013 as the third Monday in the month commencing at 6:00pm;-**

|           |                                              |
|-----------|----------------------------------------------|
| January   | No meeting                                   |
| February  | Monday 18                                    |
| March     | Monday 18                                    |
| April     | Monday 15                                    |
| May       | Monday 20                                    |
| June      | Monday 17                                    |
| July      | Monday 15                                    |
| August    | Monday 19                                    |
| September | Monday 16                                    |
| October   | Monday 28 – Due to Local Government Election |
| November  | Monday 18                                    |
| December  | Monday 09- To avoid proximity to Christmas   |

- 4. Advertise the Works & Corporate Services Committee meeting dates for 2013 as being held on the day after the Development Services Committee meeting commencing at 7:00pm:-**

|           |                                               |
|-----------|-----------------------------------------------|
| January   | No meeting                                    |
| February  | Tuesday 19                                    |
| March     | Tuesday 19                                    |
| April     | Tuesday 16                                    |
| May       | Tuesday 21                                    |
| June      | Tuesday 18                                    |
| July      | Tuesday 16                                    |
| August    | Tuesday 20                                    |
| September | Tuesday 17                                    |
| October   | Tuesday 29 – Due to Local Government Election |
| November  | Tuesday 19                                    |

**December    Tuesday 10 - To avoid proximity to Christmas; and**

- 5.    Advertise the Strategic Planning Committee meeting dates for 2013 being held on the day after the Works & Corporate Services Committee meeting in the months of February, May, August & November commencing at 7:00pm:-**

**February    Wednesday 20**

**May           Wednesday 22**

**August      Wednesday 21**

**November   Wednesday 20**

- 6.    Advertise a Special meeting of Council for Monday 21 October 2013 after the Local Government Election in October 2013.**

**Carried 8/0**

**10.6.2 EXISTING DEPOT SITE – STRATEGY FOR DISPOSAL AND FUTURE DEVELOPMENT**

**File No:** SUB/962  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
  
**Proposed Meeting Date:** 21 November 2012  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report updates Council on a strategy for disposal and future development of the existing depot site. A recommendation is made to proceed to the next phase of planning, consultation and ultimately disposal of the site.

**BACKGROUND**

Previously Council has requested staff to narrow-down options in this regard, including financial considerations, methods of sale and consultation measures, then report back. Pursuant to a Council workshop in October 2012 which considered these aspects, officers have progressed the matter as set out below.

**STRATEGIC IMPLICATIONS**

Disposal of the depot site for infill development, together with an improved new depot, is a key aim of Council. This will deliver benefits in terms of the urban environment, substantial income, asset management and working conditions.

**POLICY IMPLICATION**

Sale of property assets.

**STATUTORY ENVIRONMENT**

The proposed demolition and future development of the site are governed by planning and building control processes. Preliminary structure planning under present Town Planning Scheme No. 2 (TPS2) is informal, while under intended Local Planning Scheme No. 3 (LPS3) containing the latest provisions, a structure plan will become a requirement.

**FINANCIAL IMPLICATIONS**

Preparing the site for sale entails fees for consultants and contractors amounting to relatively modest expenditure which can be met from the existing Budget or reserves. As the cost of demolition is not a current budget item a budget variation will be required. The high return from sale of the site would easily recoup these costs as well as generate a large surplus of funds for Council purposes, including restoring reserve funds and reducing loans.

**SUSTAINABILITY IMPLICATIONS**

Removal of the old depot infrastructure, site clean-up and modern redevelopment will embrace today's sustainability objectives and significantly enhance the amenity of the locality.

**CONSULTATION**

Over time there has been broad community consultation in relation to the depot site as part of devising LPS3 and twice advertising the Business Plan. In addition a number of nearby residents have reminded the Town of their continuing interest in respect of what future development is envisaged. The latest submissions on the Business Plan offer useful feedback regarding concerns or suggestions to be taken into account, which Council has directed to a more detailed planning exercise.

**STAFF COMMENT****Business Plan**

The original Business Plan as required by the Local Government Act was recently re-advertised and report-on to Council in October. In brief, Council resolved to:

- Note the re-advertising and the submissions received.
- Inform submitters of Council's ongoing actions.
- Address the comments on the future of the site in the forthcoming planning phase.

**Temporary Depot**

The Town has recently secured a lease of premises in Fremantle to serve as an interim depot and has commenced moving-in. Complete relocation is scheduled during November-December, which will vacate the existing site for the clean-up, planning and disposal steps.

**Demolition of Existing Depot**

Once all depot operations are from the new site, clean-up of the existing site can occur. This will be staged and entail removal of asbestos, buildings, bitumen, concrete and miscellaneous infrastructure/materials. After that any decontamination or remediation will be attended to, which an earlier study has indicated is likely to be minor.

Demolition works are to be undertaken by a registered contractor in accordance with statutory requirements and are anticipated to get underway in January 2013. The Manager Engineering Services has obtained three quotes from suitable contractors outlining a scope of works and costs, which indicate that the works are feasible and affordable (ie, in the order of \$50-80K, which means that Tenders are not required).

The timing, coordination and supervision of the works will be important, including managing traffic, ensuring safety and minimising amenity impacts (ie, hours, dust and any disruption of services). The Town notifying owners/residents in advance would be appropriate. Vegetation and perimeter fencing is to remain.



**Approvals for Demolition**

Demolition requires firstly a planning approval and secondly a demolition permit, both by the Town, prior to being carried-out. Planning approval under TPS2 is a straightforward formality, which officers are attending to under delegation. The works permit will satisfy the Building Act /Regulations and also be dealt with in-house.

**Planning for Future Development**

Evolving from previous deliberations, the October 2012 workshop considered how best to approach achieving a high quality planning outcome for the site, depending on how it could be disposed of and developed. The discussion covered:

- The options of subdivision or structure planning and for aged housing.
- The timing of LPS3.
- Recent community comments.
- Tendering and financial aspects.
- A possible disposal program.

In particular consideration was given to seeking a subdivision approval versus preparing a structure plan and the opportunities for community consultation. Overall it was concluded that producing a preliminary structure plan in the short term would have several benefits:

- Clarifying development potential, land usage and the form of land development.
- Addressing submissions received so far and inviting further community input.
- Adoption by resolution of Council as a statement of intent.
- Serving as a benchmark guide in marketing the site to prospective purchasers.
- Providing the foundation for a formal structure plan as will be required under LPS3.

The submissions from surrounding owners/residents on the future of the site are acknowledged and these comments have been directed to the planning phase of the disposal project. The main points raised were for more detailed forward planning to define the redevelopment and for involvement of the community in the process.

**Preliminary Structure Plan**

Starting from the initial concept plans produced to demonstrate how the site could be redeveloped, it is recommended that more detailed planning is performed to deliver a preliminary structure plan as a vehicle to prove-up the vision for and potential of the site. This would review and refine all relevant aspects for a comprehensive design that is capable of being implemented and which responds to Council's objectives, community comments, planning requirements and the land development sector.

To this end the Manager Development Services has briefed the original town planning consultants to be re-engaged for the design task, which will include alternative layouts, 3D images, engineering advice and applying contemporary planning principles for a functional and attractive plan. Consultation with the community and liaison with the State Government planning agencies will also be undertaken in reporting to Council. The anticipated timeline is:

- Draft of preliminary structure plan and Council workshop by end of December.

- Consultation and liaison during January into February.
- Present findings and revisions to Council workshop in early February.
- Complete preliminary structure plan for reporting to Council in February.

**Disposal methods and program**

Previous Council workshops have considered the methods available to sell the site, with tendering favoured as:

- It gives the Town a degree of control in selecting the preferred proponent; and if all tenders are unsatisfactory none need be accepted.
- Incorporation of the Town's preliminary structure plan would provide a basis of certainty for due diligence by the tenderers and against which to assess the tenders.
- It is open and transparent.
- This method affords the highest level of control post-sale via conditions of contract and adherence to the preliminary structure plan.

The actual financial arrangements associated with a tender and sale (eg, staged payments) remains to be determined subject to negotiations and a contract, which will be fully reported-on for Council's decision.

Relocation, demolition, preliminary structure planning and marketing preparation can all proceed ahead of the sale campaign.

Subsequent to Council adoption of the preliminary structure plan, Tenders could be called and decided upon during March to May 2013, with the income from sale received in the 2013/2014 financial year.

**VOTING**

Simple Majority for points 1-3.

Absolute Majority for point 4.

**COMMITTEE DISCUSSION**

Committee discussed the report and officer recommendation and the need to fast track the process and outcome. There was acknowledgement that the current TPS2 has the land zoned as R20 and that under TPS2 a subdivision plan was required. There was also discussion on the timing of the proposed LPS3 and its requirement for a structure plan over this site. There was recognition by the Committee of the community feedback to date and the fact that R20 was a desirable outcome. Both scenario's require liaison with WAPC and, given the unknown timeframe associated with LPS3, a subdivision plan would need to be approved by WAPC under TPS2. There was also concern raised that WAPC, under the proposed LPS3, may seek to have a higher density imposed on this site. Committee acknowledged the need to include, within the proposed timeline for development of the plan, consultation with affected residents.

**OFFICER RECOMMENDATION**

Moved Cr Boland, Seconded Cr Jeanes

THAT COUNCIL:

1. Notes this update report regarding a strategy for disposal and future re-development of the Town's existing depot site, including the imminent relocation and demolition steps.
2. Supports the preliminary structure plan approach including consultation and liaison programmed throughout the next few months.
3. Supports a tender process early in 2013 to dispose of the site subject to the successful tender committing to implement development essentially in accordance with the Council-adopted preliminary structure plan.
4. Agrees by Absolute Majority to a variation to the current Budget of up to \$80,000 to cover the costs of demolition of the existing depot site.

#### AMENDMENT

Moved Mayor Morgan, Seconded Cr Boland

That point (2) of the officer recommendation be amended by replacing it with the words "Supports an R20 subdivision plan being fast tracked for approval under TPS2 with a suitably timed consultation process."

That the words "preliminary structure plan" in point (3) be replaced with "R20 subdivision plan".

Carried 2/1

#### COMMITTEE RECOMMENDATION

Moved Mayor Morgan, Seconded Cr Strzina

**THAT Council:**

1. **Notes this update report regarding a strategy for disposal and future re-development of the Town's existing depot site, including the imminent relocation and demolition steps.**
2. **Supports an R20 subdivision plan being fast tracked for approval under TPS2 with a suitably timed consultation process.**
3. **Supports a tender process early in 2013 to dispose of the site subject to the successful tender committing to implement development essentially in accordance with the Council-adopted R20 subdivision plan.**
4. **Agrees by Absolute Majority to a variation to the current Budget of up to \$80,000 to cover the costs of demolition of the existing depot site.**

#### AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That council endorse the original officer recommendation.

Lost 2/6

**AMENDMENT**

**Moved Cr Jeanes, seconded Cr Downes**

**That the words 'R20 subdivision plan' in condition 2 and 3 be replaced with the words 'structure plan'.**

**Lost 3/5**

**For the motion: Crs Downes, Jeanes and Rowell**

**Against the motion: Mayor Morgan, Crs Hart, Boland, Strzina, and Pyvis**

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council:**

- 1. Notes this update report regarding a strategy for disposal and future re-development of the Town's existing depot site, including the imminent relocation and demolition steps.**
- 2. Supports an R20 subdivision plan being fast tracked for approval under TPS2 with a suitably timed consultation process.**
- 3. Supports a tender process early in 2013 to dispose of the site subject to the successful tender committing to implement development essentially in accordance with the Council-adopted R20 subdivision plan.**
- 4. Agrees by Absolute Majority to a variation to the current Budget of up to \$80,000 to cover the costs of demolition of the existing depot site.**

**Carried 6/2**

**For the motion: Mayor Morgan, Crs Hart, Boland, Strzina, Pyvis and Downes,**

**Against the motion: Cr Jeanes and Rowell**

**10.6.3 UPDATE: WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC)  
PROPOSAL FOR CITY OF NEDLANDS MEMBERSHIP**

**File No:** SUB/378  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Darrell Monteiro  
Principal Environmental Health Officer

**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Western Metropolitan Regional Council (WMRC) is comprised of the Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco.

In mid 2012, members of the WMRC commenced a process with the City of Nedlands to negotiate the City of Nedlands joining the WMRC.

Key issues of this report are:

- Negotiations appeared to be progressing toward a proposal that might be acceptable to all parties, with all parties seeming to agree that a satisfactory “backstop” agreement was for the City of Nedlands to enter into a Waste Delivery Agreement with the WMRC.
- On 25 October 2012 the State Government released the Final Report of the Metropolitan Local Government Review which recommends that the WMRC will cease to exist under most models of local government reform.
- Upon receiving this report, the parties to the negotiations concluded that the State Government is unlikely to consider ratifying the City of Nedlands joining the WMRC until it has decided on the path to be taken for local government reform. A decision on reform will not be until after 5 April 2013. Rather than spend the time and money concluding membership negotiations, the parties considered it would be more sensible to defer negotiations until there is some certainty on local government reform.
- In the interim, the parties to the negotiation considered a Waste Delivery Agreement between the WMRC and the City of Nedlands should be a focus.

Key implications of this report are:

- A Waste Delivery Agreement between the City of Nedlands and the WMRC secures 6,000 tonnes per year of waste for the DiCOM project, and avoids the WMRC needing to obtain this waste from commercial sources. Waste from commercial sources would be secured at a lower gate fee than paid by member Councils or the City of Nedlands, leading ultimately to increased waste disposal costs for all member Councils.

- Deferring the negotiations with the City of Nedlands for membership of the WMRC saves an estimated \$40,000 for the negotiating parties in consulting fees for facilitator, valuer and lawyer.

Recommendations of this report are:

That Council

- Defer negotiations with the City of Nedlands for membership of the Western Metropolitan Regional Council until after the State Government has responded to the Metropolitan Local Government Review.
- Support the Western Metropolitan Regional Council entering into a Waste Delivery Agreement with the City of Nedlands on the same terms as the member Councils.

## BACKGROUND

At its meeting on 28 May 2012 Council resolved:

*THAT Council:*

1. *Endorse the WMRC negotiations with the City of Nedlands for membership;*
2. *Be presented with the final terms negotiated with the City of Nedlands for membership of the WMRC for consideration and approval; and*
3. *Be presented with the proposed amended Establishment Agreement for consideration and approval.*
4. *Notify the WMRC that Council is not prepared to amend the Establishment Agreement, unless the City of Nedlands make an equitable contribution to the WMRC.*

The City of Nedlands Council resolved on 26 June 2012:

That Council:

1. *Enters into negotiations with the WMRC; and*
2. *Negotiations are completed and reported back to Council by 31 December 2012.*

The WMRC Council considered a further report at its meeting on 21 August 2012 where Council considered the proposed negotiation process and appointed members to the Member Council Liaison Group.

Each of the member Councils has nominated two Councillors to the Member Council Liaison Group. The members of the Member Council Liaison Group are:

| <b>Council</b>          | <b>Councillor 1</b> | <b>Councillor 2</b> | <b>CEO</b>            |
|-------------------------|---------------------|---------------------|-----------------------|
| <b>Claremont</b>        | Peter Edwards       | Paul Kelly          | Stephen Goode         |
| <b>Cottesloe</b>        | Jack Walsh          | Sally Pyvis         | Carl Askew            |
| <b>Mosman Park</b>      | Ian Flack           | Brett Pollock       | Kevin Poynton         |
| <b>Peppermint Grove</b> | Rachel Thomas       | Scott Fleay         | Anne Banks-McAllister |
| <b>Subiaco</b>          | Scott Arbuckle      | Lee Hemsley         | Stephen Tindale       |

The member Council Liaison Group has also elected its three members to the Core Negotiating Group (two Councillors and a CEO), and the City of Nedlands has

nominated its two Councillors to the Core Negotiating Group. The members of the Core Negotiating Group are:

| <b>Stakeholder</b>     | <b>Councillor 1</b> | <b>Councillor 2</b> | <b>CEO</b>      |
|------------------------|---------------------|---------------------|-----------------|
| <b>Member Councils</b> | Jack Walsh          | Paul Kelly          | Stephen Tindale |
| <b>Nedlands</b>        | Robert Binks        | Leo McManus         | Michael Cole    |

Ron Cacciope of Integral Development was appointed as a facilitator.

The progress of the negotiations has been steady, progressing toward a proposal that appeared acceptable to all parties. All parties seemed to agree that a satisfactory “backstop” agreement was for the City of Nedlands to enter into a Waste Delivery Agreement with the WMRC. Such an agreement would be on identical terms to the Waste Delivery Agreement all member Councils have signed, and requires the delivery of all waste to the WMRC for a five year period.

On 25 October 2012, the State Government released the Final Report of the Metropolitan Local Government Review. The report made two recommendations of key significance to the negotiations:

- The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the *Local Government Act 1995* be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed
- A new structure of local government in metropolitan Perth be created through specific legislation which:
  - a) incorporates all of the Swan and Canning Rivers within applicable local government areas
  - b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle
  - c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.

The boundaries proposed in Section 5 recommend a new Council be formed of all member Councils, the City of Nedlands and the Town of Cambridge.

Each recommendation on its own would render the WMRC redundant, suggesting that the WMRC will cease to exist under most models of local government reform. The report is out for comment until 5 April 2013.

In this environment, the Minister for Local Government is unlikely to approve a new Establishment Agreement until after the election and after the path for reform has been decided. To get to an agreement, the parties would have incurred valuation and facilitation costs of about \$40,000.

Considering the new circumstances, both the Core Negotiating Group and the Member Council Liaison Group agreed that negotiations should be put on hold. Instead, the WMRC should enter into direct negotiations with the City of Nedlands for a Waste Delivery Agreement.

Prior to the local government reform announcement, both the Core Negotiating Group and the Member Council Liaison Group considered a Waste Delivery Agreement to be the preferred minimum position for all parties. Such an Agreement would

1. Secure 6,000 tonnes per year of waste to meet the WMRC's obligation to deliver 33,000 tonnes of waste per year under the Waste Supply Agreement between the WMRC and DiCOM AWT Operations Pty Ltd
2. Ensure that the WMRC can secure waste at a higher gate fee than is available for waste sourced from commercial sources
3. Give Nedlands an opportunity to participate in DiCOM without being exposed to any risk from the operations.
4. Enable an easy transition irrespective of the outcome of local government reform. If reform leads to amalgamations then the region is managing waste consistently. If reform goes nowhere then all parties are in a strong position to resume membership negotiations.

**STRATEGIC IMPLICATIONS**

A Waste Delivery Agreement between the City of Nedlands and the WMRC secures 6,000 tonnes per year of waste for the DiCOM project, and avoids the WMRC needing to obtain this waste from commercial sources.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Deferring the negotiations with the City of Nedlands for membership of the WMRC saves an estimated \$40,000 for the negotiating parties in consulting fees for facilitator, valuer and lawyer.

Waste from commercial sources would be secured at a lower gate fee than member Council rates or the City of Nedlands, leading ultimately to increased waste disposal costs for all member Councils.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Nil



**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council:**

- 1. Defer negotiations with the City of Nedlands for membership of the Western Metropolitan Regional Council until after the State Government has responded to the Metropolitan Local Government Review.**
- 2. Support the Western Metropolitan Regional Council entering into a Waste Delivery Agreement with the City of Nedlands on the same terms as the member Councils.**

**Carried 8/0**

**10.6.4 POLICY REVIEW - COMMUNITY CONSULTATION POLICY**

**File No:** POL/49  
**Attachments:** [Policy Community Consultation Marked Up](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Mat Humfrey  
**Manager Corporate Services**  
  
**Proposed Meeting Date:** 20 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A review of the Community Consultation Policy has been undertaken and an amended policy is being presented to Council for consideration.

**BACKGROUND**

The Community Consultation Policy was adopted in February 2005 and is due for review in February 2013. Further, the Action Plan also has a stated objective;

*6.1 Further improve the community consultation policy in recognition of the need for greater community engagement when change is needed.*

As a part of the Action Plan requirements a desktop review of the strategies listed in the Policy was undertaken.

As the Town is about to embark on a major community consultation process, in the development of the Community Strategic Plan, it was thought appropriate to bring the review forward by several months so that any changes to the policy could be in place before the plan is developed.

The Town has undertaken many community consultations since the policy was adopted and all have more or less followed the policy. Deviations from the policy have mainly been due to practicality. There are situations where it may not be practical to undertake the consultations as outlined in the policy.

**STRATEGIC IMPLICATIONS**

Nil – there are no changes to the operative parts of the policy.

**POLICY IMPLICATIONS**

Nil – there are no changes to the operative parts of the policy.

**STATUTORY ENVIRONMENT**

There are provisions in several Acts and Regulations that require a level of consultation be undertaken before certain decisions can be made. An example of this is the requirement to advertise a local law and call for submissions to a proposed local law before it is adopted by Council. In all instances where there is a statutory requirement to consult, this will need to be followed.

**FINANCIAL IMPLICATIONS**

There is a cost to consulting in the purchasing of advertising space or printing of leaflets. These costs are covered in the normal operating budgets.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

A desktop review of the consultation Policy has been undertaken and no reason for changes to the operative parts of the Policy have been identified. The Policy lists the most commonly used consultation strategies and appears to have an appropriate array of strategies for each type of consultation.

The amended policy will be advertised on the Town's website and notices will be placed as appropriate. Prominent community groups, such as SOS, will be sent a copy of the proposed policy and will be asked directly for comment.

At this stage it is anticipated that the Policy, together with the feedback received will be presented back to Council at its February 2013 Ordinary Meeting.

**STAFF COMMENT**

Consultation forms an important part of the decision making process. Whether that be as simple as letting the community know of upcoming works or detailed working groups looking at specific issues. The ability of the community to influence decisions that will directly affect them is one of the key elements of local government.

By having a Policy that outlines the level of consultation that is appropriate in each case ensures consistency. It also allows the community to know what level of consultation they can expect from Council.

However, it is important to remember that a Policy serves as a guide in the decision making process. Council at its own discretion can apply the Policy to each case as it considers appropriate. There may be situations where that there is not sufficient time to undertake the consultation listed in the Policy, or it may be considered inappropriate if another similar consultation has just been undertaken.

The strength of the Community Consultation Policy will not be in the provisions of the Policy, which Council can vary at its own discretion, but how well the policy is adhered to and how the community engage in the consultative process. To strengthen the Policy will require a greater commitment to the provisions of the Policy, not providing a more complex consultative process.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Boland advised and Committee agreed that in *1.1 Definition of Consultation and Democratic Governance*, the first paragraph and the first line in the second paragraph should be retained in the policy.

Committee discussed a few grammatical changes to the policy suggested by Cr Hart and requested that she provide them to administration prior to the next Council meeting for inclusion.

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, Seconded Cr Jeanes

THAT Council authorise the Community Consultation Policy, as presented to the Strategic Planning Committee on 21 November 2012, to be advertised for public comment.

**AMENDMENT**

Moved Cr Boland, Seconded Mayor Morgan

That the officer recommendation be amended by adding the words “and amended by” before the words “the Strategic Planning Committee”.

Carried 3/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council authorise the Community Consultation Policy, as presented to and amended by the Strategic Planning Committee on 21 November 2012, to be advertised for public comment.**

**Carried 8/0**

**10.6.5 TOWN OF COTTESLOE - ACTION PLAN REVIEW - NOVEMBER 2012**

**File No:** SUB/108  
**Attachments:** [Action Plan 21 November 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
  
**Proposed Meeting Date:** 21 November 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report recommends that Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan for subsequent presentation to Council.

**BACKGROUND**

The *Future Plan 2006 to 2010* for the Town of Cottesloe was finalised and adopted by Council in June 2007. At that time two review dates for the Future Plan were set, so that the document would return to Council. The first of those review dates was set at November 2008 and the second was in November 2010. Following the adoption of the *Future Plan*, an *Action Plan* was developed and an updated review of that plan is tabled for consideration at each meeting of the Strategic Planning Committee.

In November 2010 Council resolved to receive an amended Action Plan report having noted the completion of the development of the new joint library facilities and determining to add in two new items:

- Under Objective 4: Development, a new item 4.7 be added to read “Develop a strategy to address the requirements of the State Government’s Directions 2031 Strategies and Policies”.
- A new Dynamic Priority be added to read: “Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe”.

In February 2012 Council resolved to:

1. Receive the Action Plan Report as amended by the Strategic Planning Committee.
2. Receive a report at the next meeting, and future meetings, which addresses the status and progress of the following:
  - (i). Disability Access path
  - (ii). Change room/toilet facilities at the beachfront
  - (iii). Review of the Town’s Bike Plan

- (iv). Investigate the temporary closure of Marine Parade (central foreshore only) for community events and activities.

In relation to point (iii) above, in May 2012 Council resolved to establish a Bike Plan Working Group comprising Councillors Rowell, Boland, Walsh and Pyvis to coordinate the review of the Town's Bike Plan.

### **STRATEGIC IMPLICATIONS**

The Action Plan has obvious strategic implications. Council's Strategic (Future) Plan, from which the Action plan is derived, now requires review.

In addition, and as part of the suite of changes introduced by the Minister for Local Government, all Councils have been advised of the need to undertake and improve their strategic planning. An *Integrated Planning and Reporting Framework* has been prepared, together with associated guidelines for local governments, and inclusive of asset management and long term financial planning.

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (the Act). Regulations have been made under S5.56(2) of the Act to outline the minimum requirements to achieve this and these changes were approved in August 2011.

In February 2012 Council also resolved to include in the 2012/13 budget an allocation up to \$25,000 to undertake a community perception survey as the first phase of developing a Community Strategic Plan.

### **POLICY IMPLICATIONS**

None known

### **STATUTORY ENVIRONMENT**

Statutory Environment

Division 5 — Annual reports and planning principal activities

#### *5.56. Planning principal activities*

- (1) *Each financial year, a local government is to prepare a plan for the next 4 or more financial years.*
- (2) *The plan is to contain details of —*
  - (a) *the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;*
  - (b) *the objectives of each principal activity;*
  - (c) *the estimated cost of, and proposed means of funding, each principal activity;*
  - (d) *how the local government proposes to assess its performance in relation to each principal activity;*
  - (e) *the estimated income and expenditure for each financial year affected by the plan; and*
  - (f) *such other matters as may be prescribed.*

*Regulation 19C of the Local Government (Administration) Regulations 1996 refers, i.e.*

***19C. Planning for the Future – section 5.56 of the LGA***

- (1) In this regulation – “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.*

**FINANCIAL IMPLICATIONS**

Adoption of the Future Plan and associated Action Plans will inevitably require expenditure as per Council's adopted budget and long term financial plan.

**SUSTAINABILITY IMPLICATIONS**

The Town has continuously demonstrated a high level of regard for the sustainable management of Council's resources and the Future Plan not only supports sound financial management but also meets the legislative requirements contained within the Local Government Act 1995 and associated Regulations.

**CONSULTATION**

The Future Plan was developed in consultation with the community by way of public submission periods and refined by the Town's Strategic Planning Committee prior to adoption by Council.

**STAFF COMMENT**

In relation to the Action Plan, the following strategies were identified by Council as priorities for 2011/12.

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 1.9 Develop a Community Safety Strategy
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.

- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- 4.7 Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- 5.6 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition of the need for greater community engagement when change is needed.
- DP1 Complete the adoption of Local Planning Scheme No. 3 including the preparation of all draft policies to a stage where they can be advertised for public comment.
- DP2 Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe
- DP3 Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe.

The following *program summary* in relation to the above strategies is provided. More detail is contained in the updated Action Plan.

| Rating | Ref | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C/O    | 1.2 | Council's strategy to monitor anti-social behaviour is ongoing. Last report to Council in August 2010. Changes at CBH have significantly reduced (improved) incidents of anti-social behaviour.                                                                                                                                                                                                                                                  |
| O      | 1.5 | Civic Centre future use study reported to Council in February 2010. Additional report to all Councillors in August 2010 including consideration by Public Events Committee. Report on Catering contractor in February 2011. Ongoing.                                                                                                                                                                                                             |
| C      | 1.9 | Develop a Community Safety Strategy. Report to Council in May 2010 and adoption of Safer Sustainable Cottesloe Plan 2010 – 2014.                                                                                                                                                                                                                                                                                                                 |
| O      | 2.1 | As per Council resolution in October 2009, Draft Plan progressed through EbD. Working Group reconvening with a view to further community consultation on a preferred alignment. Suggestion from Minister and meeting with DoP regarding Council liaising with LandCorp to plan a TOD. In May 2012 Council met with Premier/local member who supports realigning Curtin Avenue along the railway line and offered to facilitate The Department of |



|     |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |     | Planning and Transport meeting with the Town.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| C   | 3.1 | <p>Plan completed with implementation schedule and cost estimates being finalised.</p> <p>From October 2011 a process of comprehensive reporting, review and refinement has been conducted to confirm the Foreshore Redevelopment Plan via Council and progress implementation, including a prospectus, support for the beach pool <i>in-principle</i> and approaches to State Government for funding. Council has since instigated and committed funds to certain projects and an update report on implementation of the Plan has been prepared for August 2012. Subsequently the disability access path and additional toilets have been progressed as projects.</p> |
| C/O | 3.4 | <p>The November 2012 Works and Corporate Services Committee meeting will consider an agenda item setting out the results of a recently closed tender for the supply of change components to build an underground drainage cell in the Station Street sumps, with a street level carpark to then be constructed on the same site. Received tenders indicate that Cash in Lieu carparking funds will be sufficient to build this project.</p>                                                                                                                                                                                                                            |
| C/O | 4.1 | <p>Proposed LPS3 and related draft policy as well as practice by staff and the Heritage Advisor have addressed the consideration and application of heritage incentives so far.</p> <p>LPS3 lodged for finalisation of Scheme provisions and content of any related policy. Heritage List process reported to Council in April 2012 and Council Workshop held in May 2012 for officer actions.</p>                                                                                                                                                                                                                                                                     |
| O   | 4.5 | <p>Council has resolved to pursue structure planning for the area which will include consideration of higher density development. At present the focus is on resolving Curtin Avenue, the railway and east-west connectivity as the key infrastructure prerequisites to overall structure planning for land uses and development. Subject to finalisation of LPS3 development zones.</p>                                                                                                                                                                                                                                                                               |
| O   | 4.7 | <p>Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies. Research being undertaken and report to be prepared.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| C/O | 5.1 | <p>A 3 year lease agreement has been signed with a property owner in Fremantle for the site to be used as a replacement to the existing Cottesloe depot site. Staff are currently relocating materials and machinery to the new site. The lease period agreement includes additional 3 year extension if required.</p> <p>Negotiations with the Town of Mosman Park regarding the sharing of their depot are ongoing.</p> <p>Quotations have been received for the demolition of existing buildings at the Cottesloe depot site prior to sale.</p>                                                                                                                     |
| C   | 5.2 | <p>Joint Library construction complete. Landscaping finalised. Official opening February 2011.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| C   | 5.3 | <p>A consultant has completed this study having regard to the related Station Street and railway lands planning initiatives influencing the future of the Town Centre. Crime Prevention methods reported to Council in March 2012. Update Draft Parking Policy for LPS3 also informs Town Centre planning and projects. Reports on SHACS</p>                                                                                                                                                                                                                                                                                                                           |

|               |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |     | and associated MRS amendment have also occurred.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| O             | 5.6 | The Town's asset management plan will link to the long term financial plan adopted in August 2010.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| O             | 6.1 | Report to Council in November 2012 with draft amended policy..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| C/O           | DP1 | <p>LPS3 was submitted to WAPC in May 2009 and has been re-advertised for modifications proposed by the Minister for Planning.</p> <p>Advertised submissions assessed and in September 2011 Scheme re-lodged for finalisation.</p> <p>On 2 February 2012 Council met with the Minister, WAPC Chair and DoP staff to present its beachfront solution and Foreshore Redevelopment Plan; and on 27 March this was repeated to the SPC of the WAPC.</p> <p>On 19 April the Town received notification from the WAPC of the Minister's required final modifications; on 30 April Council was briefed; and on 15 May a Special Council Meeting was held, which resolved several lines of response to the Minister's decision and requirements. The Town has subsequently challenged the Minister's decision in the Supreme Court whereby finalisation of the scheme is in abeyance.</p> |
| C             | DP2 | Geological study to determine the rock/sand sections of the foreshore approved with grant funding. Work completed in February and reported to Council in March 2011. Final report presented to Council in August 2011. No further funding has been provided for additional studies or site works in regards to 2011/12 and 2012/13 budgets. Staff are working within WESROC to develop long term policies and actions for a regional approach.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| O             | DP3 | <p>Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe. Local Law and Ranger Operational Guidelines prepared and reported to Council in February 2012. Community Perceptions Survey considered by Council in April 2012 and deferred to 2012/13 financial year. Local Law adopted on 28 May 2012.</p> <p>Community Perceptions Survey now underway.</p>                                                                                                                                                                                                                                                                                                                                                      |
| <b>Legend</b> |     | <b>O=Ongoing C=Complete/substantially complete H=On Hold</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

In relation to the February 2012 Council resolution and specifically the issues raised the following update is provided:

- (i). **Disability Access Path** – A report to the November 2012 Works and Corporate Services Committee meeting covering the final concept plan provided by GHD Consultants and agreed to by Council's Disability Access Advisory Committee. The proposal is to adopt those plans and use them to make a submission to the West Australia Planning Commission and the Heritage Council for approval, prior to calling tenders for all construction works. Staff are now arranging for quotes covering the design process.

- (ii). **Change room/toilet facilities at beachfront** – A separate report was prepared and tabled for the Strategic Planning Committee meeting in May 2012. Administration has developed a project plan and specifications and is in the process of using these to recruit a suitable architect.
- (iii). **Review of Town's Bike Plan** – A review working group has now been formed, with two meetings held to date. The working group has agreed that the existing Bike Plan is still suitable but requires updating and amending. Other council Bike Plans are being investigated and a Department of Transport submission has been made for two projects to be undertaken in 2013/2014, with an approximate 50% of cost grant. The two projects are the conversion of the Forrest Street footpath to a dual use path from Curtin Avenue to Marine Parade, plus a 1.0 kilometre widening of the Raia Roberts Dual Use path to 3.0metres, south of the Cottesloe Surf Life Saving Club building. It has also been established that the extension of the Principal Shared Path (PSP) on Curtin Avenue is not a high priority for extension south of Grant Street, using the announced extra \$20million State finding in the next 2 years.
- (iv). **Investigate the temporary closure of Marine Parade (central foreshore only) for community events and activities** - Administration have investigated the closure of roads for public events and conclude that it can be done, subject to certain conditions being met. These conditions are that the Town obtains the permission of local police and the Commissioner of Main Roads, for which there is a standard form and process that can be followed. This is slightly different to the procedure for road works, as the Town is empowered to close roads under its care and control for works, but not for public events.

When the request to close a thorough is submitted, a traffic management plan (TMP) must be included with the application. The Town has suitably qualified staff that can design and implement a traffic management plan to the requirements of Main Roads WA. As a part of this process, a standard TMP will be developed, however it will still need to be considered against the requirements of each event.

As there are implications with closing roads, such as disruption to local residents and businesses, each event should be considered on a case by case basis. A detailed report will be submitted to the next Events Committee Meeting, which will allow them discuss which events the Town could consider closing Marine Parade for and which events (or parts of those events) it would not be appropriate to do so. This report will also consider the viability of closing Marine Parade to create a pedestrian space from time to time.

This agenda item represents an opportunity for Committee members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions. It is recommended that Committee receive the Action Plan and provide comment to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan prior to presentation to Council.

In relation to the Future Plan there is now a stated process, framework and guidelines for the creation of both a Strategic Community Plan and a Corporate Business Plan. The expectation is that these new plans will be developed and introduced over the next 12 months in time for the 2013/14 Budget.

Given the current situation the Town of Cottesloe is at an interesting place in regards to strategic planning due to several main causes, which include;

1. Local Planning Scheme No. 3 is in the final stages of approval by the Minister.
2. Potential impacts on the Town's future as a result of the Metropolitan Local Government Review, final report and State Government actions.
3. Introduction of the Department of Local Government's Integrated Strategic Planning framework.

Council may wish to hold off on making any further amendments to its Action Plan until the above matters have been resolved and / or determined as each will have a significant impact upon any future strategic planning. The focus should now be on the development of a new Strategic Community Plan.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Action Plan Report and note that the focus for officers and Council is now on the development of a new Strategic Community Plan.**

**Carried 8/0**

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

Nil

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

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC**

Nil

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8:55 PM

CONFIRMED MINUTES OF 26 November 2012 PAGES 1 – 97 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....