

# **TOWN OF COTTESLOE**



## **FULL COUNCIL MEETING**

# **MINUTES**

**ORDINARY MEETING OF COUNCIL  
HELD IN THE  
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, MONDAY, 27 JUNE, 2005**

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

The Mayor announced the meeting opened at 7.00pm.

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

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

**Officers in Attendance**

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

**Apologies**

Cr Bryan Miller

**Leave of Absence (previously approved)**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Strzina, seconded Cr Furlong

That Mayor Morgan's application for a leave of absence for the July Committee and Council meetings be granted.

Carried 10/0

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**6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Strzina, seconded Cr Furlong

The Minutes of the Ordinary Meeting of Council held on Monday, 23 May, 2005 be confirmed.

Carried 10/0

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8 PUBLIC STATEMENT TIME**

Mr G Porter, 110 Grant Street – Item 10.4.1, Removal of Two Peppermint Trees, William Street

Mr Porter spoke in relation to saving the tree adjacent to 112 Grant Street. He advised that Cr Cunningham will be presenting to Council a petition signed by residents, along with supporting correspondence and two reports in favour of retaining the tree. A copy of these documents were provided to each Councillor. The tree should be retained as it provides good shade, habitat for local native birds, privacy and screening. There would be a cost benefit to Council to retain the tree. Mr Porter asked the Councillors to consider the presented information, be receptive to community comment and vote in favour of retaining the tree.

Mr K Hughes, 38 Denis Street, Subiaco – Item 10.1.1, Proposed Amendment No. 39 to TPS No. 2 Lots 10 and 120 Clive Road

Mr Hughes confirmed to Council that the proposal is for 14 residences and no more. The rezoning to commercial use and R50 is suitable, as the purchasers do not want an R60 zoning. Mr Hughes advised that the four purchasers intend to live in the proposed residences.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Cr Cunningham presented a petition in objection to the remove of the Peppermint tree located in William Street at the rear of 112 Grant Street Cottesloe. He stated that the petition has been signed by 27 residents. He read the prayer, which follows, aloud:

*“We the undersigned oppose the removal of the Peppermint tree located in William Street (to the west of the driveway) at the rear of 112 Grant Street, Cottesloe, and petition the Council not to remove the tree and replace it with a new Peppermint tree.”*

**COUNCIL RESOLUTION**

Moved Cr Cunningham, seconded

That the item be dealt with in conjunction with Item 10.4.1 in the agenda.

Carried 10/0

**10 REPORTS OF COMMITTEES AND OFFICERS****DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 20 JUNE 2005****10.1 PLANNING**

Items withdrawn for further discussion and dealt with in this order: 10.1.1 – 10.1.4, 10.1.7 – 10.1.9.

Items adopted enbloc following the above: 10.1.5, 10.1.6, 10.2.1

**10.1.1 PROPOSED AMENDMENT NO. 39 TO TOWN PLANNING SCHEME NO. 2  
– LOTS 10 & 120 CLIVE RD, COTTESLOE – REZONING FROM PUBLIC  
PURPOSES TO RESIDENTIAL R50 – SECOND REPORT**

**File No:** 3 Clive Road  
**Author:** Mr Andrew Jackson  
**Attachments:** Location plan  
Letter from applicant dated 14 June 05  
Submission from applicant, including plans,  
photos, maps and correspondence.  
**Author Disclosure of Interest:** Nil  
**Report Date:** 10 June 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

- In April Council considered this proposed scheme amendment and supported it in principle but resolved to:  
*Defer consideration of the request to amend the Town of Cottesloe Town Planning Scheme No. 2, by amending the Scheme Map to transfer Lots 10 and 120 (No. 3) Clive Road, Cottesloe from Public Purposes: Commonwealth Government Reserve to the Residential Zone with a density coding of R50, until after the forthcoming public forums on the Scheme Review so that any input from that process can inform the matter.*
- The Precinct Forums have been conducted and the proponents have now requested further consideration of the amendment proposal, as well as submitted additional information.
- This report presents these inputs and recommends a course of action.

**PREVIOUS REPORT**

For convenience the previous report is repeated in full below:

**INTRODUCTION**

- A request and documentation has been received to rezone the subject site to enable residential redevelopment in keeping with the locality.

- This report presents the scheme amendment proposal for a Council decision on initiation of the amendment.
- The proposal is for a logical and straightforward rezoning and associated density coding.
- It is consistent with an earlier Council resolution on 6 September 2004 in considering draft TPS3: *That this site be changed from Public Purposes - Commonwealth Government to Residential R60.*
- Note that a lower residential density coding of R45 is now sought, but a coding of R50 is recommended, as elaborated on below.
- The recommendation is to support the request to reclassify the site and apply an appropriate density coding.

### **STATUTORY ENVIRONMENT**

- Town Planning Scheme No. 2.
- Town Planning Regulations.

### **POLICY IMPLICATIONS**

No direct implication for current planning policies.

### **STRATEGIC IMPLICATIONS**

An amendment to TPS2 has implications to be carried forward into the Scheme Review, and the proposed change has already been supported in principle by Council.

### **FINANCIAL IMPLICATIONS**

Nil.

### **THE PROPOSAL**

#### Existing Zoning – how the Scheme currently works

- Under TPS2 the site is classified as a local Public Purposes Reserve (CG: Commonwealth Government) in accordance with its established use and development by the National Measurement Institute, which is to vacate the site.
- This land use classification is site-specific and limited to such uses, i.e. essentially excluding residential or other suburban uses.
- Under the Scheme it also lacks the development controls applicable to zoned land.
- Hence a change of land use classification to permit residential usage requires amendment of the Scheme before any development application can be considered.

#### Proposed Zoning – how the Scheme would work

- Specifically, the proposal is to re-classify the site as Residential Zone, with a density coding of R45.
- The statutory description as submitted is therefore to the point, as follows:  
*Amending the Scheme Map by reclassifying Lots 10 and 120 Clive Road, Cottesloe, from Public Purposes to Residential R45 zoning.*
- This is a conventional, straightforward way of applying a new zoning and density coding to a site.



- The scheme amendment does not need to contain any special development requirements, as the future development application will be assessed and determined in accordance with normal development requirements under TPS2 and the RD Codes.

#### Consultant's Documentation

- Town planning and design consultants PMdR have prepared the draft amendment documentation and supporting planning information on behalf of the intending developer.
- This includes the complete wording of the proposed Scheme Amendment Text, the Scheme Amendment Map, and the Scheme Amendment Report explaining the amendment proposal and the development concept. It includes a traffic assessment by traffic consultants.
- Full copies are attached and should be read to understand the detail of the future development proposal, which will be subject to a separate development application.

### **PLANNING ASSESSMENT**

#### Land Use

- The proposed Residential zoning is the preferred land use classification to replace the present Public Purposes local reserve.
- This zoning will replace the anomaly of an intrusive non-residential use and provide for redevelopment compatible with the surrounds.
- The intended residential development will deliver infill housing of a density and design in keeping with the character of the area and provide housing choice in proximity to public transport.

#### Density

- Under TPS2 the residential density-coding surrounding the site is predominantly R20, with some pockets of R30 and R60 in the locality, the latter immediately to the south.
  - In draft TPS3 this pattern is reinforced, with the site included as R60 and the land immediately north as R30.
  - It is apparent that Council considered the need to provide an incentive to residential redevelopment and the opportunity to encourage medium density in accordance with regional planning policies.
  - In response, the development concept is for medium density, low scale housing, comprising two-storey dwellings within the 8.5m height limit, with varied setbacks and design treatments, and including tree retention and overall landscaping.
  - The site is 3002sqm, which at R60 (180sqm average site area per dwelling) as previously nominated by Council could accommodate 16 dwellings.
  - The development concept is for only 14 dwellings and equates to a density of R42; hence the applicant has requested a density coding of R45.
  - Note that at R40 only 13 dwellings could be allowed, so that is not an option.
  - However, in terms of applying development standards to the site, the RD Codes do not contain an R45 coding, whereby the R40 standards would be restrictive and the R60 standards would be a bonus.
  - Therefore, as R50 is the next density rung in the Codes, it would be better to stipulate that density coding in the amendment.
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- This has been discussed and agreed with the planning consultant.
- In summary, the medium-density coding and development will be compatible with the area, as well as consistent with WAPC policies for increased density generally and within walkable catchments of rail or bus services.

#### Traffic Analysis

- The traffic information provided in support of the proposed amendment reveals that the volume of 245 vehicle trips per day generated by the existing government use will be reduced by residential use.
- Access to the new dwellings will be limited to avoid Stirling Highway and Clive Road.
- Full on-site parking will be provided, plus up to 13 visitor parking bays (which exceeds the requirement under the RD Codes).

#### **CONSULTATION**

- This type of amendment is of localized significance only and should not require any special consultation beyond that prescribed and provided for by the Regulations.
- This shall comprise the official notices, displays, newspaper notice, sign(s) on site and letters to nearby properties; as well as the procedural referral to the EPA and WAPC.
- In addition, as the sewer traversing the site is a constraint to the design of the proposed development; the amendment proposal should be referred to the Water Corporation.

#### **CONCLUSION**

- The scheme amendment proposal is an anticipated and necessary change to enable residential redevelopment of the site.
- Council has previously resolved that such a change be incorporated into draft Scheme 3, and the amendment to current Scheme 2 is sought to provide for development sooner, as Scheme 3 is some way off.
- The actual amendment is a simple rezoning type, with a corresponding residential density coding, and is non-controversial – the land use and density will be in keeping with the surrounds.
- The planning approach taken by the applicant has been to provide a justification report to demonstrate the basic suitability of the site for residential use.
- A detailed development concept and report has been included to convey the intended residential redevelopment, demonstrating the design approach; built form and scale; access, parking and traffic; and landscaping and amenity considerations.
- This information will help the public understand the scheme amendment proposal and the nature of the residential development that can be expected.
- A future formal development application will be involved, which will also be advertised, and then assessed in the usual manner.
- Council's initiation of the scheme amendment proposal for advertising is in order.

#### **VOTING**

Simply majority.

**COMMITTEE COMMENT**

Committee indicated in-principle support for the rezoning and future redevelopment proposal, but felt that it would be better to consider the matter with the benefit of the forthcoming community consultation forums for the Scheme Review.

**OFFICER RECOMMENDATION**

That Council resolves to:

- (1) In pursuance of Section 7 of the Town Planning and Development Act (as amended) amend the Town of Cottesloe Town Planning Scheme No. 2 by amending the Scheme Map to transfer Lots 10 and 120 Clive Road, Cottesloe, from the Public Purposes: Commonwealth Government Reserve to the Residential Zone with a density coding of R50.
- (2) Adopt draft Amendment No. 39 to Town Planning Scheme No. 2 as set out in the amendment documentation, for the purpose of advertising, subject to the residential density coding being altered to R50 in the official copies to be advertised.
- (3) Refer the draft amendment to the Environment Protection Authority for clearance to advertise.
- (4) Upon receipt of clearance by the EPA, advertise the draft amendment for public inspection and comment for a period of 42 days by:
  - (a) Placing a copy of the amendment notice in the Post newspaper, on the Council notice board at the Council Offices and the Town Centre, and in the Library.
  - (b) Placing a copy of the draft amendment on display at the Council Offices and the Library.
  - (c) Notifying in writing nearby landowners of the draft amendment, as determined by the Manager Development Services.
  - (d) Requiring a sign or signs displaying the amendment notice to be installed on site no later than in the first week of the advertising period and to remain on site for the duration, to the satisfaction of the Manager Development Services.
  - (e) Provide the Western Australian Planning Commission with a copy of the draft amendment.
  - (f) Refer the draft amendment to the Water Corporation for information and comment.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

That Council DEFER consideration of the request to amend the Town of Cottesloe Town Planning Scheme No. 2, by amending the Scheme Map to transfer Lots 10 and 120 (No. 3) Clive Road, Cottesloe from Public Purposes: Commonwealth Government Reserve to the Residential Zone with a density coding of R50, until after the forthcoming public forums on the Scheme Review so that any input from that process can inform the matter.

## FURTHER CONSIDERATION

### Precinct Forum

- The proposal is in Precinct 5 North-East, for which a forum was held on Tuesday 3 May 2005.
- The proponents for the rezoning and redevelopment attended.
- The adjoining owner of the residence at 4 Clive Road abutting the development site on the east, and other residents from the area, also attended.
- The following points were raised and discussed regarding the proposal and the precinct generally:
  - Residential amenity and character – quietude, privacy, type of dwellings.
  - Impacts of medium density – number of residents, number of cars (access, circulation and parking).
  - Urban design – appearance of buildings, streetscape.
- It was explained that the forum was to consider proposals at a preliminary stage to help formulate TPS3 and that the rezoning proposal would be formally advertised if proceeded with under TPS2 or TPS3, and if the rezoning is approved that the development application would in turn be advertised.
- A report on the Precinct Forums is being prepared by the consultants and will be submitted around the end of June, following which it will be assessed and reported to Council for consideration of the issues and proposals under examination for TPS3.

### **SUBMISSIONS**

From the forum four submissions have been received, which are summarised as follows:

<b>1. John &amp; Sandy Dunne – 12 Mann Street</b>
<i>We are in favour of rezoning the Commonwealth Government National Measuring Institute land from Public Purposes Reserve to Residential. However, we oppose the suggested R50 zoning, which is, in our opinion, of an unacceptably high density. We believe that the land should be rezoned R30, which corresponds to the development immediately to the north of the land.</i>
<b>2. Jim Wilshire</b>
<i>On behalf of majority of Mann Street residents spoken to objects to any proposed density increase. Council appears to be ignoring ratepayers' objections given the pressures to maximise development, which ignores heritage aspects and changes character. The amendment should not be pushed through the last meeting of the [then] Council. There has not been proper consultation with affected residents. The first stage of selling the Commonwealth land has been successfully completed, so there is no need to increase the density for the second stage. Council should reject all changes to height restrictions and density and act on the wishes of ratepayers.</i>
<b>3. Robert &amp; Marion Shand – 24 Mann Street</b>
<i>Concerned about proposed density increase, regarding extra traffic on narrow lanes (Clive Road and Joinery Way). Consider the site to belong more to the adjoining R30 area than to a higher-density area in relation to the highway.</i>

*Concerned that two storey dwellings could overlook the rear of Mann Street residences across the lane.*

**4. Liz Scott – 30 McNamara Way**

*Understands objective of providing housing choice but advocates quality design and materials to protect streetscape and heritage.*

*The proposed development seems attractive, but traffic management must be addressed for the area.*

*Narrow roads and lanes need to be made attractive and maintained, including overcoming the indiscriminate dumping of rubbish.*

**Comment**

- There have not been a large number of submissions (noting that the forums attracted limited attendance).
- Generalised concerns have been expressed about the perceived implications of increased density, although there has been no particular objection to the detail of the proposed development.
- Clive Road is not proposed to be used for access, which is to be via McNamara Way.
- The new housing is to be orientated north-south, consistent with the pattern of lots along Clive Road.
- One townhouse would flank the western side of 4 Clive Road, setback from the common boundary by a side walkway serving that group of three townhouses (i.e. not a public walkway).
- Opposite 4 Clive Road would be the rear courtyards of three townhouses and a uniform fence, and three visitor bays are indicated constructed in the verge.
- To the western end of Clive Road there would be uniform fencing defining the townhouse development (private property) and preventing though traffic or pedestrians.
- However, person-gates from the townhouses to Clive Street would provide for the convenience of those residents.
- The above would result in an improvement upon the present outlook to the institutional building, which has an almost industrial appearance including roof-top plant and does not contribute to residential amenity. Security may also be improved. The existing high front boundary wall to 4 Clive Road could be opened-up to enjoy the improved interface.

Letter from proponents

- The proponents have accepted Council awaiting the Precinct Forum and have since considered the general issues identified and liaised with the objecting neighbour to discuss the concerns.
- The proponents have advised that they wish the amendment proposal to now be further considered by Council, as the forum has been held and the matter explored there.
- To reiterate the positives of the proposal and support proceeding with the amendment, the proponents have submitted a letter, which is attached and summarised as follows:

- Arising from the forum detailed discussions were held about the proposal and the concern of the adjoining neighbour regarding traffic and density.
- The proponents have already submitted traffic information to show that the amount, nature and timing of traffic movements in the area would be reduced.
- Regarding density, Council has previously supported the principle of R60, while the proposal has an actual density of only R42, but a coding of R50 must apply. The dwellings would not exceed two storeys or the height standards, and would have increased side setbacks. Living rooms have been located downstairs with bedrooms upstairs, to minimise overlooking.
- The proposal is consistent with the character and built form of the locality, offering a transition between the existing flats (coded R60 but having a much higher density) and the adjoining residential area coded R30.

## CONCLUSION

### Merit of proposal

- The principle of rezoning the land to facilitate redevelopment of the site for medium density housing has received Council support for inclusion in draft TPS3.
- A *Residential* zoning and associated density coding are required for this purpose.
- This is a typical approach to opportunities for infill residential development when non-residential uses discontinue and the sites become available, such as occurred with the old flour mill subdivision and development.
- Medium density housing is a reasonable expectation in order to address regional planning objectives, provide housing choice in a predominantly single-residential suburb and be an incentive to redevelopment. This is advocated where public transport is convenient and the existing character of the locality includes medium density housing.
- As observed, the site is earmarked for redevelopment and the proposal is essentially a logical rezoning and density coding for medium density housing designed to fit into the locality. While the number of dwellings would be more than if the site had a low density coding, the two-storey townhouses would be of a scale consistent with the area, resident and visitor parking would be provided, traffic access would be managed, and the streetscape would be upgraded.
- On this basis it is considered difficult to sustain any overriding objection to the proposal, although the detailed urban design of the development may still require fine-tuning.

### Community consultation

- The general concerns of residents to medium density redevelopment proposals are acknowledged.
- The introduction of more dwellings would increase the number of people and cars in the locality, although not dramatically and within capacity. Where dwellings replace non-residential development adjacent to existing dwellings, a new interrelationship of land use results. In terms of amenity, residential use can only be regarded as compatible.
- Notwithstanding, the detail of any density increase and the residential design are important, which can be considered at the rezoning as well as the development application stages. The subject proposal has entailed detailed design at this early stage to achieve and demonstrate an acceptable outcome.

- So far the Precinct Forum has afforded a limited amount of preliminary community consultation on the proposal for rezoning, density coding and redevelopment, and has attracted some objection.
- A Scheme Amendment would provide a formal public advertising period for the immediate community and wider public, to test the proposal in the context of the locality and the district. Community comment would be evaluated by Council, the WAPC and the Minister. If the amendment were approved, as mentioned a subsequent development application would be advertised in determining the final detailed design.

### **Options for decision**

The options open to Council for a decision on the rezoning proposal are:

- Agree now to initiate an amendment to TPS2 – this would progress the rezoning and if approved not delay redevelopment.
- Defer a decision until the report on the Precinct Forums is received and considered by Council – this would provide a broader framework for consideration of the proposal and may give direction to proposed density increases and redevelopment sites generally, but is not intended to deal definitively with any proposal. The forums while very useful were not based on a representative sample of the community and could not cover every planning aspect or development detail relevant to a locality or particular proposal. Hence the information conveyed and feedback gained is unlikely to help determine the desirability of any specific proposal at this stage, which would normally entail wider advertising.
- Once a report on the Precinct Forums is received and considered by Council, decide whether or not to amend TPS2 or to incorporate the proposal in TPS3 – yet there would seem to be little reason to defer the rezoning proposal for inclusion and testing in TPS3, as the proposal and issues will be the same; unless Council takes the view that it does not want to undertake strategic-type amendments to TPS2 ahead of TPS3.

On balance, it is considered that the amendment should be adopted for the purpose of advertising.

### **VOTING**

Simple majority

### **COMMITTEE COMMENT**

Committee supports the amendment to rezone the lots for redevelopment with a maximum of 14 dwellings at an actual density of R42 and no access via Clive Road as proposed.

Committee also noted Cr Carmichael's summary of points regarding this proposal raised at the Precinct Forum, in particular concern about potential traffic impact.

**OFFICER RECOMMENDATION****THAT COUNCIL RESOLVES TO:**

- (1) In pursuance of Section 7 of the Town Planning and Development Act (as amended) amend the Town of Cottesloe Town Planning Scheme No. 2 by amending the Scheme Map to transfer Lots 10 and 120 Clive Road, Cottesloe, from the Public Purposes: Commonwealth Government Reserve to the Residential Zone with a density coding of R50.
- (2) Adopt draft Amendment No. 39 to Town Planning Scheme No. 2 as set out in the amendment documentation, for the purpose of advertising, subject to the residential density coding being altered to R50 in the official copies to be advertised.
- (3) Refer the draft amendment to the Environment Protection Authority for clearance to advertise.
- (4) Upon receipt of clearance by the EPA, advertise the draft amendment for public inspection and comment for a period of 42 days by:
  - (a) Placing a copy of the amendment notice in the Post newspaper, on the Council notice board at the Council Offices and the Town Centre, and in the Library.
  - (b) Placing a copy of the draft amendment on display at the Council Offices and the Library.
  - (c) Notifying in writing nearby landowners of the draft amendment, as determined by the Manager Development Services.
  - (d) Requiring a sign or signs displaying the amendment notice to be installed on site no later than in the first week of the advertising period and to remain on site for the duration, to the satisfaction of the Manager Development Services.
  - (e) Provide the Western Australian Planning Commission with a copy of the draft amendment.
  - (f) Refer the draft amendment to the Water Corporation for information and comment.

**10.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**THAT COUNCIL RESOLVES TO:**

- (1) **In pursuance of Section 7 of the Town Planning and Development Act (as amended) amend the Town of Cottesloe Town Planning Scheme No. 2 by amending the Scheme Map to transfer Lots 10 and 120 Clive Road, Cottesloe, from the Public Purposes: Commonwealth Government Reserve to the Residential Zone with a density coding of R50.**
- (2) **Adopt draft Amendment No. 39 to Town Planning Scheme No. 2 as set out in the amendment documentation, for the purpose of advertising, subject to the residential density coding being altered to R50 in the**



official copies to be advertised, and subject to additional provisions being incorporated in the Amendment specifying that:

- (a) The maximum number of dwellings permitted shall be 14 (representing a built density of R42 which is as proposed).
  - (b) The dwellings shall comply with the height controls of the Scheme.
  - (c) Vehicular access to the dwellings shall be via McNamara Way only and not via Clive Road (which is as proposed).
  - (d) The development shall be in accordance with the concept plans numbered A01 to A05 (all Revision E) submitted with the amendment, subject to any modification in an approval by Council.
- (3) Refer the draft amendment to the Environment Protection Authority for clearance to advertise.
- (4) Upon receipt of clearance by the EPA, advertise the draft amendment for public inspection and comment for a period of 42 days by:
- (a) Placing a copy of the amendment notice in the Post newspaper, on the Council notice board at the Council Offices and the Town Centre, and in the Library.
  - (b) Placing a copy of the draft amendment on display at the Council Offices and the Library.
  - (c) Notifying in writing nearby landowners of the draft amendment, as determined by the Manager Development Services.
  - (d) Requiring a sign or signs displaying the amendment notice to be installed on site no later than in the first week of the advertising period and to remain on site for the duration, to the satisfaction of the Manager Development Services.
  - (e) Provide the Western Australian Planning Commission with a copy of the draft amendment.
  - (f) Refer the draft amendment to the Water Corporation for information and comment.

Carried 7/3

**10.1.2 NO. 140 (LOT 310) BROOME STREET – TWO AGED PERSONS’ DWELLINGS – FURTHER REPORT**

**File No:** No. 140 Broome Street  
**Author:** Ms Lilia Palermo / Mr Andrew Jackson  
**Attachments:** Location plan  
Contour map  
Submission from applicant includes correspondence, plans.  
Submission (1)  
Correspondence from Council’s Works Supervisor  
Applicant’s further letter dated 30 May 2005  
Revised plans date-stamped 31 May 2005

**Author Disclosure of Interest:** Nil  
**Report Date:** 15 March 2005  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Mrs ME Forrest

**Applicant:** The Planning Group  
**Date of Application:** 3 September 2004

**Zoning:** Residential  
**Use:** P - a use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 828m<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

Council is in receipt of an application for two Aged Persons’ dwellings on the subject site, by converting the existing residence and building a second residence, with reduced lot areas, parking and other requirements for special-purpose dwellings.

At its April meeting, given the assessment that had been undertaken, Council adopted the recommendation to defer the application for revised plans to address several aspects.

The applicant has since responded and this report presents the revised plans and addition information submitted, for a decision on the proposal.

**PREVIOUS REPORT**

For convenience this is repeated in full below, followed by the further assessment.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

- Garages and Carports in the Front Setback Area Policy No 003
- Reflective Metal Roofing Material Policy No 009

**HERITAGE LISTING**

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

**APPLICATION ASSESSMENT**

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Policy 003 - Garages and Carport within the Front Setback Areas	Front Setback to the garage – 4.5m (subject to certain criteria)	Nil

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 4.1.2 – Aged or Dependent Persons’ Dwellings	A2 (i) – Plot Ratio 100m2	149m2 new dwelling; 180m2 existing	Clause 4.1.2 – P2
	A2 (ii) – a minimum of five dwellings	2 dwellings	
	A2 (iii) – all dwellings to incorporate the standards under AS 4299	Details of compliance with AS 4299 not provided	
	A2 (iv) – one wheelchair accessible parking per dwelling	Provided	

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
	A2 (v) – visitor’s car spaces (1 bay required)  A2(vi) – legal agreement re occupants of special purpose dwellings	Not provided  Owners are willing to comply with the requirement	
No 2 – Setback of Garages and Carports	Front setback to a garage – 4.5m	Nil	Clause 3.2.3 – P3
No 6 – Site Works	Fill within front setback not exceeding 0.5m	0.7m – 1.7m	Clause 3.6.1 – P1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

## Internal

- Building
- Engineering

## External

N/A.

## ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners.

## Submissions

There were 2 letters sent out. Two objections were received. The details of objections are set-out below:

138 Broome Street & 1A Clarendon Street

- *The proposal exceeds the maximum plot ratio requirement under the RDC.*
- *The outcome would result in two substantial dwellings occupying relatively small lots.*
- *The proposed redevelopment would be significantly out of proportion with the surrounding residences and lot sizes.*
- *A comprehensive geological and soil analysis should be undertaken by an independent expert at the applicant's expense.*
- *The application is dependent upon Council's verge being excavated which might increase the risk of physical injury and property damage to pedestrians and motorists.*

**STAFF COMMENT**

## Site Area Requirements under RDC

The subject property is zoned Residential with a density coding of R20. The required minimum lot size is 440m<sup>2</sup> and the average lot size 500m<sup>2</sup>.

Acceptable Development Standards under the Clause 3.1.3 – "Variations to the Minimum Site Area Required" contain the following provision:

*A3 (i) for the purposes of an Aged or Dependent Persons' Dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third, in accordance with Section 4.1.2 and 4.1.3.*

In accordance with the above clause the required minimum site area in R20 density can be reduced to 294m<sup>2</sup> and the average to 334m<sup>2</sup>.

The proposed lot sizes are 497m<sup>2</sup> and 330m<sup>2</sup>. The proposal complies with the RDC requirements for lot sizes for Special Purpose Dwellings.

## Performance Criteria of the RDC – Special Purpose Dwelling Requirements

The proposed development is required to be considered for compliance with the general objective of Part 4.1 – Special Purpose Dwelling Requirements and the relevant Performance Criteria, which are:

## Objective:

*"To ensure that dwellings for special needs can be provided within normal residential areas."*

## Performance Criteria:

*Dwellings that accommodate the special needs of the elderly of physically dependent persons and are designed to allow for "ageing in place" taking into account:*

- *The proportion of dwellings designed to meet Australian Standards for Dependent Persons Dwellings;*
- *The location of the site in relation to public transport and convenience shopping;*

- *The topography of the locality in which the site is located; and*
- *The demand for aged and dependent persons' accommodation*

The proposal is in accordance with the objective of the RDC to ensure that special purpose dwellings can be provided within normal residential areas. The subject property is situated within the Residential R20 area, which is the base density in Cottesloe.

#### Compliance with AS 4299

Australian Standard 4299 – Adaptable Housing contains provisions requiring designs to incorporate features that are required to serve the special needs of aged or dependent persons, for example: ramps, wider doorways, passageways to accommodate wheelchairs, hand-rails in bathrooms and toilets, etc.

The applicant was requested at the initial stage of the development assessment to submit appropriate detail for both residences to determine if all the required standards under AS 4299 were incorporated into the design.

The applicant declined to submit the requested detail at the Planning Assessment stage and relied on a letter from the Architect stating that to his best knowledge and belief the proposal complies with the AS 4299 was sufficient.

It cannot be determined at this stage if the proposal satisfies the first Performance Criterion due to the lack of detail on the submitted plans.

#### The location of the subject site in relation to transport and convenience shopping

The subject site is located within a walking distance to the Eric Street Shopping Centre.

The closest bus stop within walking distance is on Broome Street near Torrens Street.

The applicant has stated that Fremantle train line is within 1.0km, which couldn't be considered being within easy walking distance for an aged or disabled person.

Ideally, public transport should be readily accessible for aged or dependent occupants of the special purpose dwellings for their travel needs rather than being dependent on a private vehicle.

#### Topography of the locality

The following was stated by the applicant in the report submitted with the application:

*“The area surrounding the site generally has a gradual slope going upwards from the northwest to the southeast. The subject site is relatively level through earthworks and the provision of retaining walls.”*

The subject property is located at the bottom of a hill. The natural ground levels rise considerably going up Clarendon Street. If travelling along Broome Street north

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(where the closest bus stop is located) there is considerable fall in natural ground levels – (see GIS contour plan in the attachments).

The varying contours of the locality could present difficulty for aged or dependent persons when walking or using a wheelchair to access public transport or convenience shopping.

#### The demand for aged and dependent persons' accommodation

It is general knowledge that the population is ageing and there are a growing number of one or two-person households in the Perth metropolitan area, but that the housing stock and the majority of new dwellings are designed for conventional family accommodation.

There is a demand for a variety of dwelling sizes to cater for the variety of types of households.

The applicant stated the following:

*“Due to the ageing population the demand for affordable Aged Persons Dwellings is steadily increasing. Furthermore the quantity and quality of dwellings where this population can “age in place” is particularly low. The age 65 and over population in Cottesloe accounts for 7.4% of the total population. This figure demonstrates the suburb of Cottesloe over 65 population is comparable to the Perth over 65 population, which is 8.9%. The growth of this category is increasing at a similar rate to that of Perth’s.”*

It could be concluded that there is demand for Aged or Dependent Persons' accommodation, providing that dwellings are purpose-designed and the site area concession is not used merely to increase development potential of properties.

#### Acceptable Development Standards – Special Purpose Dwellings

Specific Acceptable Development Standards for Aged and/or Dependent Persons' Dwellings under the RDC (Clause 4.1.2) are as follows:

*Dwellings for the purposes of the aged and dependent persons that comply with the following:*

- (i) A maximum plot ratio area of:
  - In case of Single Houses or Grouped Dwellings – 100m<sup>2</sup>.
  - In the case of Multiple Dwellings – 80m<sup>2</sup>.*
- (ii) A minimum number of five dwellings within any single development.*
- (iii) All dwellings to incorporate the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House class B standard.*
- (iv) At least one wheelchair-accessible parking space for the exclusive use of each wheelchair – accessible dwelling provided.*
- (v) Visitors' car spaces at the rate of one per four dwellings, with a minimum of one space.*
- (vi) At least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such person, and the owner of*

*the land agrees to enter into a legal agreement, binding the owner, his heirs and successors in title requiring that this provision be maintained.*

The purpose of the Acceptable Development Standards is to streamline the Planning Approval Process. Development Applications that fully comply with the relevant Acceptable Development Standards would be deemed to meet the relevant Performance Criteria.

#### Plot Ratio

The proposal does not comply with the required 100m<sup>2</sup> plot ratio maximum under the Acceptable Development Standards. The proposed plot ratios are:

New residence – 149.93 m<sup>2</sup>

Existing residence – 180.87 m<sup>2</sup>

#### Minimum Number of Dwellings

The proposal does not comply with the requirement under the Acceptable Development Standards for a minimum of five dwellings within any single development. The proposal is for two dwellings only: a new residence and a refurbishment of the existing single-storey residence.

#### AS 4299 (Adaptable Housing)

The proposal does not comply with the requirement for all dwellings to comply with the standards under the AS 4299 – Adaptable Housing. The applicant did not submit sufficient information showing compliance with the Australian Standard 4299.

#### Wheelchair accessible parking

The applicant states in the report submitted with the application that there is one wheelchair-accessible parking space provided for exclusive use of each residence. Access from the parking area to the living areas of the residences is via a lift.

There was insufficient detail provided to ensure that the abovementioned car bays are wheelchair accessible.

#### Visitors' Car Spaces

The proposal does not comply with a requirement for one visitor car bay.

The applicant states that there is ample street parking in the vicinity and therefore additional visitor parking on the property would not be required.

#### Legal Agreement Requirement

The applicant states that owners of the property are willing to comply with the requirement to enter into a legal agreement that at least one of the occupants of each



dwelling is disabled or physically dependent person or aged over 55 or is the surviving spouse of such a person.

### Conclusion

The proposed development does not meet four out of six Acceptable Development Standards and therefore cannot be automatically considered to be deemed to satisfy the Performance Criteria under the Clause 4.1.2 – “Aged or Dependent Persons’ Dwellings”.

The proposed development relies on the assessment under the relevant Performance Criteria discussed in the previous section of the report.

The explanatory text of the RD Codes (4.1 – Special Purpose Dwellings) states:

*Because Aged or Dependent Persons’ Dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the Codes under Clause 3.1.3 allow the reduction of the site area by one third...*

*To prevent these concessions from being abused – for example as a back-door way of increasing density for standard housing without re-coding an area – the concessions are subject to three constraints:*

- *There is a limit on the size of such dwellings;*
- *They must be purpose-designed; and*
- *They are subject to a legal agreement to restrict occupancy.*

The proposal does not comply with the plot ratio requirement for Aged or Dependent Persons’ Dwellings. The proposed dwelling is not much different in size from a conventional family residence.

There were no details provided to show that the new dwelling would comply with the Australian Standard for Adaptable Housing. The applicant also stated that the existing dwelling would be converted to comply with the Adaptable Housing requirements within a year. Again there were no details provided.

Due to insufficient detail submitted it cannot be concluded whether the proposed development is purpose-designed.

The applicant agreed to enter into a legal agreement to satisfy the requirement under the Acceptable Development Standards restricting the occupancy of the dwellings.

It is recommended that the applicant be requested to submit detailed plans showing compliance of the proposal with the AS 4299 – Adaptable Housing prior to issue of Planning Approval, to ensure that the proposed dwellings are purpose-designed and the 1/3 site area concession is not used merely as a way of increasing the development potential of the property.

Approval of this development application without placing strict requirements to ensure that the dwellings are purpose-designed for occupation by aged or dependent

persons would create a precedent for similar applications in R20 density as a back-door way to increasing density.

#### Carport with a nil setback to Clarendon Street

The applicant is proposing a carport within the front setback area for the existing residence. It is proposed to have a Nil setback from the carport to the front boundary.

The existing residence is located on the corner of Broome Street and Clarendon Street with its primary frontage to Broome Street. Clarendon Street would be considered a secondary Street for the existing residence on the property. The required setback to a secondary street under the RDC is 1.5m.

An open type carport within the street setback area could be acceptable as it would provide an unobstructed view between the residence and the street.

Council Policy 003 – Garages and Carports in Front Setback Area states that Council, subject to compliance with certain criteria, may approve a carport, garage or the like to be built up to a boundary abutting a secondary street.

The proposed carport being an open type structure is not likely to impact on view lines of the adjoining properties or negatively affect existing streetscape.

The design of the carport is in keeping with the character of the existing residence.

#### Garage within front setback area – New Residence

It is proposed to construct a garage with a nil setback to the front boundary for the new residence.

The required front setback in R20 density areas is 6.0m. The RDC allow for averaging of the front setback in accordance with Figure 1 page 113 of the RDC.

Council consistently enforces a 6.0m minimum front setback requirement (without averaging).

The RDC allow for a reduced front setback up to 2.5m for residences that result from subdivision of an original lot and have frontage to an original secondary street.

In accordance with the above provision of the RDC, a front setback of 2.5m could be considered acceptable.

The RDC also contain specific acceptable development standards for setback of garages and carports.

Clause 3.2.3 (A 3.5) states:

*“Garages set back 4.5m from the primary street. This may be reduced where garage adjoins a dwelling, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony) or setback 30m where vehicles are parked parallel to the street alignment.”*

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The proposed garage of the new residence with a nil setback to Clarendon Street does not comply with the above provision of the RDC.

The Performance Criteria under Clause 3.2.3 states:

*“The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.”*

It is considered that the proposed garages with a nil setback to the street would detract from the appearance of the dwelling from the street.

The garage door occupies approximately 1/3 of the frontage and would be fully visible from the street.

Council's Planning Policy 003 – Setbacks of Garages and carports in the front setback Area also states that subject to complying with certain criteria Council may allow variations to the required front setbacks of garages and carports:

*“A garage or carport may, with the approval of Council, be constructed up to 4.5m of a primary street alignment where vehicles are parked at right angles to the street alignment and 1.5m where vehicles are parked parallel to the street alignment”*

The proposed garage has a nil setback to the front boundary and therefore in not in accordance with the Policy 003 requirements.

In addition to a nil setback to the garage the applicant is also proposing considerable fill and retaining walls 1.5m high measured from the natural ground level. These would result in the appearance of the proposed residence being dominated by a garage door and a solid wall.

The proposal also involves excavation and retaining walls on Clarendon Street verge to accommodate the proposed crossover. This could potentially have implications for safety of pedestrians in the area.

It is recommended that the applicant be requested to submit amended plans showing the proposed garage being setback a minimum of 2.5m or a suitable solution being presented to improve appearance of the proposed dwelling from the street.

Retaining within front setback area

The proposal involves fill over 0.5m and high retaining walls (1.5m high measured from existing NGL) within the front setback area.

The objective of the Design Element 6 – Site Works of the RDC is *“to preserve the sense of the natural topography of the site and locality with a view to the protection of streetscape and the amenity of adjoining properties.”*

It is considered that the proposed fill and retaining walls within the front setback area do not satisfy the above objective of preserving the sense of natural topography and would also have a negative impact on the streetscape.

The Performance Criterion (Clause 3.6.1. P1) also states:

*“Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.”*

The proposed stone retaining wall on the front boundary with a height of 0.7m on the eastern corner ranging up to 1.7m on the western corner would not satisfy the above Performance Criterion, as the proposed finished levels would be considerably higher than the existing natural ground levels at the front boundary.

The Acceptable Development Standards under Clause 3.6.1 allow for fill up to 0.5m within the front setback area. The proposal involves fill up to 1.7m in the north-western corner, which is considered unacceptable.

As can be seen on the front elevation plan of the proposed new residence, it is also proposed to construct a wall (entitled “garden wall” on the plans) up to a level of 27.5, which is a height 2.4m – 3.5m measured from the natural ground level at the front boundary.

The proposed solid wall is also not in accordance with Council’s Fencing Local Law, which requires front fences to be of an open aspect design.

It is recommended that the applicant be required to provide amended plans addressing the above issues: reducing the level of fill and the height of retaining walls in the front setback and providing open aspect design fencing in accordance with Council’s Local Law.

## **CONCLUSION**

Council is conscious of the demand for aged or dependent persons’ dwellings and has exercised flexibility towards some development requirements, particularly dwelling size and proximity to public transport and facilities. Where genuine proposals are supported by legal agreements and compliance with the AS, Council has been prepared to permit larger dwellings. No. 24 Princes Street is a recent example, where eight special purpose dwellings are to be built and a condition for compliance with the AS is being implemented by the architects.

Where fewer than five dwellings are involved, and where further concessions are sought, to both special purpose requirements and to ordinary requirements, as in this case, then the merit of the proposal is diminished. Councils generally have experienced difficulty with compliance of single additional special purpose dwellings, in terms of bone fide use and meeting development standards. The principle of at least five dwellings embraces ensuring supply, economy of scale, treating a site comprehensively for development or redevelopment, creating a social environment and otherwise preserving established density and character.

In this instance, while a legal agreement is volunteered, the proposal falls short of other key criteria for adaptable housing and seeks further concessions to development requirements, in a way that is considered to detract from the amenity of the street and locality. On this basis, conditional approval would be a less-preferred option, and deferral to afford the opportunity for a revised proposal addressing important requirements is recommended. However, should Council consider that the proposal is insufficient and would be unlikely to become satisfactory, then a refusal could be determined for reasons along the lines of the deferral issues.

Overall, it is considered desirable to see whether the proposal can be modified to achieve sufficient compliance for Council to be prepared to support it, in terms of both the special requirements and normal development/urban design requirements. Hence it is recommended that the application be deferred and the applicant be requested to address the following:

- Demonstrate that both of the residences incorporate AS 4299 – Adaptable Housing;
- Satisfactory compliance with wheelchair-accessible and visitor parking;
- Increase front setback to the proposed garage or provide a suitable solution to ensure that the streetscape is not compromised and the views from the dwelling to the street are not obstructed;
- Reduce the level of fill and the height of retaining walls in the front setback to comply with the relevant requirements of the RDC;
- Any fencing within the front setback area being of an open aspect design; and
- Excavation and retaining within the front verge area is not supported and the applicant is requested to provide a design showing that the natural ground levels are being retained.

## **VOTING**

Simple Majority

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

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by The Planning Group for two Aged or Dependent Persons' Dwellings on 140 Broome Street, Cottesloe; and
- (2) Request that the applicant submit revised plans addressing the following:
  - (a) Demonstrate that the proposed dwellings comply with the requirements of AS 4299 – Adaptable Housing;
  - (b) Satisfactory compliance with wheelchair-accessible and visitor parking;
  - (c) The front setback of the garage being amended to comply with the Residential Design Codes requirements and/or Council's Policy 003 – Garages and Carports in Front Setback Area;
  - (d) Reduce the level of fill and the height of retaining walls in the front setback in accordance with the Residential Design Codes requirements; and

- (e) Any walls/fencing within the front setback area higher than 900mm measured from natural ground level being of an open aspect design in accordance with Council's Fencing Local Law.

### **FURTHER ASSESSMENT**

#### **Applicant's letter and plans**

- The applicant has addressed each of the deferral points as set out in a letter dated 30 May 2005 and revised plans date-stamped 31 May 2005, copies of both attached.
- The revised plans reflect the above-described changes and include annotations regarding disability standards and the design improvements for planning aspects.
- This points made in the letter are summarised below, together with officer comment.

<b>Demonstrate that the proposed dwellings comply with the requirements of AS 4299 – Adaptable Housing.</b>
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<u>Applicant's submission:</u>
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- |   |
|---|
| <ul style="list-style-type: none"> <li>• The plans have been amended and annotated to show compliance.</li> </ul> |
|---|

<u>Officer comment:</u>
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- |  |
|--|
| <ul style="list-style-type: none"> <li>• <i>The plans now show a more adequate degree of compliance with the Australian Standard. For the existing dwelling, while external items are shown on the plans, and external and internal items are listed, there are no internal plans of that dwelling showing the layout and compliance.</i></li> <li>• <i>Detailed compliance can be further ensured at the building licence stage.</i></li> <li>• <i>In conclusion on this matter, compliance with the AS remains an important and necessary part of the approval and construction of aged persons' dwellings.</i></li> </ul> |
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<b>Satisfactory compliance with wheelchair-accessible and visitor parking.</b>
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<u>Applicant's submission:</u>
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- |   |
|---|
| <ul style="list-style-type: none"> <li>• Each dwelling will have wheelchair-accessible resident parking, which satisfies the R-Codes.</li> <li>• Regarding visitor parking, each aged persons' dwelling requires only one bay to satisfy the acceptable development criterion of the R-Codes, and as each dwelling is to have two bays, the other bay can be counted as visitor parking.</li> <li>• Even if not, the performance criteria of the R-Codes take into account the availability of street parking and the proximity to public transport, both of which apply here.</li> </ul> |
|---|

Officer comment:

- *It is acknowledged that each dwelling can be made capable of wheelchair access from its on-site parking bay. It is noted, however, that the R Codes provide (in 3.5.3 A3.2, p 68) that wheel-chair accessible means that the bay must be larger; i.e., 6m long by 3.5m wide. Hence the garage to the proposed dwelling should be at least 6m long and 6.5m wide (2.7m for normal car against wall, plus 3.8m for disabled bay). The proposed garage is 6.6m long (free space excluding the work bench), which complies, and 6.2m wide, which does not comply although arguably is sufficiently wide to allow for reasonable wheelchair access – the alternative being to condition an approval for a wider garage. The new double carport to the existing dwelling approximates the standards for bays for cars under ordinary circumstances, but does not meet the standards for inclusion of a disabled bay. While the driveway would compensate for the slightly shorter length than required, the width of the carport would need to be increased, which the design could accommodate - hence an approval should be conditioned accordingly.*
- *Regarding resident parking, where the acceptable development criterion of one bay per dwelling is met, Council is obliged to accept that, hence the second bay per dwelling can legitimately be claimed as a visitor bay, even if in reality residents had two cars. Moreover, the acceptable development criterion requires one visitor bay for every four dwellings, with a minimum of one, so in this case of two dwellings only one visitor bay is required but two are provided for.*
- *It is noted, however, that the parking provisions of the R-Codes (in 3.5.1 A1 i, p66) guide the lesser resident parking requirement of only one bay for aged persons' dwellings on the basis that the floor area of each dwelling is no more than 100sqm; that is, where there is more likelihood of a single older person or a less mobile couple with only one car, whereas larger dwellings are more likely to accommodate an active couple who may have two cars. For the proposed new dwelling the basement double garage with an automatic door would have restricted access for visitors. For the existing dwelling the proposed double carport would have unrestricted access. The driveway crossovers in the verge could function as informal visitor parking, but would block access for the on-site parking.*
- *Street parking is available to Clarendon Street, but is restricted by the narrow width, several crossovers and the slope. Broome Street has "no standing on road or verge" signs in this vicinity. Chamberlain Street nearby provides the most convenient on-street parking, being wider and flatter; while upper Clarendon Street and Nailsworth Street are too narrow, steep and curving to be suitable.*
- *In conclusion on this matter, while the required minimum ratio of resident and visitor parking can be provided, the design still requires refinement to meet disabled bay specifications and visitor parking in practice is likely to be limited or externalised, which would compromise the functionality of the dwellings.*

**The front setback of the garage being amended to comply with the Residential Design Codes requirements and/or Council's Policy 003 – Garages and Carports in Front Setback Area.**Applicant's submission:

- The R-Codes allow a 2.5m setback and a relaxation of 1m to a 1.5m setback could be considered on a performance assessment.
- This should be supported because the garage being below-ground would not detract from the streetscape, would have materials compatible with the dwelling, would not interfere with surveillance, would not occupy more than 50% of the frontage and would not obstruct views.
- The applicant has also listed points in favour of the proposed carport with nil setback, for the existing dwelling (but that does not form part of the above deferral reason).

Officer comment:

- *The fit of the proposed new dwelling on its site leaves little flexibility for the garage to be set well back, although it could be pushed further in subject to an engineering solution for the cantilevered terrace over and the dwelling above (which would affect the floor plan in terms of the lift connection etc).*
- *However, the reduced setback could be supported on the following urban design rationale: the garage is integral to the dwelling and semi-buried, being subservient to it; the garage would read as logically designed in this manner to take advantage of the slope of the site and be space-efficient; the walled-effect would be consistent with the walling to the existing dwellings on either side and nearby in the street; the new dwelling would be legible as an infill development derived from the existing lot; reduced setbacks are characteristic of second houses in backyards to side streets, such as directly opposite on Clarendon Street; undercroft-type garaging is typical of smaller lots and sloping sites; the resultant two-storey appearance is a norm by today's standards; the flat-roofed, slim-line contemporary design nestles the dwelling into the site so as to contain the bulk and scale, which helps to ameliorate the impact of the reduced setback for the garage element – the height of the proposed dwelling is 1.75m lower than the ridge of the existing dwelling and consistent with the wall height of the existing dwelling, such that it would not appear unduly dominant. The two-storey scale of other dwellings in the street, including high boundary walls and the imposing presence of the handsome art deco dwelling to the east, would to some measure ameliorate the impact of the proposal.*
- *While given these factors, plus the reduction in fill level/retaining wall and the introduction of an open-style fence as described below, it may be considered that the garage setback as proposed could be supported, to allow such a forward dwelling would be unusual. Indeed, it could be seen that the larger floor space, basement element (i.e., effectively a two-storey building), reduced front setback, extent of retaining and "forcing" the private open space to the front (albeit north) is simply seeking too much from the site and constitutes overdevelopment both in general and especially as an aged persons' dwelling. Note also that this is at the expense of the existing dwelling, which would lose its rear yard as well as*



*remaining open space to a replacement double carport and access ramp, and could otherwise be extended or redeveloped – yet retention of the existing dwelling would be achieved under the proposal.*

- *As an aside, in terms of residential amenity, it is pointed out that the dwelling to the east, which has a large elevated terrace looking west over the existing subject property, would were the new dwelling approved look upon an expansive flat roof occupying most of that site and also into the sole private open space at the front of the new dwelling. This further suggests that the proposal amounts to a maximised instead of an optimised design and generates increased potential impacts affecting the site, the existing and proposed dwellings themselves, and the surrounds.*
- *In conclusion on this matter, the garage design is problematic in terms of engineering and built form, being contrary to the R-Codes and Council Policy. The only real way to overcome these issues is to design car parking at ground level integral with the dwelling and sufficiently setback, even though lot size is restricted – but equally dwelling size is envisaged to be small.*

**Reduce the level of fill and the height of retaining walls in the front setback in accordance with the Residential Design Codes' requirements.**

Applicant's submission:

- The proposed retaining wall has been decreased by 0.5m along the eastern boundary and the proposed level of the dwelling has been correspondingly reduced, which will reduce the streetscape impact of the retaining wall and garage.
- The retained courtyard has been screened to prevent overlooking into neighbouring properties.
- On this basis a performance-assessment under the R-Codes is sought.

Officer comment:

- *This setting-down of the proposed dwelling represents a significant improvement: the ridge height is 0.5m lower, the front walls/fences are reduced in relation to the existing dwelling and the street, the front windows are revealed more, the new structure sits noticeably lower to that existing, the horizontality rather than verticality of the new dwelling is emphasised and the height of the garage element above ground level is reduced.*
- *However, there are implications for the basement in terms of driveway gradient and for the verge in terms of cut. As previously advised, any cut into the verge for a crossover leading into the garage would not be supported, for reasons of excavation affecting the road, drainage, any in-ground services and infrastructure, vehicle visibility, use of the verge by pedestrians and pets (inconvenience and safety), plus for rubbish bin collection and service or emergency vehicles, as well as for streetscape appearance. A dangerous trench could be overcome by re-contouring the entire verge width, as indicated on the plans, but that would still encounter the other difficulties. Note that the plans also indicate raising the verge slightly to access the proposed double carport built on the boundary for the existing dwelling, again because there would be no driveway within the site to accommodate the level change in transition from the verge to the car bays.*
- *In conclusion on this matter, the obvious design solution as described*

<i>above is the alternative of a more conventional and smaller dwelling that better suits the site and street.</i>
<b>Any walls/fencing within the front setback area higher than 900mm measured from natural ground level being of an open aspect design in accordance with Council's Fencing Local Law.</b>
<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> <li>The proposed front wall has been significantly redesigned to reduce the maximum height of the retaining wall by 1.2m from 3.2m to 2m and to introduce an open style of timber slats, to form a fence in accordance with Council's policy.</li> </ul>
<p><u>Officer comment:</u></p> <ul style="list-style-type: none"> <li><i>This design change diminishes the wall-effect of the proposed retaining wall to the basement and front terrace, and introduces an open-style fence portion more consistent with the relevant fencing controls.</i></li> <li><i>It offers improved streetscape appearance and better integration with the existing dwelling, which is to have similar style fencing.</i></li> <li><i>However, the combined effect remains above-average in height and bulk and inconsistent with the principle of limited-scale, open-style fencing as set out in the R-Codes and Council's fencing local law.</i></li> <li><i>In conclusion on this matter, the minimal front setbacks and wall and fencing treatments would present as a dominant element to the street and may set an undesirable precedent for a similar design approach on other sites, contrary to established practice and the pattern of development generally.</i></li> </ul>

## CONCLUSION

- The gist of the deferral was that the proposal had not demonstrated sufficient compliance with technical standards for aged persons' dwellings nor with planning design aspects.
- The applicant has subsequently responded to these items as further reported and assessed above.
- It is appreciated that the purpose of the application is for family reasons (to enable "ageing in place" of the owners in a new home designed by their architect son, as well as to convert the existing dwelling into a second aged persons' residence) and it is considered that the proposal has some merit in terms of the design approach to a constrained site that needs to interface successfully with the existing dwelling, other adjoining properties and the streetscape.
- It is also acknowledged that the applicant has gone some way to addressing the deferral aspects through the revised plans, which while not changing the basic design have modified important elements and, while still requiring some concessions, are considered reasonable from an urban design point of view.
- However, while better technical compliance and urban design improvements have been achieved, there remain two fundamental aspects for determination by Council: firstly, whether it supports the size of the dwellings to exceed the acceptable development criterion of the R-Codes (in 4.1.2 A2 i, p94) of 100sqm; and secondly, whether it supports the creation of only two aged persons' dwelling when the acceptable development criterion of the R-Codes (in 4.1.2 A2 ii, p94) is for a minimum of five dwellings within any development. It is apparent that the applicant has not convincingly addressed either of these key criteria.

- The proposed dwelling sizes of 149sqm for the new dwelling and 180sqm for the existing dwelling are significantly greater than the standard. While Council has elsewhere recognised the demand for larger, high quality retirement dwellings, allowing larger dwellings on the smaller lots can have urban design and amenity implications. Nonetheless it is apparent that the proposed new dwelling is a compact and efficient design suitable for older persons. Adaptation of the existing dwelling for older persons delivers a less satisfactory approach. While on the one hand it may be argued that the dwelling size standard is too restrictive in terms of today's needs and expectations, what it seeks to do is provide smaller dwellings for reasons of cost, practicality/maintenance, urban design and residential amenity (ie, avoiding too large a dwelling on too small a site). Larger dwellings would be more attractive to non-aged persons, contrary to the purpose of the approved development and any control on title, which if so occupied would require policing and enforcement procedures.
- The minimum number of dwellings is intended to encourage the provision of aged housing and to provide for comprehensive redevelopment of suitable sites – given the smaller site area and plot ratio per dwelling, more dwellings can be accommodated on a consolidated site, such as two corner lots. While fewer than five dwellings in any one development may be agreed to at Council's discretion, it could create pressure for a proliferation of similar proposals, contrary to the intent of the R-Codes, and would go against the grain of low density coding for single residential areas. The performance criteria of the R-Codes unfortunately do not appear to have any clear correlation with this acceptable development criterion, whereby there is little framework to help a council decide if it is willing to support only one or two aged persons' dwellings as opposed to four or five and under what circumstances.
- However, having regard to these parameters, to guide councils' decision-making, the R-Codes in the explanatory text (p93) do convey the intent for aged person's dwellings provisions as follows:
  - To prevent these concessions [of reduced lot size and parking] from being abused – for example as a back-door way of increasing density for standard housing without re-coding an area – the concessions are subject to three constraints:*
    - *There is a limit on the size of such dwellings,*
    - *They must be purpose-designed, and*
    - *They are subject to a legal agreement to restrict occupancy.*
- Historically, when infill housing development and second dwellings in back yards (ie battleaxe and corner lot configurations) first came about, which was for ordinary family homes, community concern arose about the amenity impacts of this form of density increase, which the residential codes have since sought to address. The concept of special-purpose dwellings recognised both the need for this type of housing and the ability to achieve it at a smaller scale with lesser impacts. Therefore, the criteria contained in the codes are meant to manage this category within the prescribed limits and generous discretion or concessions are inherently not contemplated.
- Hence it could be argued that the density increase for what are virtually family-sized dwellings should fairly be considered by way of a normal scheme amendment for re-coding to allow infill housing, rather than as a concession for essentially luxury aged person' housing subject only to a development approval. It is not the role of the R-Codes to enhance the development potential and asset

value of property, but rather to ensure the orderly and proper planning and the protection of the amenity of a locality.

- On this basis a conservative approach would be more appropriate than a liberal attitude to the approval of aged persons' dwellings, albeit a dilemma for a council in aiming to assist in the provision of this form of housing for an ageing population.

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

Moved Cr Furlong, seconded Cr Strzina

**That Council:**

- (1) REFUSE the application for Approval to Commence Development submitted by The Planning Group for two Aged Persons' Dwellings at 140 Broome Street, Cottesloe, for the following reasons:**
  - (i) The proposal for only two aged persons' dwellings does not satisfy the requirement of a minimum of five dwellings in any development.**
  - (ii) Each dwelling significantly exceeds the maximum plot ratio floor space of 100sqm stipulated for this type of special-purpose housing.**
  - (iii) The proposed garaging design for the new dwelling is considered unacceptable due to the engineering impact on the verge (and for which insufficient information has been submitted), and due to the urban design, streetscape and amenity impacts of the minimal front setbacks, levels and scale of the structural walling and fencing proposed.**
  - (iv) In view of (ii) and (iii) above the proposal constitutes an overdevelopment of the site.**
  - (v) The proposed car parking for the dwellings is not adequately designed to satisfy the specifications for wheelchair-accessibility, and due to the size and design of the dwellings it is likely that visitor parking will be compromised.**
  - (vi) The revised plans have not addressed the reasons for deferral to an extent whereby Council may be prepared to consider supporting the proposal.**
  - (vii) Approval to the proposal would set an undesirable precedent for similar proposals.**
- (2) Advise the submitters of this decision.**

Carried 8/2

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

<b>File No:</b>	<b>88 Marine Parade</b>
<b>Author:</b>	<b>Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Maps showing parking options Previous report to Council - March 2005</b>
<b>Report Date:</b>	<b>9 June 2005</b>
<b>Senior Officer:</b>	<b>Stephen Tindale</b>
<b>Property Owner:</b>	<b>Sandalwood Investments</b>
<b>Applicant:</b>	<b>Alan McGillvray</b>
<b>Date of Application:</b>	<b>4 February 9 June, 2005</b>
<b>Zoning:</b>	<b>Foreshore Centre</b>
<b>Use:</b>	<b>AA – use not permitted unless special approval granted by Council.</b>
<b>Density:</b>	<b>R50</b>
<b>Lot Area:</b>	<b>1265m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>The site abuts the Metropolitan Region Scheme Parks and Recreation Reserve for the foreshore, which extends over Marine Parade.</b>

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**SUMMARY**

In March Council considered a report on this proposal with an officer recommendation of support as follows:

*That Council:*

- (1) Determine that a Restaurant use in the Foreshore Centre Zone is in keeping with the objectives of that Zone.*
  - (2) For the purposes of Clause 5.5.4, determine that the cash-in-lieu payment for the proposed development is \$3,500,000.*
  - (3) GRANT its approval to Commence Development for the change of use from Multiple Dwelling to Restaurant at No. 88 (Lot 39) Marine Parade, Cottesloe, in accordance with the plans submitted on 2 February 2005, subject to no objection from the Western Australian Planning Commission and subject to the following conditions:*
    - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 28 car parking spaces, as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text, being \$3,500,000 as per the information provided by the Valuer General's Office.*
-

- (b) *The hours of operation of the Restaurant being limited to 6.00am – 4.30pm.*
  - (c) *The proposed use not involving any applications for Liquor Licensing.*
  - (d) *All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.*
  - (e) *The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.*
- At the request of the owner Council deferred the item to allow further consideration of the parking requirements.
  - The owner has submitted two options for parking, which this report evaluates.
  - Approval is recommended with the original conditions.

### **PROPOSAL & PARKING OPTIONS**

- The previous report is attached and should be read for the background to and details of the change of use proposal for the roof-top café.
- The amended proposal is to address the parking requirement through two options as conveyed in the attached letter and plans, summarised as follows:

#### Option 1

- The applicant would create a 30-bay bitumen car park in the railway reserve on the western side near Curtin Avenue/Forrest Street.
- The car park would be available for general use, would be accessible to vehicles and pedestrians, and would serve the town centre and beachfront (some 700m away).
- There would be no construction cost to the Town, but the Town would have care and control of the car park.
- There would be no immediate impact on residential amenity.
- The applicant recognises that approval of the Public Transport Authority as owner of the land would be required, plus agreement to lease the land.
- A Council development approval would also be required, and the Town would approve or carry out the works.

#### Option 2

- The applicant would extend the constructed verge parking on the southern side of Forrest Street west of Broome Street and adjacent to the golf course.
- This would be of similar design as that existing, would retain the Pine trees and would include landscaping with hedges to screen the car park from the residences on the opposite side of the street.
- This would formalise the indiscriminate parking that occurs on the unkempt verge.
- The Town would maintain the parking, and would approve or carry out the works.

## JUSTIFICATION

Apart from the parking suggestions, the applicant has referred to the following factors to justify the proposed change of use:

- The roof terrace was originally used for commercial purposes (understood to be the Lido nightclub/restaurant).
- The café would be daytime only.
- The café would be for four years only.
- Eating and drinking establishments in Cottesloe share the public parking available.
- The cash-in-lieu provisions are prohibitive to development proposals.
- Additional, shared parking is necessary to help upgrade and redevelop the beachfront.
- The suggested parking if provided would be expected to be credited to any future redevelopment of the premises.

## FURTHER ASSESSMENT

- The Manager Engineering Services has advised as follows:
    - *Option 1 proposes the construction of a sealed car parking area on a portion of unused railway reserve land under the control of the PTA, approximately 700m away from the café, with Council to maintain it. Council is not allowed to expend its funds on works or facilities on land not under its control. Also, PTA, at any time, could redevelop the railway reserve and remove the parking area. Council has no power to approve such works on railway reserve land (unless the owner consents to a development application). Another point is that the land is not near the proposed development and cash-in-lieu funds could not be spent so far away from the cafe. Such a site would have little practical parking value for the cafe.*
    - *Option 2 was not supported by Council as part of the previous tavern proposal for the premises (prior to the current café proposal).*
    - *The precedent of allowing either of these options to be followed could be used by other proposed developments, including the two hotels. If one development can use the road reserve for parking requirements, why not all developments?*
  - This advice highlights the aspects of land ownership, management, maintenance and funding of off-site car parking that would need to be addressed to implement the options.
  - Nonetheless, it would be possible for public agency land to be leased, developed and used for parking for a private development, probably as a shared parking arrangement, and many car parks within railway or road reserves are indefinite.
  - A car park in this location may serve a general demand, but would be subject to the town centre study proposals and possible future redevelopment of the area.
  - In addition, because the options are outside the direct control of the applicant and dependent on other bodies and processes, it is not feasible to condition the development approval to bring-about such parking.
  - Overall, while these suggestions have merit and may be considered as part of a strategy for the provision of public parking, they do not satisfy the statutory requirements for parking in determining planning applications.
-

- Even if Council were empowered to waive cash-in-lieu (which would deprive Council of the funds), there would be considerations of consistency, equity, and precedent that would need to be guided to ensure that a decision is reasonable and that the demand for and supply of parking is managed.

### **POLICY IMPLICATIONS**

- For land use and development applications, parking requirements are governed by the Scheme rather than planning policy (although for the Town Centre Zone there is a minor policy in addition to the Scheme).
- Hence the proposal is not influenced by or does not impact on any planning policy.

### **STRATEGIC IMPLICATIONS**

- The change of use proposal and the suggested parking options reflect some of the strategic issues before Council in considering the Scheme Review, town centre, parking and beachfront studies, hotel redevelopments and traffic and parking management generally.
- In the absence of a strategic plan or policy for parking, the Scheme and other established procedures must be utilised.
- There is no power to depart from the statutory requirements and no guide to the consideration or coordination of alternatives.

### **FINANCIAL IMPLICATIONS**

- While the proposition is that the developer would fund construction of a car parking area on public land, the Town would have ongoing management and maintenance costs.
- The physical provision of such parking by developers would obviate cash-in-lieu contributions to the Town for the provision of car parks; yet as observed, the cash-in-lieu facility is financially prohibitive to development.

### **CONSULTATION**

- The parking options have not been subject to community consultation as part of the café proposal.
- Were Council to support the principle of either option, then re-advertising would be required to inform the affected community and seek comment.
- As the options have policy and strategic implications, they are of importance to the wider Cottesloe community, being relevant beyond the café proposal and nearby landowners/occupiers.
- Also, implementation of the options would involve liaison with agencies beyond the development approval process.
- It would be more appropriate for such options to be considered as generic proposals and in relation to the current parking, town centre and scheme review studies.

#### Submission

- Following notice of the deferral, a previous objector, the owner of 3/94 Marine Parade, has written to reiterate that objection.



- This refers to the hours of operation, any liquor licence, privacy and aesthetics, design aspects and parking (not on Marine Parade or John Street or affecting the rear lane).

#### Comment

- Officers have assessed the land use and physical development aspects of the proposal as acceptable.
- Parking is problematic as reported here and satisfaction of the parking requirement as recommended would address the concern expressed in the submission.

#### WAPC advice

- As required the proposal was referred to the WAPC for comment and a reply is still awaited, however, as the WAPC raised no objection to the previous tavern proposal it is anticipated that there will be no objection to this lesser proposal as indicated by verbal advice from the DPI. Hence the recommendation of approval is subject to confirmation from the WAPC, which is being pursued.

### **CONCLUSION**

- While the land use proposal can be supported, the car parking requirement under the Scheme has to be satisfied.
- The provisions allow for on-site parking or cash-in-lieu only, with no alternatives or discretion for this zone and use to reduce the amount of parking or value of the cash-in-lieu; and there is no provision to waive the parking requirement.
- Hence the Scheme may be seen as restricting land use and development opportunities where on-site parking cannot be achieved, the value of cash-in-lieu is prohibitive, or there is not a public parking station nearby that could accommodate the parking.
- Therefore, the suggested options, while consistent with the concept of providing off-site parking areas in proximity to the development, fall too far short of the criteria set out in the Scheme to be capable of approval by Council. Specifically:
  - The Forrest Street verge option is arguably not off-street.
  - The railway reserve option is remote from the proposed development.
  - Council does not have firm proposals to provide additional public parking stations near to the proposed development.
- On this basis Council is not in a position to approve the proposal other than subject to the parking requirement as previously recommended.
- Furthermore, proposals for new public parking areas would require consultation with the community and liaison with any agency whose land may be involved, to gain support at a strategic level before being pursued or relied upon in relation to any development proposal.

### **VOTING**

Simple majority

### **AMENDMENT**

Moved Cr Walsh, seconded Cr Utting

That point (5) be removed from the Officer & Committee Recommendation.

Lost 4/6

**10.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council:**

- (1) Determine that a Restaurant use in the Foreshore Centre Zone is in keeping with the objectives of that Zone.**
- (2) For the purposes of Clause 5.5.4, determines that the cash-in-lieu payment for the proposed development is \$3,500,000.**
- (3) GRANT its approval to Commence Development for the change of use from Multiple Dwelling to Restaurant at No. 88 (Lot 39) Marine Parade, Cottesloe, in accordance with the plans submitted on 2<sup>nd</sup> February 2005, subject to no objection from the Western Australian Planning Commission and subject to the following conditions:**
  - (a) The applicant paying a cash-in-lieu payment, prior to the issue of the Building Licence, for the equivalent of 28 car parking spaces, as set out in accordance with the provisions of Clause 5.5.4 of the Town Planning Scheme Text, being \$3,500,000 as per the information provided by the Valuer General's Office.**
  - (b) The hours of operation of the Restaurant being limited to 6.00am – 4.30pm.**
  - (c) The proposed use not involving any applications for Liquor Licensing.**
  - (d) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
  - (e) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) Advise the submitters of Council's decision.**
- (5) In relation to the Scheme Review and Parking Study note the desirability of reconciling parking demand, provision and town planning scheme parking requirements, including cash-in-lieu, shared parking arrangements and the proximity and distribution of parking, with development aspirations and planning parameters, so that the supply of parking is adequate, development is not discouraged, and the scale of development is not inflated to cover the cost of cash-in-lieu.**

Lost on casting vote of Mayor 5/6

**COUNCIL COMMENT**

Council refused the application for the following reasons:

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

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**10.1.4 NO 17 & 17A (LOT 43) BEACH STREET – TWO X TWO-STOREY RESIDENCES – FURTHER REPORT**

<b>File No:</b>	<b>No 17 and 17A Beach Street</b>
<b>Author:</b>	<b>Lilia Palermo</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Correspondence from Greg Rowe &amp; Assoc Plans</b>
<b>Report Date:</b>	<b>14 June, 2005</b>
<b>Senior Officer:</b>	<b>Andrew Jackson</b>
<b>Property Owner:</b>	<b>No 17 - P. &amp; R. Kennedy; No 17A - A. Best</b>
<b>Applicant:</b>	<b>Building Corp. Pty Ltd t/a Buildwise</b>
<b>Date of Application:</b>	<b>8 June, 2004</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>

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**SUMMARY**

Council previously considered an application for two 2-storey residences on the subject land at its May 2005 round of meetings. The application was deferred at the applicant's request.

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

**STATUTORY ENVIRONMENT**

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

**HERITAGE LISTING**

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

**APPLICATION ASSESSMENT****AREAS OF NON-COMPLIANCE**

**Town of Cottesloe Town Planning Scheme No 2 – Text**

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Clause	Required	Provided
Clause 5.1.1.(c) – “Measurement of Building Height”	Roof Ridge height – 8.5m Wall Height – 6.0m	Roof Ridge (No 17) – 9.1 Wall height (No’s 17 & 17A) – 6.8m

### Town Planning Scheme Policy/Policies

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

### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks (17A)			
West Basement	1.5 whole	Nil	3.3.2 – P2
East Ground	1.7 whole	1.2 – 1.6	3.3.2- P1
West Upper	6.4 bed 2	5.5	3.3.2 – P1
West Upper	3.0 bed1, balcony	2.5	3.3.2 – P1
No 17 Beach			
South Basement	1.5 whole	1.1 – 7.0	3.3.2 – P1
West Basement	1.5 whole	Nil	3.3.2 – P2
East Basement	1.5whole	Nil – 2.0	3.3.2 – P1&P2
South Upper	3.0whole	1.2 – 3.3	3.3.2 – P1
West Upper	6.1 study	4.5	3.3.2 – P1
West Upper	3.0 balcony	1.5	3.3.2 – P1
No 8 - Privacy	7.5m setback to balconies	2.7m front balcony (west boundary of No 17 Beach St	3.8.1. – P1
No 9 – Design for Climate	35% overshadowing of adjoining property	40% total overshadowing by 17 & 17A	3.9.1. – P1

### STRATEGIC IMPLICATIONS

N/A.

### FINANCIAL IMPLICATIONS

N/A.

### CONSULTATION

#### REFERRAL

#### Internal

- Building
- Engineering

#### External

N/A.

#### ADVERTISING OF PROPOSAL

The amended plans dated 21 March 2005 were advertised to the adjoining property owners prior to May 2005 meeting of Council. Four submissions were received during the advertising period.

As there were no further changes made to the proposal, it was not required to be advertised again.

#### BACKGROUND

The applicant originally submitted the proposal on 8<sup>th</sup> June 2004. The development proposal was advertised to adjoining property owners. During the assessment process the applicant was advised that the proposed residences do not comply with the height restrictions under Town Planning Scheme No 2 (TPS2).

The Planning Department had several discussions with the proponent on the height aspect and other aspects associated with the proposal. The applicant was also provided with a centre-of-the-site determination for both lots, which was to be used for the purpose of determining compliance with the height limits of TPS2.

The original plans were put on hold at the applicant's request to allow time to address the issues raised by the Planning Staff and the adjoining property owners.

The amended plans were submitted on 21<sup>st</sup> March 2005 and were re-advertised to the adjoining neighbours. Four objections were received during the advertising process.

In response, the wall height and the finished floor level height were lowered by 0.5m from the original proposal.

Both of the proposed two-storey residences are still over height for wall height by 0.8m. The roof height of the proposed residence at No 17 is also over height by 0.6m.

The height issue remains. Council received a letter from a Planning Consultant providing an argument regarding the method of calculating height requirements under TPS2 and requesting that the application be approved.

#### STAFF COMMENT

Council considered the amended proposal for construction of two 2-storey residences on the subject lots as per the plans received on 21 March 2005 at its May 2005 meeting.

In summary the following was stated in the Planning Officer's report:

- The wall height and the finished floor level height of the proposed residences were lowered by 0.5m.
- Notwithstanding that the wall height was lowered both of the proposed residences are over height by 0.8m for wall height and the residence at No 17 Beach Street is also over height for roof ridge height by 0.6m.

- Further lowering of wall height would make it not possible to accommodate a design with an undercroft garage due to problems with driveway gradient.
- It was considered that the proposal would not any negative impact on the adjoining properties and the existing streetscape.

It was recommended that Council grant a variation to the increased wall height and approve the application subject to standard conditions and specific conditions relating to the following:

- Height of the eastern boundary fence at No 17A.
- Screening of the west facing balcony at No 17.
- Lowering of the roof ridge height of the proposed residence at No 17A to comply with the TPS 2 requirements.

Notwithstanding, Council expressed some concerns and resolved to defer the application to allow the applicant/architect to review the design of the proposed dwellings.

The applicant submitted a letter prepared by Greg Rowe & Associates planning consultants, which was received by Council on 14<sup>th</sup> June 2005 (refer to Attachments). In this letter the consultant is argues against the determination of the Natural Ground Level at the centre of the site for the purpose of determination of heights under Clause 5.1.1(c) of TPS2.

The Scheme does not prescribe a particular method to be used for determination of the NGL of the centre of the site but simply states:

*“The maximum building height shall be measured from the natural ground level at the centre of the site as determined by Council ...”*

Several methods were used to determine the centre of the site level including several site inspections, check of the existing site survey submitted by the applicant and check of the Water Authority maps of 1934.

The applicants were advised of the centre-of-the-site determination and there were several meetings with the applicants to discuss the proposal.

As the plans of the proposal dated 21 March 2005 have not been amended, the officer recommendation remains unchanged.

## **CONCLUSION**

In May the applicant tabled a letter arguing for their design and against the recommended conditions to manage height. Council agreed to a deferral to allow the applicant/architect to consider revisions. The builder has since verbally advised that they wish their proposal to go forward unchanged, i.e. they do not intend to submit revised plans. Neither have they submitted any further justification for their design, only the town planning consultant's letter about the approach to determining natural ground level. However, the applicant will have the opportunity to address Committee and Council should they wish to promote the existing plans and argue against the conditions. Alternatively, they may choose to accept the conditions and construct according to that approval.

The officer assessment was that subject to conditions the dwellings could be approved with some, but reduced, height concession, and this recommendation still stands as allowing a reasonable and feasible development. As previously reported, absolute compliance with the height limits in this instance would be problematic, and Council is empowered to exercise discretion to grant controlled relaxation in certain circumstances, which are considered warranted here.

It is recommended to approve the proposed two 2-storey single residences at 17 and 17A Beach Street subject to standard conditions and subject to amended plans being submitted addressing the following issues:

- Height of fencing on the eastern boundary of 17 A Beach Street.
- Privacy issues for the adjoining property to the west of No 17 Beach Street.
- Roof Ridge height of the proposed residence at No 17 Beach Street.

## VOTING

Simple Majority

## OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Proposed two two-storey residences at No 17 & 17A (Lot 43) Beach Street, Cottesloe in accordance with the plans submitted on 21 March 2005, subject to the following conditions:

### NO. 17 BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development

requires the removal, replacement, protection or pruning of street trees for development.

- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
  - (i) the front balcony being provided with a privacy screen being a minimum of 1.65m high measured from the balcony finished floor level starting from the balcony pillar, as shown on western elevation plan, to prevent overlooking into the adjoining property to the west; and
  - (ii) the ridge height of the proposed development being lowered to AHD 31.4 to comply with the requirements of Clause 5.1.1 (c) of the Town Planning Scheme Text.
- (2) Advise the submitters of this decision.

NO. 17A BEACH STREET

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
  - (i) the height of the proposed fencing along eastern boundary being a maximum of 1.8m measured from the proposed ground floor level of AHD 24.6m.
- (3) Advise the submitters of this decision



**AMENDMENT**

Moved Cr Jeanes, seconded Cr Cunningham

That (h)(ii) be deleted from the recommendation for No. 17 Beach Street.

Carried 6/4

**COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council:**

- (1) **GRANT its Approval to Commence Development for the Proposed two two-storey residences at No 17 & 17A (Lot 43) Beach Street, Cottesloe in accordance with the plans submitted on 21 March 2005, subject to the following conditions:**

**NO. 17 BEACH STREET**

- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
- (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
- (e) **The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
- (f) **Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
- (g) **The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
- (h) **Revised plans being submitted for approval by the Manager, Development Services, showing:**

- (i) the front balcony being provided with a privacy screen being a minimum of 1.65m high measured from the balcony finished floor level starting from the balcony pillar, as shown on western elevation plan, to prevent overlooking into the adjoining property to the west; and

(2) Advise the submitters of this decision.

**NO. 17A BEACH STREET**

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
  - (i) the height of the proposed fencing along eastern boundary being a maximum of 1.8m measured from the proposed ground floor level of AHD 24.6m.

(3) Advise the submitters of this decision

Carried 6/4

**10.1.5 NO 115 (LOT 9) GRANT STREET – TWO STOREY ADDITIONS**

<b>File No:</b>	<b>No 115 (Lot 9) Grant Street</b>
<b>Author:</b>	<b>Mr James Atkinson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Plans Correspondence from applicant (2)</b>
<b>Report Date:</b>	<b>2 June, 2005</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Killen Nominees Pty Ltd</b>
<b>Applicant:</b>	<b>Sharp &amp; Van Rhyn Architects</b>
<b>Date of Application:</b>	<b>2 June, 2005</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>1442m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

**SUMMARY**

Council is in receipt of an application for two storey additions at the rear of an existing Category 3 residence.

Given the assessment that has been done it is recommended that the application be APPROVED subject to conditions.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

- Building Heights Policy No 005

**HERITAGE LISTING**

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory Category 3
- National Trust N/A

**APPLICATION ASSESSMENT**

AREAS OF NON-COMPLIANCE

**Town of Cottesloe Town Planning Scheme No 2 - Text**

Clause	Required	Provided
5.1.1 (c)	6.0m Wall Height 8.5m Roof Height	7.1m Wall Height 10.3m Roof Height

**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
<b>No 8 - Privacy</b>			
	Visual privacy setback from first floor balcony	3.9m to eastern boundary. 4.5m to western boundary	Clause 3.8.1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building

**External**

- N/A.

## ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

**Submissions**

There were 7 letters sent out. No submissions were received.

**BACKGROUND**

A Development Application over the subject site was lodged on the 14<sup>th</sup> April 2005. Since this time the Planning Department has had several discussions with the architects on the design in relation to height. The proposed additions seek to replace an existing two storey extension. An improved design with significantly reduced height variation has been achieved.

**STAFF COMMENT**Building Heights

Council's general policy for development within the district favours low rise development of no more than two storeys to maintain privacy, views and general amenity. For the purpose of a two storey dwelling Town Planning Scheme No.2 restricts wall and roof height to 6.0m and 8.5m respectively. The proposal seeks a wall height of 7.1m and roof height of 10.5m, with ceiling heights of the ground and first floor of 3.6m and 3.0m respectively. The proposed heights equate to a wall and roof height that is 1.1m and 2.0m above the required levels.

Clause 5.1.1(c) of the TPS 2 states:

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

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

Single Storey	- Roof Height:	6.0 metres
Two Storey	- Wall Height:	6.0 metres
	- Roof Height:	8.5 metres
Subsequent Storeys	- Wall Height	6.0 metres; plus 3 metres per storey
	- Roof Height:	8.5 metres; plus 3.0 metres per storey

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

The current building has an existing extension at the rear. It is proposed that this will be demolished and replaced by that proposed in this application. The existing extension has a finished floor level (FFL) of 42.62m AHD while the proposed building seeks a FFL of 42.984M AHD, i.e. only marginally different from what currently existing. The natural ground level (NGL) at the centre of the lot was determined at AHD 41.95m, being a 1.03m difference between the proposed FFL.

In regard to building heights Clause 5.1.1 (c) of the Scheme states

*"...Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished."*

The subject site falls 2.0m from north to south over its 75.0m length. The fall of the existing topography does not in itself warrant a variation to Council's building height requirements, however, the length and size of the site is worth noting for discussion. As stated the site is 75.0m in length and 1440m<sup>2</sup> in total area. The length and overall size of the block means that the centre of the site, used for height calculations, is in fact in line with the southern wall of the proposed extension. The result of this is that there is a 35m rear setback, and that the proposed extensions are in fact located in the front portion of the block away from the centre of the site. Further to this the front portion of the existing building has a FFL of 43.67 AHD, making it 1.72m above the Council determined NGL of 41.95m.

Clause 5.1.1(c) of the Scheme states:

*"Variations may be permitted in the case of extensions to existing buildings".*

In this case the proposed extensions are at the rear of the existing building and in order to efficiently attach the new extensions to the old building a step down has been incorporated into the design. The applicant has noted that a further reduction in NGL (from the proposed FFL of 42.9m to Council's 41.95m) would require substantial redesign and force an unnecessary detachment between the extension and the existing building. If Council determined that a FFL height of 42.95m was sufficient, being the centre of the building envelope, then the building would in fact be in compliance with Council's height regulations. On the other hand, if Council deemed that the NGL of 41.95, as determined by Planning Staff should stand, then the approval should be conditioned to reduce the building height to 48.8m and 51.3m for wall and roof height. This amendment would still be over height by 0.55m for wall and 1.0m for roof, however, would significantly reduce the affect of the extensions on streetscape scale and amenity.

It should be noted that there were no objections from the adjoining neighbours, and as such it can be assumed that the amenity of neighbouring areas is not seen as being diminished. Furthermore, the additions are located 25.8m back from the front boundary (and 35.0m from the rear). This distance would reduce most of the potential impact the building has at street level. Further to this the building complies with the R-Code requirements for side setbacks.

The applicant submitted a letter of justification for the proposal, dated 14<sup>th</sup> April, which stated (in part): *"This area of Cottesloe... (is) dominated by quality well restored Federation style residences. These houses generally have high ceiling (up to 3.6m), and have timber floors standing above natural ground level. This residence is an example of this type of building, on a very large block...The owners wish to maintain the high ceilings, and reproduce similar heights on the new upper floor."*

Further to this, the applicant submitted additional correspondence relating to the height variations sought, stating: *"Under the Town of Cottesloe's regulations, the floor level of any building is calculated by averaging the 4 corners of the site. Using this method the floor level is required to be 41.95 metres. Due to the large site area (1442 square metres) and the depth of the site (75.24 metres), the centre point of the site resulting from this calculation falls at the very rear of the proposed extension. This would result in the floor level of the new extension having to be 1.72 metres below the existing house floor level, making the transition between the new and old disjointed and practically difficult to achieve without major head height problems."* (refer to attachments for letters in full).

It is also noted that the retention of the existing dwelling is a worthy part of the proposal, as opposed to demolition or subdivision which could place new dwellings closer to the street and adjoining neighbours.

The Planning Department has liaised with the architects to significantly reduce the effective height of the building while allowing an alternative approach to FFL. In response to these discussions the architects have recently provided Council with revised sketch plans (attached) showing significantly reduced wall and roof heights (being 51.3m roof and 48.8m wall). A condition of this nature would be supported by Planning Staff.

Privacy

Under the R-Codes, visual privacy setbacks are required to habitable areas with potential for overlooking into adjoining properties.

The cone of vision applied to the rear balcony indicates there is potential to overlook the adjoining properties to the east and west. Currently the area of overlooking is to adjoining gardens which is deemed acceptable under the R-Codes. It is noted that there were no objections from adjoining neighbours. The impact on neighbouring properties is therefore considered negligible and does not warrant further action.

**CONCLUSION**

It is recommended that the proposed two storey additions at 115 Grant Street be approved subject to standard conditions and amended plans being submitted addressing the issue of building heights for wall and roof maximums.

**VOTING**

Simple Majority

**10.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for the Two Storey Additions at No 115 (Lot 9) Grant Street, Cottesloe in accordance with the plans submitted on 2 June, 2005, subject to the following conditions:**

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (2) 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 working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (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) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
- (6) Revised plans being submitted for approval by the Manager, Development Services, showing the wall and roof heights being reduced to 48.8m RL and 51.3m RL respectively, from a natural ground level of 41.95m, in accordance with sketch plan elevations date-stamped 14 June 2005.**

Carried 10/0

**10.1.6 NO 123 (LOT 124) CURTIN AVENUE – ADDITIONS & ALTERATIONS TO RESIDENCE**

<b>File No:</b>	<b>No 123 Curtin Avenue</b>
<b>Author:</b>	<b>Lilia Palermo</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Plans received 16 June 2005 Correspondence from applicant Overshadowing drawing/calculation</b>
<b>Report Date:</b>	<b>13 June, 2005</b>
<b>Senior Officer:</b>	<b>Andrew Jackson</b>
<b>Property Owner:</b>	<b>M &amp; J Davis</b>
<b>Applicant:</b>	<b>Bruce Arnold</b>
<b>Date of Application:</b>	<b>13 June, 2005</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>468m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Council is in receipt of an application for two-storey additions/alterations to the existing residence at 123 Curtin Avenue.

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

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

- Building Heights Policy No 005

**HERITAGE LISTING**

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



**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town of Cottesloe Town Planning Scheme No 2 - Text**

Clause	Required	Provided
Clause 5.1.1 (c)	Wall height of 6.0m measured from the NGL at the centre of the site	Wall height 6.4m

**Town Planning Scheme Policy/Policies**

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

**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 2 – Streetscape Requirements	1.5m setback to secondary Street	800mm setback from verandah to Lillian Street	Clause 3.2.1 – P1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A.

## ADVERTISING OF PROPOSAL

Council received plans of the proposed development signed by the adjoining property owners expressing no objection to the development and therefore formal advertising by registered post was not required.

**BACKGROUND**

The existing house is a two-storey building located on the corner of Curtin Avenue and Lillian Street with a Finished Floor Level (FFL) of the ground floor being RL 16.69m.

There is an existing open verandah with a setback of 3.0m to Curtin Avenue. The setback from the house is approximately 4.8m. The existing setback to Lillian Street is 2.3m.

The proposed additions/alterations to the existing residence include the following:

- Modifications to the external layout of the ground floor;
- New ground floor additions at the rear;
- Extension of the existing verandah facing Lillian Street and Curtin Avenue;
- Enclosure of the existing upper floor balcony to create an additional bedroom with a WIR; and
- Internal modifications to the existing upper floor layout.

## STAFF COMMENT

### Building Height

The proposed upper storey extension is 0.4m over height for wall height measured from the Natural Ground Level (NGL) at the centre of the site in accordance with Clause 5.1.1 (c), which states:

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

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

Single Storey	- Roof Height:	6.0 metres
Two Storey	- Wall Height:	6.0 metres
	- Roof Height:	8.5 metres
Subsequent Storeys	- Wall Height:	6.0 metres plus; 3.0 metres per storey
	- Roof Height:	8.5 metres plus; 3.0 metres per storey

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

The NGL at the centre of the site was determined to be RL 16.6m. The required wall height measured from the centre of the site level is RL 22.6m and the required roof ridge height is RL 25.1m. The wall height of the proposed extension is RL 23.0m, which is 0.4m higher the required height under the above clause of TPS2.

The wall and roof height of the proposed second storey addition is the same as the existing two-storey portion of the residence facing Curtin Avenue. Clause 5.1.1(c) states that Council may permit height variations in the case of extensions to existing buildings.

It is considered that the proposed development would not have any negative impact on the adjoining residences or the existing streetscape. Council received plans signed by the adjoining property owners supporting the proposal.

The existing streetscape of Curtin Avenue would not be affected as the proposed extension is at the rear of the property and there is an existing two-storey portion of the house at the same height as the proposed extension.

It is also considered the proposed upper floor extension fits in with the style and design of the existing two storey section of the house. The proposed extension is of the same wall and roof height as the existing two-storey portion of the building and would have the same 2.5m setback to Lillian Street.

The land slopes up along Lillian Street towards Broome Street and therefore the adjoining property across the ROW on Lillian Street visually appears to be higher due to the contours of the land.

It is considered that the existing streetscape of Lillian Street and the amenity of the locality would not be negatively impacted due to the relatively minor increased wall height of the proposed development.

#### Setback

There is an existing verandah facing Curtin Avenue with a setback of 2.5m to the boundary. It is proposed to extend this verandah to run along the full length of the lot boundary facing Curtin Avenue and to wrap around onto the Lillian Street frontage of the house.

The required front setback in an R20 density-coded area is 6.0m. The existing setback to Curtin Ave is 4.8m to the house and 3.0m to the existing portion of the verandah. The proposed verandah extension along Curtin Avenue would maintain a 3.0m setback. It is considered that the proposed open-type verandah is in keeping with the style of the existing residence and would improve its street appeal.

The required setback to Lillian Street is 1.5m under the provisions of the R-Codes for a secondary street setback. The existing setback to the house to Lillian Street boundary is 2.3m. The proposed verandah along Lillian Street frontage is 10.0m in length and is setback 800mm from the boundary.

The proposed setback along Lillian Street complies with the setback averaging provisions of the RDC as the unbuilt areas behind the 1.5m setback would more than compensate for the verandah encroachment into the setback area.

It is also considered that the proposal satisfies the following performance criteria of Clause 3.2.1 (P1) – Set back of Buildings Generally:

*Buildings set back an appropriate distance to ensure they:*

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors.*

The proposed verandah being an open-type structure would not restrict the view of the residence from the street and is considered to contribute to the desired streetscape. The proposal does not affect privacy of the adjoining residences and maintains the required percentage of open space. The proposed reduced setback to the verandah does not affect any essential service corridor safety clearances.

It is recommended that the proposed reduced setbacks from the verandah to the Curtin Avenue and Lillian Street lot boundaries be approved by Council.

#### Proposed garage

Council previously approved a garage on the property subject to standard development conditions. Condition (e) of the approval dated 30 April 2004 stated:

*The right of way at the rear, adjacent to the property, being paved and drained to the satisfaction of the manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works."*

The approval for the construction of the garage has lapsed. The applicant is now applying for construction of the garage in the same position and of a similar design as part of the current application. Minor change to the roof design of the garage is proposed. Also, the southern side boundary setback has been reduced from 1.0m to 700mm.

The applicant submitted a letter with the current development application requesting that the above condition to pave and drain the ROW not be imposed, as access to the proposed garage is from Lillian Street and not from the ROW.

The current Rights of Way/Laneway Policy adopted by Council in December 2004 states the following:

*"When a Right of Way or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the Right of Way or Laneway from the nearest built gazetted road or existing built laneway to the furthest lot boundary, to the satisfaction of the Manager Engineering Services."*

It is proposed to have access to the new garage from Lillian Street rather from the ROW and therefore the condition to pave and drain the ROW would not be required in accordance with Council's policy.

#### Compliance with the BCA requirements

The application was referred to Council's Building Surveyor for comment and the following advice was provided:

*"Windows are not permitted within 600mm of the boundary. Setbacks to boundaries are to comply with the BCA Part 3.7.1 – Fire Separation."*

The windows and verandah on the southern side boundary on the ground floor do not comply with the BCA requirements.

It is recommended that the applicant be advised of the BCA compliance issues.

### CONCLUSION

It is recommended that the proposed additions/alterations to the existing two-storey residence be approved subject to standard development conditions and no condition requiring the ROW at the rear of the subject lot being paved and drained.

It is recommended that the proposed reduced setbacks from the verandah extension be approved by Council as:

- the proposed verandah would improve the aesthetic appeal of the existing residence as seen from Curtin Avenue and Lillian Street,
- the proposed reduced setback from the verandah extension to the Curtin Avenue and Lillian Street boundaries would not detract from the amenity of the existing streetscape, and
- the proposal would not have any negative impact on the adjoining properties.

It is also recommended that Council grant a marginal wall height variation for proposed development as:

- the proposed upper level extension is in keeping with the style, design, setbacks and wall height of the existing residence,
- the proposal would not have any negative impact on the adjoining properties, and
- the proposed increased wall height would not detract from the existing streetscape of Lillian Street and Curtin Avenue.

It is recommended that the applicant be advised of BCA compliance issues. Amended plans would be required showing compliance with the fire-separation requirements of the BCA.

### VOTING

Simple Majority

#### 10.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for Additions & Alterations to residence at No 123 (Lot 124) Curtin Avenue, Cottesloe, in accordance with the plans submitted on the 19<sup>th</sup> May 2005, subject to the following conditions:**

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

- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (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) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) Any new front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (7) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.

**Advice Note to Applicant:**

- The development is required to comply with the Building Code of Australia requirements. Amended plans may be required at the Building Licence stage to satisfy the fire separation requirements and energy efficiency requirements of the BCA.
- If the development is required to be substantially modified due to the compliance with the BCA it may necessitate a new application for Planning Approval to amended plans.

Carried 10/0

**10.1.7 NO 38 (LOT 1001) HAWKSTONE STREET – NEW TWO STOREY RESIDENCE**

<b>File No:</b>	<b>No 38 (Lot 1001) Hawkstone Street</b>
<b>Author:</b>	<b>Mr James Atkinson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Plans Correspondence from applicant</b>
<b>Report Date:</b>	<b>14 June, 2005</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Mr Simon &amp; Sheena Storm</b>
<b>Applicant:</b>	<b>Buildwise</b>
<b>Date of Application:</b>	<b>14 June, 2005</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>563m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

**SUMMARY**

Council is in receipt of an application for a new two storey residence at the abovementioned property.

Given the assessment that has been done it is recommended that the application be APPROVED subject to conditions.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

- Building Heights Policy No 005

**HERITAGE LISTING**

- N/A

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town of Cottesloe Town Planning Scheme No 2 - Text**

<b>Clause</b>	<b>Required</b>	<b>Provided</b>
5.1.1 (c)	6.0m Wall Height 8.5m Roof Height	Wall height 6.223m Roof Height 8.5m

**Town Planning Scheme Policy/Policies**

<b>Policy</b>	<b>Required</b>	<b>Provided</b>
N/A	N/A	N/A

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
<b>No.3 – Boundary Setbacks</b>	West Lower 1.7m	1.2-1.8m	3.3.1 A1 (i)
	East Lower 1.5m	1.1m-1.5m	3.3.1 A1 (i)
	West Upper 1.7m	1.2m-2.2m	3.3.1 A1 (i)
<b>No.5 – Access and Car Parking</b>	Manoeuvring depth – 6m from garage/carport to nearest impediment	5.3m	Clause 3.5.3 A3.2
<b>No.8 - Privacy</b>	4.5 Metres in the case of bedrooms 6.0 metres in the case of habitable rooms other than a bedroom 7.5m in the case of unenclosed outdoor active habitable spaces.	1.7m to Bedroom 3.  2.0m to Front Balcony.	3.8.1 A1 (i)

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A.

## ADVERTISING OF PROPOSAL

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

- Letter to Adjoining Property Owners

**Submissions**



There were 3 letters sent out. No submissions were received.

## BACKGROUND

The subject lot was recently the subject of a subdivision application approved on 9<sup>th</sup> May 2005. The application sought to subdivide the original parent lot, 295 Marmion Street into three, one being the subject of this application.

A Development Application over the subject site was lodged on the 4<sup>th</sup> May 2005 with revised plans being received on the 2<sup>nd</sup> June 2005. The Planning Department had several discussions with the proponent on the height issue and other issues associated with the proposal. Subsequent amended plans were received on the 14<sup>th</sup> June 2005, and are to be read in conjunction with this report (as attached).

## STAFF COMMENT

### Building Height

The natural ground level (NGL) at the centre of the site was determined at 9.12m AHD. This gave a maximum wall and roof height at 15.12m and 17.62m respectively.

Clause 5.1.1(c) of the TPS 2 states:

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

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

*Single Storey - Roof Height: 6.0 metres*

*Two Storey - Wall Height: 6.0 metres  
- Roof Height: 8.5 metres*

*Subsequent Storeys - Wall Height: 6.0 metres; plus 3.0 metres per storey  
- Roof Height: 8.5 metres; plus 3.0 metres per storey*

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

The proposed wall and roof heights of the building are 15.343m and 17.62m. The wall height is overweight by 0.223m, while the roof height complies. The less than quarter metre excess wall height is not great and would not be readily discerned or cause significantly more impact.

The site slopes down from south (front) to north (rear) and also from east to west by approximately 3.0 metres. Given the location of the garage, being incorporated into the side of the building, if the wall height is required to be lowered to comply with the height restrictions under the Scheme it would not be possible to accommodate the current design. The reduced heights would lower the garage and hence the driveway, and subsequently the driveway gradient would be in excess of the required 1:5 stated by the Australian Standards. The proposal would require a total redesign

with garage being relocated to another area on the site. The applicant submitted a letter of non-compliance (as attached) which stated: "...to maintain access from the laneway we have had to exceed the maximum wall height to part of the second floor by approximately 300mm".

It is considered that the topography of the site with the natural ground levels ranging considerably from front to rear would warrant a wall height variation.

Notwithstanding that the proposed development does not strictly comply with the height restrictions under the Clause 5.1.1(a), it is considered that it would not have a negative impact on the existing streetscape, as can be visually appreciated from the streetscape elevation submitted with the application.

As the land slopes down towards the east, the height of the residences along Hawkstone Street should present a stepping down effect to follow with the natural levels of the land. As the composite street elevation illustrates the finished floor levels of the existing building to the west of the subject site are approximately 2.8m above this development.

It should also be noted that there were no objections from the advertising period.

It is recommended that Council grant a variation to the wall height requirements under Clause 5.1.1(c) due to the topography of the site and the compatibility with other development in the street.

#### Access and Car Parking

Clause 3.5.3 A3.2 of the R-codes states *Manoeuvring depth – 6m from garage/carport opening to nearest impediment*. The proposed garage has a turning circle of 5.3m across the right of way, which is considered undesirable to protect the buildings, fences and vehicles.

It is recommended that the approval be conditioned to seek amended plans showing a 6.0m manoeuvring distance between the garage and the right of way.

#### Privacy

There were no objections regarding overlooking from the adjoining neighbours.

Notwithstanding this, the proposal does not comply with the Acceptable Development Standards of the Design Element 8 – Privacy, as the setbacks within the cone of vision from the front balcony is 2.0m (7.5m required under the R-Codes) and 1.7m to Bedroom 3 facing west (4.5m required under the R-Codes).

The front balcony (facing south) is screened on its eastern edge. This has resulted in the area of overlooking from the balcony being into the front setback of the eastern neighbour. Currently this block is vacant. Any overlooking in the future development of this lot will be to the front setback area, and hence it can be safely predicted that there will be no overlooking into habitable rooms.

The cone of vision applied to Bedroom 3 is to the west across the right of way (ROW). The distance from the window to the boundary (1.7m) plus the width of the

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ROW (4.0m) will constitute a distance greater than the 4.5m required, and hence is considered acceptable under the requirements of the R-Codes.

### **CONCLUSION**

The proposal is relatively straightforward with no objection and a minor height variation supported.

It is recommended to approve the proposed two storey building at 38 Hawkstone Street subject to conditions regarding the garage manoeuvring distance.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee have requested that the applicants provide verification of site levels and clarify the impact that the levels will have on the application.

A memo was presented to Council in relation to condition 7 and the manoeuvring distance. The application advised Council that the right of way is in fact 5.030m and not 4.2m as originally stated. This distance, coupled with the 1.2m garage setback creates a 6.230m manoeuvring distance being in accordance with Council requirements.

Council moved that Condition (7) of the Officer's Recommendation be removed and a new condition (7) be added to read:

- (7) Verification of the ground level at the south-western corner of the site and whether this would allow a 6m wall height to be achieved, to the satisfaction of the Manager Development Services.

### **OFFICER RECOMMENDATION**

That Council GRANT its Approval to Commence Development for the New Two Storey Residence at No 38 (Lot 1001) Hawkstone Street, Cottesloe in accordance with the plans submitted on 14 June, 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.
- (2) 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 working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (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) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (6) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (7) Revised plans being submitted for approval by the Manager, Development Services, showing a minimum manoeuvring distance of 6.0m between the proposed garage and the opposite side of the Right of Way.

#### **10.1.7 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for the New Two Storey Residence at No 38 (Lot 1001) Hawkstone Street, Cottesloe in accordance with the plans submitted on 14 June, 2005, subject to the following conditions:**

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction Sites.**
- (2) **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 working drawings.**
- (3) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (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) **Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
- (6) **The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
- (7) **Verification of the ground level at the south-western corner of the site and whether this would allow a 6m wall height to be achieved, to the satisfaction of the Manager Development Services.**

Carried 6/4

**10.1.8 PROPOSED STATE LAND REDEVELOPMENT & RENEWAL AUTHORITY –  
FOR INFORMATION & ANY COMMENT**

**File No:** -  
**Author:** Mr Andrew Jackson  
**Author Disclosure of Interest:** Nil  
**Attachments:** Consultation Paper – Outline of Proposed  
Redevelopment Agency  
**Report Date:** 16 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

- The Minister for Planning & Infrastructure has recently announced this proposal and circulated outline information for initial feedback. WALGA has been active in examining the proposal and there has been discussion amongst local governments and press coverage. A representative of the Minister has also addressed some local government groups.
- The purpose of this report is to present the information to Council and to explore the potential implications for Cottesloe for any comment Council may wish to make.

**STATUTORY ENVIRONMENT**

- Nil currently.
- Following Cabinet endorsement, legislation to create the Authority would be drafted and enacted.
- Regulations would be prepared for operational aspects.
- The planning and other powers of agencies and local governments where there are projects would be affected.
- The detail is yet to be worked out.

**POLICY IMPLICATIONS**

- Nil currently.
- Should the Authority become involved in Cottesloe, Council planning policies would provide local government input and special policies could be produced for any particular project.
- Other tools might be a Memorandum of Understanding or legal agreement between the Authority and a local government to assist administrative procedures and set out agreements where the local government has property assets, responsibilities or other interests in affected land and project areas.
- These details remain to be worked out.

**STRATEGIC IMPLICATIONS**

- Nil currently.
  - The Authority would assume responsibility for a rolling program of key government urban redevelopment and renewal projects.
  - Where this is superimposed on a local government, a State Government and regional planning layer of strategic control would be introduced over local area planning.
-

- This would affect the planning and other strategic initiatives and activities of the local government, influencing their direction and implementation.

### **FINANCIAL IMPLICATIONS**

- Nil currently.
- Any project in Cottesloe could be a source of funding for Council, as well as generate costs for Council's input by staff, consultants and resources.

### **PROPOSAL**

- Given the perceived success of redevelopment authorities and projects in Perth over the last 15 or so years, the proposal is to legislate for a standing authority instead of having to create and wind-up each one, with regulations to provide tailor-made arrangements for each project and a rolling program of four projects at a time (tied to State funding).
- The concept is seen as overcoming lengthy start-up times and providing long-term certainty, better coordination and more efficient use of resources (staff, expertise, funding, etc).
- An outline discussion paper and diagrams of two optional models are attached.
- This sets out the broad concept and structure, as well as the approach to site/project selection and the involvement of local governments.

### **STAFF COMMENT**

#### **Minister's Visit**

- The Minister's recent meeting with Council did not touch on this topic.
- The discussion of beachfront issues did not suggest that the Authority would have a role in individual sites or private properties not part of a redevelopment area.
- However, references to the town centre and transport issues were of interest to the Minister, and it is conceivable that the town centre and environs could become a redevelopment project.

#### **Potential Sites**

- It seems unlikely that the beachfront would be a focus of the Authority, for reasons of land ownership/unavailability and other mechanisms to manage development there, including the forthcoming Perth Coastal Planning Strategy.
- The town centre and environs is a possible future candidate, given the more complex planning, infrastructure and economic circumstances, and the prospect of a financial return to the State Government.
- The only other redevelopment site of substance is the Deaf School, which due to its size is more likely to be handed by an agency such as LandCorp under normal planning processes, rather than warranting an Authority project.
- As the Authority would have only four projects at a time, Cottesloe may be a lower priority, with extensive sites that require significant rehabilitation (eg Coogee) taking precedence.
- An article in the Post newspaper 11 June 2005 edition, in reporting on the reaction of Claremont and Subiaco Councils to the Authority proposal, mentioned the Cottesloe railway land as a possible candidate, but this appears to be an unsubstantiated example about which there has been no official statement.

- However, it is noted that in the early 90s the State Government undertook asset management and planning/engineering feasibility studies of the Cottesloe railway land (as well as at Claremont and Subiaco – the Subiaco Redevelopment Authority and project evolved from that and Claremont is currently under scrutiny for similar involvement).
- Note that LandCorp could under its charter engage to undertake redevelopment at Cottesloe as an alternative to an Authority.

### **Council Representation**

- Based on the proposal and the experiences of local governments with existing redevelopment authorities, sufficient and effective council representation is very important.
- The level in the hierarchy at which local government participates is vital – ideally it should include board level management, project level decision-making (approvals) and technical level input and liaison.
- It can be difficult for the local government voice to function meaningfully if confidentiality is required, whereby information cannot be taken back to a council, such that only token membership occurs but not real representation of a council's and community's views.
- It is preferable that there be strong local government representation which is not unduly constrained from being a proper link between the two bodies.

### **Council Approval Rights**

- The basic issue is whether the Authority would have planning powers over and above or instead of the local government.
- Where the local government is exempted from a project area and is consulted for comment only, eg East Perth, the product becomes the exclusive domain of the redevelopment authority, although in practice there is systematic consultation and can be close liaison.
- Difficulties can arise in the creation of differing urban environments, integration of neighbouring areas, coordination of infrastructure and services, varied standards of buildings and materials, indirect impacts such as traffic, drainage and social behaviour, and the eventual handing-back (“normalisation”) of the area to the local government.
- In terms of local governments' purpose of looking after the community, the special planning powers and processes may not include consultation in the traditional manner and private landowners/developers involved may enjoy more generous incentives or concessions but may not have appeal rights.
- It is desirable that the model for decision-making and planning approvals should enable at least formal consultation with the local government, and with the community where appropriate, and at best dual-approvals by the authority and the local government, provided that this is working to a common development plan and administrative framework and is streamlined.

### **CONCLUSION**

- At this stage only broad-brush information on the Authority proposal is to hand.
- This preliminary consultation by the Minister may attract views from local government that influence the final modal and the detail of the proposal as it passes through Parliament.

- The Town of Cottesloe town centre area and railway lands could be a future project for such an authority.
- The local government representation, decision-making role and administrative arrangements are important components of any model.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Manager, Development Services addressed the meeting and explained the impact this new government body may have on Council as an individual.

**OFFICER RECOMMENDATION**

That Council note the information contained in this report and provide any comment that it wishes to submit to the Minister by way of feedback on the proposal.

**COMMITTEE RECOMMENDATION**

That the Manager Development Services notify all Councillors and request them to submit any comments prior to close of business on Thursday in order for these comments to be presented at the next Council meeting on 27 July 2005.

**AMENDED OFFICER RECOMMENDATION**

That Council notes the above comments and concerns and includes in any response to the Minister the following points:

- (1) Local Government is a vital level of government in the land planning and development process, with responsibilities for strategic and statutory planning, and involving close community consultation and participation in managing the future of municipalities;
- (2) Any legislation, regulations and administrative arrangements for a redevelopment or renewal authority should entail strong representation of, and consultation and liaison with, local governments and their communities, ensuring that communications and decision-making embrace local area planning processes and requirements; and
- (3) Any proposed redevelopment or renewal project in Cottesloe must take into account the established character and densities, infrastructure capacities, amenity impacts, and lifestyle needs and aspirations of the community, and should have regard to opportunities for betterment and be sensitive to change management.

**AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

That the decision making processes of any redevelopment authority committee be open to the public except for during business of commercial confidentiality.

Carried 10/0



**AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

That the relevant local government agree to the terms of setting up, winding up and extension of the redevelopment authority.

Carried 9/1

**10.1.8 COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council notes the above comments and concerns and includes in any response to the Minister the following points:**

- (1) Local Government is a vital level of government in the land planning and development process, with responsibilities for strategic and statutory planning, and involving close community consultation and participation in managing the future of municipalities;**
- (2) Any legislation, regulations and administrative arrangements for a redevelopment or renewal authority should entail strong representation of, and consultation and liaison with, local governments and their communities, ensuring that communications and decision-making embrace local area planning processes and requirements;**
- (3) Any proposed redevelopment or renewal project in Cottesloe must take into account the established character and densities, infrastructure capacities, amenity impacts, and lifestyle needs and aspirations of the community, and should have regard to opportunities for betterment and be sensitive to change management;**
- (4) That the decision making processes of any redevelopment authority committee be open to the public except for during business of commercial confidentiality; and**
- (5) That the relevant local government agree to the terms of setting up, winding up and extension of the redevelopment authority.**

Carried 10/0

**10.1.9 NO. 242 (LOT 3) MARINE PARADE – UPPER LEVEL ADDITION TO DWELLING**

**File No:** 242 Marine Parade  
**Author:** Mr Andrew Jackson  
**Author Disclosure of Interest:** Nil  
**Attachments:** Location plan  
Correspondence from applicant  
Plans  
Submissions (3)  
**Report Date:** 17 June 2005  
**Senior Officer:** Mr Stephen Tindale

**Property Owner:** Mrs M A Lynton-Lorato

**Applicant:** Lawrence Scanlan Architects  
**Date of Application:** 17 June, 2005

**Zoning:** Residential  
**Use:** P - A use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 364m<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

- Upper level additions were approved by Council in December 2003 subject to conditions, including: *Deletion of the proposed north and south gables to reduce the impact of overshadowing of the adjoining property to the south.*
- The ownership changed hands and the approval was renewed under delegation in April 2005, subject to the same condition.
- The architect on behalf of the new owner is endeavouring to retain the gables and address the overshadowing aspect, and hence has re-applied to have the proposal further considered.
- As there is a neighbour objection that is difficult to overcome, and a discretionary decision is required to allow the gables (i.e. to exceed the overshadow standard), the matter is referred to Council for determination.
- This will also enable to parties to attend and present their points of view.

**PROPOSAL**

- The proposal is for an upper-level addition comprising a master bedroom and en suite to the rear, Margaret Street (eastern), end of the existing residence, to form a second storey portion.
  - The gabled design seeks to achieve the desired space and to suit the architecture of the building.
  - Locating the addition at the Marine Parade front (western) end of the building would be problematic, because that is already a two-storey portion whereby the addition would not comply with height limits and would be more obtrusive, plus in terms of connecting with the floor plan below.
-

- The addition has previously been assessed and approved a number of times as acceptable in itself and has been revised to avoid overlooking. The purpose, size and design of the addition is all supportable, however, the extent of overshadowing has been identified as due to the north and south gables.

### STATUTORY ENVIRONMENT

TPS2 & R-Codes.

### POLICY IMPLICATIONS

Nil.

### HERITAGE LISTING

- Nil

### APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

#### Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.2 (f) & (j)	Have regard to access to daylight, sunshine and solar energy, including impact of overshadowing on neighbouring property.	Overshadows property to south in excess of R-Code standard.

#### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
9 – Design for Climate	25% overshadowing of adjoining lot.	Existing 41.2% Proposed 46.7%	3.8.1 P1

### STRATEGIC IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### CONSULTATION

- The proposal has consistently attracted a single objection from the owner of the vacant lot to the south at 238 Marine Parade.
- This consultation has been maintained with the recent applications and the objection has been reiterated.
- The Manager Development Services has liaised with the architect and the objector to examine and discuss the matter.
- The objector is understandably interested to protect the options for a dwelling on his lot and to maximise that amenity. In this respect the objector has experience

of the existing shadow impact from when he lived in the former dwelling on the lot. The objector is also concerned that were a concession allowed for this proposal, a similar concession would be allowed for any overshadowing that may be generated by a dwelling on his property.

- The objection is elaborated in an attachment.

## **BACKGROUND**

- Prior to October 2002 the former Residential Planning Codes permitted 50% overshadowing of a neighbouring property. The replacement Residential Design Codes introduced a stricter standard of 25%, which in many instances constrains development and is a design challenge.
- The previous assessment observed as follows:
- The existing overshadowing is some 41.9% (now re-assessed as 41.2%), which the addition would increase by less than 10%.
- In the absence of a dwelling at 238 Marine Parade, a performance assessment of overshadowing cannot be undertaken, although it is apparent that the rear (potential outdoor living area) and front setback area would not be overshadowed at the winter solstice.
- Based on the angle of shadow, it is likely that only the lower floor of a two-storey dwelling next door would be affected, with sufficient sunlight and sunshine available to the upper floor.

## **FURTHER ASSESSMENT**

### **Intent of condition**

- It is noted that it is predominantly the north gable that would cause overshadowing rather than the south.
- It is also noted that the condition refers to *deletion* rather than modification of the gables and is worded to *reduce* overshadowing but does not say by how much.
- Essentially, it would seem reasonable to require a revised roof design that minimised additional overshadowing.

### **Points by Architect**

- The proposal is for desirable extra accommodation.
- The works will match the existing dwelling.
- Wall and ridge heights comply.
- The roof has a 36% pitch.
- Gables are a traditional roof form.
- The small size, orientation and fall-away of the lot to the south mean that it is virtually impossible to avoid overshadowing, even from a single storey development.
- Given these circumstances, the additional overshadowing is in the vicinity of (only) 5.5%, which is relatively marginal and would be barely discernible.
- Alteration of the wall height has reduced the total overshadowing by 0.2% - that is, an attempt has been made (whilst retaining the gables), but demonstrates how difficult it is to significantly reduce the overall shadow impact.
- This has been achieved by reducing the height of parapet walls by 1m and altering roof canopy/eave elements.
- The amount of overshadowing is within the 50% standard of the former R-Codes.

- The letter and revised plans from the architect are attached.
- In particular, plan A06 shows the extent of current overshadowing and the extra amount/location that would occur.

## CONCLUSION

- In this locality the pattern of small lots and their orientation, as well as the obvious aims to achieve floor space and gain views, are factors influencing the design of dwellings.
- The impact of overshadowing restrictions is clearly a constraint in this context.
- At the same time, the primary western exposure can be seen to compensate for both the compromised solar access and greater shadow impacts caused by larger, taller dwellings on smaller, narrower lots – the “ideal” or acceptable development standards become difficult or even impossible to satisfy and a performance-based assessment is invoked.
- Where everyone eventually redevelops to maximise internal space and take advantage of views, a degree of equity and tolerance of an altered set of expectations and standards can be seen to have evolved.
- While the principles of solar-sensitive design are sound, the R-Codes standards are quite limited and are aimed more at new development than existing situations or additions/extensions (yet the issue remains important for assessment and determination).
- In this light, it is apparent that there may be a need for successive neighbouring developments to respond to what has come before; that is, having regard to the performance criteria of the codes, the outdoor living areas, major openings to habitable rooms, solar heating devices and balconies or verandahs of new dwellings must take into account the inevitable impacts of existing dwellings.
- In this particular instance, the adjacent lot would still have space to the rear and front that would not be overshadowed by the proposal, while a new dwelling on that lot would overshadow its own southern side, and the new dwelling could capture solar access at a second storey both internally (windows) and externally (balconies).
- Overall, it is concluded that the architect has demonstrated that the overshadowing cannot be easily or greatly reduced, as making even quite substantial changes to the scale or form of the addition results in only a fractional change in the amount of overshadowing and its location.
- On balance, therefore, while the concerns of the objector can be appreciated, it is concluded that although the original condition had the correct intent, the condition is not efficacious and the overshadowing cannot be reconciled with the objectives and detail of the proposed design.
- On this basis it is recommended that condition to delete the north and south gables be removed from the approval.

## VOTING

Simple majority

## COMMITTEE COMMENT

Council required an additional condition to be added for revised plans to be submitted showing removal of the gables as this will reduce overshadowing to adjoining properties.

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**OFFICER RECOMMENDATION**

That Council:

- (1) GRANT consent for the proposed rear, upper-level addition at No. 242 (Lot 3) Marine Parade, Cottesloe, as shown on the revised plans received on the 13 June 2005, subject to the following conditions:
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (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) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (6) Advise the submitter of this decision.

**AMENDMENT**

Moved Cr Jeanes, seconded Cr Furlong

That (1)(e) be removed from the committee recommendation.

Lost 4/6

**10.1.9 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT consent for the proposed rear, upper-level addition at No. 242 (Lot 3) Marine Parade, Cottesloe, as shown on the revised plans received on the 13 June 2005, subject to the following conditions:**
  - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
  - (b) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
  - (c) The 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.

- (d) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
  - (e) Revised plans being submitted showing deletion of the proposed north and south gables to reduce the impact of overshadowing of the adjoining property to the south, to the satisfaction of the Manager Development Services.
- (2) Advise the submitter of this decision.

Carried 7/3

## 10.2 GENERAL

### 10.2.1 NO 453 STIRLING HWY - REQUEST TO CHANGE ADDRESS TO MCNAMARA WAY

<b>File No:</b>	<b>No 453 Stirling Hwy</b>
<b>Author:</b>	<b>Lilia Palermo</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plans Correspondence from Strata Manager of 453 Stirling Highway</b>
<b>Report Date:</b>	<b>16 June, 2005</b>
<b>Senior Officer:</b>	<b>Andrew Jackson</b>

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#### SUMMARY

Council received a letter from the Strata Manager of the strata property at No 453 Stirling Hwy requesting on behalf of all the strata unit owners that McNamara Way become the property's formal address.

It is recommended to approve the change of address for the above property as the reasons for the request specified in the request by the Strata Manager are considered to be valid and reasonable.

#### STATUTORY ENVIRONMENT

McNamara way is a dedicated public Street. Council has vested power on any dedicated public street for care, control and maintenance.

#### POLICY IMPLICATIONS

Nil.

#### STRATEGIC IMPLICATIONS

This matter is not covered in Council's Strategic Plan

#### FINANCIAL IMPLICATIONS

Nil.

#### BACKGROUND

Council received the following request dated 9<sup>th</sup> May 2005 from the Strata Manager of the property at No 453 Stirling Hwy on behalf of all the strata unit owners:

*"We represent the owners of the above property as Strata Managing Agent.*

*At a recent general Meeting the Owners have advised that the current position of the letterboxes need to be changed. The letterboxes are directly facing Stirling Highway; however that means they are actually located at the rear of the property. The entrance to the property and all parking facilities are located on McNamara way.*



*Not only does this issue cause much confusion to visitors trying to find the property it has also become a safety concern. The letterboxes are subject to bouts of vandalism and many owners/tenants feel unsafe about going to the letterboxes alone at certain parts of the day.*

*We therefore wish to request that the council grant permission for the owners, to move their letterboxes to the front of the property and as such change their street address to McNamara way with an appropriate number allocation.*

*We look forward to your reply in regards to this matter. If you have any queries please do not hesitate to contact me”.*

### **STAFF COMMENT**

McNamara Way is a dedicated public street. There are several other properties that have McNamara Way addresses.

Rubbish collection for all the properties in the locality is from McNamara Way. There would be no requirement for council to do any additional works for upgrading of McNamara way due to the proposed change of address, as McNamara way is already a dedicated public street and has been maintained as such by Council.

There are several other strata properties that have frontages to both Stirling Highway and McNamara Way but have a Stirling Highway address.

Approval of the change of address for No 453 Stirling Highway to McNamara Way may create a precedent for other strata property owners in the vicinity that are in a similar situation to apply with the same request to Council.

### **CONCLUSION**

It is recommended that Council support a change of address of No 453 Stirling Hwy to McNamara Way for the following reasons:

- McNamara Way is a dedicated public street;
- Several other properties in the vicinity already have McNamara Street addresses;
- Rubbish collection is already being carried out from McNamara Way;
- The entrance to the subject property is located on McNamara Way and the change of address would make it easier for visitors to find the property;
- Change of address may improve the safety of the residents of the subject property as stated by the property strata manager;
- There would be no additional expenditure by Council needed due to the change of address as McNamara Way is already being maintained as a public street by Council.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Nil.

**10.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council:**

- (1) Resolve to inform the Strata Manager for 453 Stirling Highway that it supports the requested change of address to McNamara Way; and**
- (2) Advise the strata manager that once the procedure is carried out by Council staff and the property is assigned a new street number the Strata Manager or any other responsible person would be required to notify relevant authorities of the change of the property address.**

Carried 10/0

**WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 21 JUNE 2005****10.3 ADMINISTRATION**

Items withdrawn for further discussion and dealt with in this order: 10.3.1, 10.3.3 – 10.3.6, 10.3.8 – 10.3.11, 10.4.1, 10.4.2, 10.4.4, 10.4.5, 10.5.2, 10.6.1, 10.7.1.

Items adopted enbloc following the above: 10.3.2, 10.3.7, 10.4.3, 10.4.6 - 10.4.10, 10.5.1, 10.5.3, 10.5.4

**10.3.1 COUNCIL POLICY - REVIEW OF STANDING COMMITTEE ROLES**

<b>File No:</b>	<b>X4.11</b>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>15 June, 2005</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation is made to adopt a revised policy relating to the roles of Council's three standing committees.

**STATUTORY ENVIRONMENT**

Section 5.8 of the Local Government Act (1995) provides that:

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

\* Absolute majority required.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The role of each of Council's standing committees is set out in Council policy. The policy was last reviewed in September 1999.

A copy of the existing policy with recommended revisions appears as an attachment to this report.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The revised policy assigns roles to each of three standing committees namely the Development Services Committee, the Works and Corporate Services Committee and the Strategic Planning Committee.

A web-based search of local government sites indicates that few local governments have a Strategic Planning Committee as such and that where they do exist, the role of such a committee tends to be caught up with other planning or operational roles.

As a result, the role assigned to the Town of Cottesloe's Strategic Planning Committee is somewhat ill-defined. Perhaps a better descriptor of the committee would be that of an "oversight" or "organisational review" committee.

Despite the lack of definition, the most important consideration is that Council is comfortable with the work of the committee. If not, then it is a relatively simple thing to revert to two standing committees.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council adopt the policy relating to *Standing Committee Roles* as amended and shown below.**

**STANDING COMMITTEE ROLES****BACKGROUND**

Section 5.8 of the Local Government Act (1995) provides the statutory power for the establishment of committees of Council. This policy provides guidance on the role of the three standing committees which have been established by the Town of Cottesloe.

Council may appoint other committees from time to time to examine and report on specific issues that may fall outside roles of the standing committees.

**AIM OF THIS POLICY**

To provide guidance to elected members, community and staff on the role and functions of the Town of Cottesloe standing committees of Council.

**OVERALL ROLE OF COMMITTEES**

- To consider items within their portfolios and make decisions under delegated authority or make recommendations to the full Council.
- To appoint sub committees as necessary to prepare policies or reports for Council's consideration.

**CURRENT COMMITTEES**

Council activities have been divided into the following three broad functions for the purpose of decision making and developing policy and strategic direction:

- Development Services
- Works & Corporate Services
- Strategic Planning

The areas of responsibility for the committees are as follows:

**Development Services****Areas of responsibility**

- Town planning matters, specifically relating to private land
- Building matters, relating to private and public buildings

The role of the committee is as follows:

**Policy**

To develop policy relevant to the area of responsibility for consideration by Council.

**Statutory**

To consider development applications and reports, to consider relevant building matters and make appropriate recommendations in accordance with statutes, regulations, common and local laws and Council's adopted policies.

**Activities**

To consider reports and make recommendations to Council on:

- Town planning scheme and associated policies, State Government initiatives or policies relevant to town planning.
- Subdivisions and amalgamations.
- Statutes.
- Building control and inspection services.
- Building local-laws, signs and swimming pools.
- Traffic and transport matters in conjunction with the Works and Corporate Services Committee when appropriate.

**Delegations**

Council has delegated power to the committee to:

- Provide planning consent for development proposals which fulfil the requirements of the town planning scheme, but for which objections have been received;
- Approve development applications which require concessions, but for which no objections have been received; and
- Approve development applications where objections have been received, but the objectors' concerns can be satisfied with negotiated amendments to the proposal.

**Works and Corporate Services****Areas of responsibility**

- Financial management.
- Electoral matters.
- Administrative matters.
- Community development and human services matters.
- Law enforcement.
- Construction and maintenance of Council infrastructure and assets.
- Special projects.
- Environmental health matters, relating to residential and commercial areas and buildings classified as 'Public Buildings' by the Health Department of WA.

The role of the committee is as follows:

**Policy**

To develop policy relevant to the area of responsibility for consideration by Council.

**Statutory**

To consider reports on works, financial management, electoral, policy, administrative, ceremonial matters and environmental health matters and make recommendations to Council in accordance with statutes, regulations, common and local laws and Council's adopted policies.

**Activities**

To provide direction and advice to Council on matters relevant to:

- Governance and ceremonial matters.
- Issues relating to regional services or facilities.
- Financial management, including forward planning and budget preparation.
- Rating and electoral rolls.
- Leases, contracts, general legal matters and insurance.

- Waste management.
- Staffing matters.
- Administrative matters.
- Community, human services and cultural development.
- Library services.
- Law enforcement.
- Property, infrastructure and asset matters.
- Works and special projects.
- Health control and inspection services.
- Pest control.
- Food analysis.
- Noise control
- Traffic and transport matters in conjunction with the Development Services Committee when appropriate.

### **Delegations**

None.

### **Strategic Planning**

#### **Areas of responsibility**

- Strategic planning

The role of the committee is as follows:

#### **Policy**

To develop strategic plans for consideration by Council.

#### **Statutory**

To consider reports on strategic planning and make recommendations to Council in accordance with statutes, regulations, common and local laws and Council's adopted policies.

#### **Activities**

To provide direction and advice to Council on matters relevant to:

- The implementation of Council's strategic objectives.
- The adoption, modification or deletion of Council's strategic objectives.

### **Delegations**

None.

### **OPEN COMMITTEE MEETINGS**

Under section 5.23 of the *Local Government Act (1995)* all meetings of any committee to which a local government power or duty has been delegated are open to the public. This statutory requirement therefore only applies to the Development Services Committee.

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However by policy decision Council has determined that all standing committee meetings shall be open to public except where the *Local Government Act (1995)* provides otherwise.

Each committee presiding member has discretion in determining the nature and type of public contribution to meetings of committees.

**RESOLUTION NO:**           **10.3.1**  
**ADOPTION:**               **June 2005**  
**REVIEW:**                   **June 2007**

(Replaces C109, 21 September 1999)

Carried 9/1



**10.3.2 COUNCIL POLICY - REVIEW OF CODE OF CONDUCT**

**File No:** X4.11  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A number of changes are recommended to the Town of Cottesloe's *Code of Conduct for Elected Members and Staff*.

**STATUTORY ENVIRONMENT**

Section 5.103. of the Local Government Act (1995) provides as follows:

**5.103. Codes of conduct**

(1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*

(2) *A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.*

(3) *Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.*

**POLICY IMPLICATIONS**

The recommendation envisages a number of changes to Council's existing policy.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The Town of Cottesloe last reviewed its *Code of Conduct for Elected Members and Staff* in March 2002. A minor change was made to Clause 3.5 – Administrative and Management Practices.

A comprehensive review of the code has been undertaken which has involved;

1. a comparison of Council's code of conduct with that of the Western Australian Local Government Association's (WALGA) model code of conduct,
  2. a review of changes to the *Local Government (Administration) Regulations 1996* which have yet to be incorporated into either code of conduct,
  3. a review of the impact of the *Public Interest Disclosure Act 2003*.
-

**CONSULTATION**

Nil.

**STAFF COMMENT**

The attached draft *Code of Conduct for Elected Members and Staff* has a number of proposed changes and these are highlighted as follows.

Those words or paragraphs that have been struck through represent historic changes to WALGA's model code of conduct - as adapted by the Council of the Town of Cottesloe. A search of Council's minutes and agendas reveals little reason as to why the changes were made in the first instance. It could well be that WALGA has in fact updated the model code of conduct without Council being aware of the changes and responding to them.

In the absence of any explanation, WALGA's model clauses have been inserted/reinserted and they are shown in a **blue** font.

There is no obligation to use the form of words proposed by WALGA but for consistency's sake, they are recommended to Council.

Those additions to the model code of conduct which have been made by the Town of Cottesloe and have considerable merit have been shown in a **green** font. It is recommended that Council retain these changes as they add value to the code of conduct.

Recommended additions to the code of conduct are also shown in a **dark blue** font. These changes reflect amendments to the *Local Government (Administration) Regulations 1996*, the introduction of the *Public Interest Disclosure Act 2003* and a number of minor changes which assist with the interpretation of the code of conduct.

Council will note that the recommended threshold value for token gifts has increased from \$100 to \$250. This reflects a general local government industry trend. It also facilitates the "capture" of gifts (and their subsequent recording in the gifts register) for which there may be some potential disputation as to the true value of the gift e.g. what's the true value of a Caterpillar bomber jacket?

A lower threshold value of \$50 is also recommended for gifts of "hospitality". This should assist in eliminating any potential ambiguity in the interpretation of the word "minor" as it appears in clause 2.4 (b) of the code of conduct.

A number of other insignificant changes have also been made to the code of conduct e.g. changing the word "Councillor" to "elected member", "pecuniary" to "financial" etc. These changes have been made to better reflect current terminology but have not been shown for the reasons of clarity.

It is understood that WALGA intends revising the model code of conduct later this year.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council adopt the Code of Conduct as amended and shown below.**

**CODE OF CONDUCT****PREAMBLE**

The *Code of Conduct* provides elected members and employees of the Town of Cottesloe with consistent guidelines for an acceptable standard of professional conduct. The code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability.

The code is complementary to the principles adopted in the *Local Government Act (1995)* and associated regulations which incorporate four fundamental aims to result in:

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The code provides a guide and a basis of expectations for members and employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

The code is to be reviewed within 12 months after each ordinary elections day as required by the *Local Government Act (1995)* and the Council may make such changes to the code as it considers appropriate.

**ROLE OF ELECTED MEMBERS**

An elected member's primary role is to represent the community. The effective translation of the community's needs and aspirations into a direction and future for the Town of Cottesloe will be the focus of the member's public life.

An elected member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore

entitled to expect high standards of conduct from its Council representatives.

In fulfilling the various roles, members' activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Town of Cottesloe's finances;
- Ensuring that appropriate mechanisms are in place to deal with prompt handling of residents' concerns;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- Having an awareness of the statutory obligations imposed on elected members and on the Town of Cottesloe.

## 1. **CONFLICT AND DISCLOSURE OF INTEREST**

### 1.1 **Conflict of Interest**

- (a) Members and employees will ensure that there is no actual (or perceived) conflict between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with, or for, any person or body with an interest in a proposed or current contract with the Town of Cottesloe, without first making disclosure to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Members and employees will lodge written notice with the CEO describing an intention to undertake a dealing in land within the municipality or may which otherwise be in conflict with the Town of Cottesloe's functions (other than purchasing the principal place of residence).
- (d) Members and employees who exercise a recruitment, or other discretionary function, will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is

recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

### 1.2 **Financial Interest**

Members and employees will adopt the principles of disclosure of financial interest as contained within the *Local Government Act (1995)*.

### 1.3 **Disclosure of Interests affecting Impartiality**

(a) In addition to disclosure of financial interest, members and employees, including persons under a contract for services;

- attending a Council or committee meeting; or
- giving advice to a Council or committee meeting;

are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

(b) where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.

## 2. **PERSONAL BENEFIT**

### 2.1 **Use of Confidential Information**

Members and employees will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

### 2.2 **Intellectual Property**

The title to intellectual property in all duties relating to contracts of employment will be assigned to the Town of Cottesloe upon its creation unless otherwise agreed by separate contract.

### 2.3 **Improper or Undue Influence**

Members and employees will not take advantage of their position to improperly influence other members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

### 2.4 **Gifts and Bribery**

- (a) Members and employees are not to accept a gift, other than a token gift, of or below a value of \$250, from a person who is undertaking, or is likely to undertake, business –
- that requires the person to obtain any authorisation from the local government;
  - by way of contract between the person and the local government or;
  - by way of providing any service to the local government.
- (b) Members and employees who accept a gift, of or below a value of \$250, from a person referred to in (a) above are to record in a register of token gifts kept by the CEO –
- the names of the persons who gave and received the gift;
  - the date of receipt of the gift; and
  - a description and the estimated value of the token gift.
- (c) Clause 2.4.(b) does not apply to gifts
- from a relative as defined in section 5.74(1) of the *Local Government Act (1995)*;
  - as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;
  - minor acts of hospitality extended to members and staff by a person referred to in (a) above, involving the provision of entertainment and/or refreshments and mementos of a type which are of a promotional or publicity nature (e.g. pens, spoons, books, stationery, or clothing garments used primarily for advertising purposes) not exceeding \$50 in value or,
  - an educational or professional benefit conferred on an employee to further or improve the knowledge or skill of the employee by –
    - (i) this State, another State, a Territory, the Commonwealth or a body established under a written law; or
-

(ii) an incorporated association under the *Associations Incorporation Act 1987*, or a corresponding law of another State or Territory, if the employee is eligible for membership of that body on the basis of tasks he or she performs for the Town of Cottesloe;

### 3. **CONDUCT OF MEMBERS AND EMPLOYEES**

#### 3.1 **Personal Behaviour**

- (a) Members and employees will:
- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this code;
  - (ii) perform their duties impartially to serve the common good and in the best interests of the Town of Cottesloe uninfluenced by fear or favour;
  - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of Local Government and the community;
  - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause the Town of Cottesloe or any reasonable person unwarranted offence or embarrassment;
  - (v) always act in accordance with their obligation of fidelity to the Town of Cottesloe; and
  - (vi) provide for advocacy and the fair resolution of grievances and complaints brought by employees, members and the public.
- (b) Members will represent and promote the interests of the Town of Cottesloe while recognising their special duty to their own constituents.
- (c) Members and employees will respect the rights of individuals and groups and their right to be different.

**3.2 Honesty and Integrity**

Members and employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) disclose to the Town of Cottesloe's Public Interest Disclosure Officer (Manager of Corporate Services) any improper conduct, on the part of any elected member or employee;
- (c) be frank and honest in their official dealing with each other;
- (d) avoid making commitments that may bias their judgement or compromise the performance of their public duties.

**3.3 Performance of Duties**

- (a) While on duty, employees will give their whole time and attention to the Town of Cottesloe's business and ensure that their work is carried out efficiently, economically and effectively and that their standard of work reflects favourably both on them and on the Town of Cottesloe.
- (b) Members will, at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Town of Cottesloe, and treat all members of the community fairly and honestly.

**3.4 Compliance with Lawful Orders**

- (a) Members and employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.
- (b) Members and employees will give effect to the lawful policies of the Town of Cottesloe, whether or not they agree with, or approve of them.



### 3.5 **Administrative and Management Practices**

- (a) Members and employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- (b) Members and employees recognise the division of responsibilities reflected in the *Local Government Act (1995)* and in particular, the distinction made between the policy formulation role of Council and the daily management roles of the CEO and senior employees.

### 3.6 **Relationships between Members and Employees**

An effective member will work as part of the Council team with the CEO and other employees. That teamwork will only occur if members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position members need to:

- accept that their role is a leadership role, not a management or administrative one ;
- acknowledge that members have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

### 3.7 **Corporate Obligations**

#### (a) **Standard of Dress**

Employees and members are expected to comply with neat and responsible dress standards at all times while on Town of Cottesloe business. Management reserves the right to raise the issue of dress with individual employees.

#### (b) **Communication and Public Relations**

All aspects of communication (including verbal, written or personal), involving Town of Cottesloe activities should reflect the status and objectives of the Town of Cottesloe. Communications should be accurate, polite and professional.

As a representative of the community, members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, members should acknowledge that;

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council,
- information of a confidential nature ought not to be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Town of Cottesloe;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

### 3.8 **Protective Care**

- (a) Members and employees will exercise a duty of care to the public, to do good to others and ensure that any potential harm is minimised;
- (b) Members and employees will uphold the interests of all, including those at risk in the community with respect to services provided; and
- (c) Members and employees will disclose to the Town of Cottesloe's Public Interest Disclosure Officer (Manager of Corporate Services) any act done or omission by a member or employee that involves a substantial and specific risk of –
  - injury to public health;
  - prejudice to public safety; or
  - harm to the environment.

### 3.9 **Appointments to Committees**

As part of their representative role, elected members are often asked to represent the Council on external organisations. It is important that elected members;

- clearly understand the basis of their appointment: and
- provide regular reports on the activities of the organisation.

**4. DEALING WITH TOWN OF COTTESLOE PROPERTY****4.1 Use of Town of Cottesloe Resources**

Members and employees will:

- (a) be scrupulously honest in their use of Town of Cottesloe resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use resources entrusted to them effectively and economically in the course of their duties;
- (c) not use resources for private purposes, other than when supplied as part of a contract of employment, unless properly authorised to do so and appropriate payments are made, as determined by the CEO; and
- (d) disclose to the Town of Cottesloe's Public Interest Disclosure Officer (Manager of Corporate Services) any substantial unauthorised or irregular use of, or substantial mismanagement of, Town of Cottesloe resources.

**4.2 Travelling and Sustenance Expenses**

Members and employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Town of Cottesloe in accordance with Town of Cottesloe policy and the provisions of the *Local Government Act (1995)*.

**4.3 Access to Information**

Employees will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before Council.

**RESOLUTION NO.:** 10.3.2  
**ADOPTION:** June 2005  
**REVIEW:** June 2007

*(Replaces C23, March 2002)*

Carried 10/0

**10.3.3 REPORT ON E-VOTING**

**File No:** X4.1  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 15 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to receive the report on the utility and feasibility of a secure web-based voting mechanism for gauging the view of electors on contentious issues.

**STATUTORY ENVIRONMENT**

Section 4.99 of the Local Government Act provides as follows:

**4.99. Election procedures to apply to polls and referendums**

(1) To the extent to which the provisions of this Part are capable of being applied with or without adaptation in respect of polls under another Part, those provisions apply with or without adaptation in respect of those polls.

(2) Despite subsection (1), regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls under another Part of this Act and for ensuring the purity of the conduct of them.

(3) Regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls and referendums held by local governments, whether under local laws or otherwise, and for ensuring the purity of the conduct of them.

(4) Without limiting subsection (2) or (3), regulations may provide for the electoral rolls that are to be used, or prepared and used, for polls and referendums.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

At its February 2005 meeting, the Cottesloe Town Council adopted a recommendation from the Works & Corporate Services Committee concerning a *Community Consultation Policy*.

In addition to adopting the recommended *Community Consultation Policy*, Council also added the following:

That Council request that staff prepare a report on the utility and feasibility of a secure web-based voting mechanism for gauging the view of electors on contentious issues.

## **CONSULTATION**

The CEO has consulted with Mayor Morgan on the matter in order to gain a better understanding of what is being sought by Council. It appears that the real issue may be a broader one of how best to obtain community participation in Council decision making by way of the internet.

## **STAFF COMMENT**

### **E-voting**

The principle of web-based voting or e-voting is at the cutting edge of democratic participation in decision making processes.

The attached report from the Office of the Deputy Prime Minister in the United Kingdom is probably as good as it gets in terms of the latest thinking.

The principal issues identified in the report that are of direct relevance to the Town of Cottesloe are as follows:

#### *Increasing turnout*

The commonly held assumption that e-voting will appeal to younger voters and will substantially boost turnout among certain groups of the population is not supported by the research. While a small proportion of voters are inconvenienced by current voting methods and thereby prevented from voting, the majority of non-voters, and especially young people, cite other reasons for not voting. In particular, young people demonstrate far less sense of civic duty to vote than older people. Among internet users, younger people are consistently less likely to vote electronically than older people and those from lower socio-economic groups are also less likely to vote via the internet - despite their access. E-voting on its own is unlikely to stimulate greater levels of democratic engagement.

#### *Popular support for e-voting*

Analysis of survey data shows that there is popular support for e-voting and that this support is growing. When asked about which government services they would want to use electronically, 29 per cent of respondents to KPMG's 2001 e-government survey stated e-voting. Support is even higher among current internet users, with 66 per cent of such respondents in a BMRB panel survey being willing to use the internet to vote - 28 per cent more than would use it play the National Lottery. Those who use the internet for other interactive transactions, such as shopping and banking are among the most likely to support internet voting. Support, however, is not the same as demand for e-voting. The research does not reveal a current strong demand for e-voting among the public.

#### *Public attitudes towards e-voting*

Focus group research revealed that the majority of participants felt e-voting would be a good idea, while a small core of voters would be resistant to e-voting, as well as many non-voters. Even though many participants would not use e-voting methods themselves, there was widespread support for making it available for others. Participants showed a marked preference for certain technologies:

- Telephone, internet and interactive digital television (iDTV) were all considered good options among those who had access to these facilities.
- Public terminals such as the National Lottery terminals and bank ATMs were not considered desirable because they were not sufficiently private and were not widely enough available in residential and rural areas.
- SMS text voting was not supported, even among those who use it elsewhere, because it was felt to trivialise the election process.

#### *Public use of e-voting*

Many focus group participants were concerned that once e-voting was implemented, they would be stigmatised if they wanted to use conventional polling stations. Tests with participants using PIN numbers demonstrated a limited capacity among many people to accurately key in appropriate authentication methods. These issues will need to be addressed

#### *Public confidence in e-voting*

Many individuals expressed concerns over the security and privacy of e-voting and felt that substantial reassurance would need to be offered by the Government prior to implementation. Establishing and maintaining public confidence in the security and privacy of the electoral system appears to be fundamental in achieving legitimacy for e-voting.

#### *Secrecy*

The legal research highlights a number of international declarations and protocols, to which the United Kingdom is signatory or to which it is at least normatively bound, that require voting to take place in secret. These declarations and protocols call into doubt whether any form of remote voting, by electronic or other means, would be legal in an international context. In particular, there is a question over whether the state has a duty to ensure the secrecy of the ballot or, more simply, the duty to provide the means by which a secret ballot can be cast by those who want one. Until this position is clarified, the issue of secrecy and the UK's obligations under international protocols remains a significant barrier to the implementation of Remote Voting by Electronic Means (RVEM). However, it is also worth noting that postal voting has the potential to compromise secrecy in the same way but has not been subject to any challenge. To resolve this problem the Government will need to seek appropriate legal advice on the relevance of the identified legislation to the implementation of e-voting and, possibly, a definitive legal judgment on the issue. There may also be an opportunity for government to propose amendments to international law that accommodates RVEM without compromising the fundamental principles that provide for free and fair elections in democracies. It is also recommended that further research be undertaken into the extent to which there is a substantive risk of voter secrecy being compromised by the implementation of RVEM. A broader public debate on the issue should also be encouraged to contribute to policy making on this issue.

#### *Security*

The research into technological options has highlighted the security limitations of current technologies. In particular, the research has highlighted the vulnerability of various technologies to:

- Denial of Service Attacks that may prevent some or all voters from casting their ballot
- Viruses that may prevent voting from taking place or may corrupt the vote once has been cast
- Hacking that may affect the privacy of voting or alter votes that have been cast.
- Confidence attacks that may undermine public confidence that the election has been free and fair.
- Physical disruption of power supplies and systems, either through inadvertent failure or deliberate disruption (for example, all electronic systems are dependent upon key organisations and workers to operate systems during an election period).
- The limits to system capacity to cope with peak demand during voting periods.

Technological solutions to these issues can be found and, indeed, are already in hand. Creating and maintaining public confidence in the integrity of the voting process should lie at the heart of these solutions.

#### *Technological penetration and voter capacity*

When coupled with the focus group work the analysis of penetration raises some significant problems with any technology that would form the basis of RVEM. Only the telephone has near universal access and other technologies are unevenly distributed throughout the population. This means that certain groups (primarily the more affluent ones) will be unfairly advantaged by an implementation of RVEM based upon technologies such as the internet, although this may be offset to a degree by maintaining multiple channels for voting.

This issue is not only a problem in terms of access. It is also a problem in terms of voter capacity to use the technology to vote. Experience and willingness to use the technology is intrinsically linked. Citizens with limited experience of using the technology interactively will find voting difficult and will be easily put off from voting by such means. There needs to be widespread public use of any technology, prior to its adoption as the basis of RVEM. It is necessary, therefore, not only to seek implementation options based upon widely available technologies but also to find opportunities for the electorate to experience use of these technologies in interactive environments.

#### *Benefits*

Some of the benefits are fairly obvious. Providing multi-channel access to voting will make it much more convenient and accessible for many people than the current system. Modernisation of the electoral process will also provide the opportunity to make voting practices more robust and flexible, reducing still further the opportunities for electoral fraud while, at the same time, improving the ease with which elections can be implemented. Consequently, the electoral process might be more easily modified in the future or used for alternative activities such as referendums. In addition, elections in which a large proportion of the votes are cast electronically will reduce the costs of vote counting and may provide opportunities for other parts of the electoral process to be automated. Consequently, in the longer term there may be significant efficiency gains to be made from e-voting.

### Costs

The costs of an e-enabled election depend upon the range of channels offered and the ways in which each of the relevant technologies is implemented. Information from the 2002 e-voting pilots suggests that the set-up costs for e-voting can be significant and are unlikely to be matched by efficiency savings in the short-term. However, once the investment has been made in appropriate infrastructures then it seems likely that greater savings can be made in the long term.

From the above it can be gleaned that:

- E-voting on its own is unlikely to stimulate greater levels of democratic engagement.
- The research does not reveal a current strong demand for e-voting among the public.
- Telephone, internet and interactive digital television (iDTV) were all considered good e-voting options among those who had access to these facilities.
- Stigmatism is potentially significant issue for those who cannot exercise an e-voting opportunity or lodge a vote by more conventional means.
- Even amongst those who are supposedly computer literate, voter authentication using PIN numbers can pose problems with e-voting.
- The principle of maintaining the secrecy of votes under e-voting is essential and subject to legal constraints.
- Security is an issue that must be properly considered at the outset. It is recognised that the frontrunners in e-voting will be the first to be attacked by hackers. Creating and maintaining public confidence in the integrity of the voting process is a high priority.
- Certain groups (primarily the more affluent ones) will be unfairly advantaged by an implementation of e-voting such as the internet, although this may be offset to a degree by maintaining multiple channels for voting.
- Citizens with limited experience of using the technology interactively will find voting difficult and will be easily put off from voting by such means.

It should be noted that much of the report is premised on the use of e-voting for electoral purposes i.e. electing candidates to public office. The underlying assumption of the report is that those who cannot exercise an e-vote will be able to exercise a more conventional vote.

If however, the Town of Cottesloe is contemplating a voting system based on the internet only, then some rationale will need to be provided as to why those who are primarily less affluent should not be able to participate in the decision making processes.

### **Voting on Contentious Issues**

The process by which electors are allowed to vote on an issue is better known as a referendum.

Referenda have their own particular strengths and weaknesses and are but one of a number of consultative methods available to the Town of Cottesloe. The Western Australian State Government has published an excellent booklet entitled *Consulting Citizens: A Resource Guide* which outlines the significant range of community consultation options that are open to Council.



The guide can be downloaded from

<http://www.citizenscape.wa.gov.au/index.cfm?fuseaction=ccu.publications>

The guide indicates that the following issues need to be taken into account before conducting a referendum:

- The issue should stand on its own and not be one based on a complex question.
- The results are usually binding.

The reported advantages of referenda are that they incite discussion, all voters have equal influence and the results generally cannot be ignored.

The disadvantages are that they are expensive (\$15,000 plus for the Town of Cottesloe for a postal referendum), can be swayed by undue influence from organisations with greater resources and are of limited use if matters are reduced to a simple “yes” or “no” response.

In a report to Council in November 2003 the CEO advised that:

Ordinarily a referendum seeks a “yes” or “no” response where the Council requires guidance on a simple issue that is perceived as being finely balanced within the community. In other words the issue should stand on its own, should not involve a complex question and is useful where there is a perceived divide in community opinion.

Once a government has committed to a referendum, the results are usually binding.

Like any method of public consultation, there are pluses and minuses for referenda.

It is no secret that referendum results tend to favour the status quo and evidence of this can be found in any number of Commonwealth Government referendum results where a “no” result has prevailed. Where a conservative government favours no change, a “no” referendum result can be a useful tool in silencing ongoing criticism on the basis that “the people have spoken”.

Another positive is that a referendum will usually generate a high level of community discussion. All voters have equal influence and the results generally cannot be ignored.

On the negative side, the issues surrounding a referendum proposal can be hijacked by a resource-rich or minority view – particularly where polling is not compulsory and there is no widespread commitment or enthusiasm to turning out on polling day. On that basis a “postal” referendum rather than an “in-person” referendum has much to recommend it.

Postal referenda are an expensive way of obtaining community input and indeed wasteful if a clear-cut result can be obtained through other less expensive forms of community consultation.

Unless the referendum question is worded particularly carefully, accusations of bias in the wording of the referendum question can colour the way in which the results are interpreted. Despite best attempts to put a “neutral” question to the public, accusations of bias in the wording and attacks on the arguments for and against can

surface during the polling period which can, in turn, lead to perceptions of “skewed” results.

If the results are seen as “skewed” then there is likely to be less commitment to the results of the poll.

There are also difficulties in equitably reducing to writing the “for” and “against” arguments that would ordinarily accompany a referendum paper.

The “yes” argument tends to be quite wordy largely because change in itself requires explanation while the “no” argument tends to rest simply on defending that which has worked well to date – which is a far easier concept to promote.

### **E-voting and Referenda – Room for a Happy Marriage?**

The answer is probably not at the present time.

If every resident in Cottesloe had access to the internet and was sufficiently computer literate enough to cast a vote in a referendum without fear of compromise, then the Town of Cottesloe would be a world leader in e-democracy.

However the reality is that not everyone has access to a computer and therefore the professed advantages of a referendum must inevitably be compromised by e-voting.

To recap, those professed advantages are all voters having an equal influence in the outcome of the referendum and the results being binding on the Council.

An e-voting referendum system that is only available to the relatively affluent within the community raises significant issues concerning equity of access. This failing provides an “out” for Council (or elected members) in terms of being bound by the results of the referendum.

If Council is not bound by the results of a referendum, then that effectively undermines the value of any community contribution by way of a referendum to the debate before the Council.

If however Council wants an indicative view on a particular issue, then a referendum by e-voting may have some limited value – particularly for simple questions. But it should also be recognised that there may be better ways to sample community opinion – particularly for those contentious issues which are complex.

Referendum provisions within the *Local Government Act (1995)* also require the application of normal election procedures to polls and referenda (Sec4.99). That in itself poses some interesting legal questions regarding the processes to be followed for e-based referenda.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Nil

**10.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Furlong

**That Council receive the report on the utility and feasibility of a secure web-based voting mechanism for gauging the view of electors on contentious issues**

Carried 10/0

**10.3.4 COUNCIL CHAMBERS EQUIPMENT**

**File No:** C1.4  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 16 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to improve the operating environment for Council, committee and public meetings by way of the purchase of a “traffic light” for speakers and an audio conferencing system for elected members.

**STATUTORY ENVIRONMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

An amount of \$1,000 is required for a “traffic light” for speakers and approximately \$15,000 for an audio conferencing system. The funds can be found from within the capital works budget for the Cottesloe Civic Centre subject to adoption of the 2005/2006 budget.

**BACKGROUND**

The piece of equipment used to check the time taken by speakers addressing Council (i.e. 3 minutes each) is currently an egg timer. The egg timer has its failings and in the author’s view it is time for an upgrade.

It is also a fact that at least one senior staff member and one elected member have difficulties from time to time in hearing the debate within the Council Chamber. This constraint on effective participation can be lessened by the purchase of an audio conferencing system.

**CONSULTATION**

The CEO has spoken with the Mayor and a Councillor on the matter. It has been suggested that others may also be experiencing some difficulty in hearing the debate.

**STAFF COMMENT****Traffic Light**

The proposed “traffic light” for speakers is known commercially as a *Limitimer* and its technical details are shown as an attachment to this agenda.

Problems with the current egg timer arrangement are that;

- It is not used consistently for all speakers e.g. it tends to be applied to the “usual suspects” rather than to all and sundry.
- It is difficult for speakers to know exactly how much time they have left given that the egg timer is difficult to see.
- Unless an individual rehearses a 3 minute speech, they may find themselves undone in terms of putting forward and summing up the main facts or arguments within the required time limit.
- Aside from the Mayor and CEO, other participants in the meeting have no idea of the time remaining when a speech is being made - other than by keeping a weather eye on the time. This can create tensions within Council where a speaker has run over time but has not been called on by the Mayor to stop.
- The Mayor may sometimes be seen as rude or arrogant when calling on a speaker to desist – particularly where the speaker has obviously still got some way to go or is close to finishing up but not quite there.
- It is sometimes quite difficult for the Mayor to curb an elector/speaker who rather obviously feels quite passionate about a matter before the Council.
- Once an exception is made, it is sometimes difficult for the Mayor to retain good control of the meeting if one speaker is allowed to run over time while another is not.
- The use of audible warnings is impolite. A visual cue is likely to be better received by the speaker.

While a purchase price of a \$1,000 may seem excessive, the technology is well proven and will last the Council many years.

### **Audio Conferencing System**

Details of a typical audio conferencing system are also shown as an attachment to this report. More information on the available choices can be found at the following web address:

[http://svconline.com/mag/avinstall\\_audio\\_conferencing\\_systems/](http://svconline.com/mag/avinstall_audio_conferencing_systems/)

Basically one can expect to pay around US\$500 for each individual microphone and speaker. Again the initial cost may seem excessive but again the system will last with the costs being recovered over many years.

Aside from a moral obligation to respond to the needs of the disabled, the constraints on seating capacity within the Council Chambers and the Town Hall are well known to Council. An audio conferencing system will allow Council to relay sound to other areas within the Civic Centre which can accommodate any overflow. It will also avoid the clumsiness of a roving microphone and elected members having to “beg” for the microphone in order to be heard during public meetings.

The intention is that the audio conferencing system would be fully portable and therefore capable of also being used in the Mayor’s Parlour if required.

### **VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Cunningham provided information on how the audio conferencing system at the City of Subiaco worked.

The CEO confirmed that the audio conferencing system in the attachments is portable, so could be used in both the Council Chambers and the War Memorial Town Hall.

**10.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Cunningham

**That Council improve the operating environment of Council, committee and public meetings by way of the purchase of a “traffic light” for speakers and an audio conferencing system for elected members – subject to the adoption of the 2005/2006 budget.**

Carried 6/4

**10.3.5 BARCHETTA - LIQUOR LICENCE APPLICATION**

**File No:** 149 Marine Pde  
**Author:** Ms Ruth Levett  
**Author Disclosure of Interest:** Nil  
**Report Date:** 15 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of the report is to consider an application for a restaurant liquor licence by the proprietor of Barchetta. It is recommended that the application is supported.

**STATUTORY ENVIRONMENT***Land Administration Act 1997*

Section 18 Minister's approval required for various transactions on Crown land.

*Metropolitan Region Scheme*

Clause 13 – Obligation to obtain approval for any development on land reserved under the MRS from WAPC.

*Liquor Licensing Act 1988*

Part 3 – Licences and Permits

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The sale of alcohol at Barchetta is currently prohibited under Clause 16.1 (c) of the lease agreement which states:

*The lessee must:*

*(c) not sell or advertise for sale, alcoholic beverages or refreshments or any tobacco products on or from the Premises.*

The lease does not prohibit the consumption of alcohol and patrons may purchase packaged alcohol elsewhere to bring to the restaurant for consumption with a meal.

The purpose of a restaurant liquor licence is to permit the sale of alcohol to persons over 18 years of age on the licensed premises for consumption "ancillary" to a meal, that is, the alcohol is a secondary function to the service of meals. A meal is a genuine meal and not a sandwich or a snack.

**CONSULTATION**

The Director of Liquor Licensing requires that an application for a restaurant liquor licence be advertised for a specified period. A resident or affected person may lodge an objection to the application. A hearing of the application and the objection will then be held by the Director of Liquor Licensing.

**STAFF COMMENT**

In the past concerns have been expressed about the manner in which alcohol is consumed and its availability in the community. The primary source of alcohol consumption in the community is the two beachfront hotels which attract large crowds of young people during the summer months, particularly on Sundays. The two hotels can accommodate approximately 5,000 patrons between them when operating at capacity.

There has been increasing support for restaurants and cafes that accommodate significantly smaller numbers of patrons to sell alcohol for consumption by patrons seated at a table with a meal. The café is licensed to seat 75 patrons. Licensed restaurants may apply for an extension of their licence to serve alcohol to 20% of their patrons without a meal. Such an application requires Council's support and is not part of this application.

Council has not objected to any restaurant liquor licence application made by restaurants/cafes in Cottesloe in the past and there have been no problems reported as a result of the sale of alcohol to patrons in any of these establishments. The practice has been to support the sale of alcohol to patrons within the premises and in any outdoor dining area associated with them.

There have been no problems reported concerning the consumption of alcohol by patrons who take packaged alcohol to the café. Currently the consumption of alcohol must be to patrons seated only within the premises and not in the outdoor dining area. It is proposed that the liquor licensed area cover both the indoor and the outdoor dining areas.

As stated, Barchetta is currently prohibited from selling alcohol to its patrons under the terms of its lease which was executed in July, 2002. There is an increasing demand both by Australians and visitors from overseas who are used to consuming alcohol with meals and where it is available for sale at all food establishments.

It is understood that Council was of the view that Barchetta would operate as a casual family café and take away facility for people going to the beach. The proprietor, Kim Gamble, has advised that there is a significant demand from patrons for alcohol to be available for consumption with meals and he is therefore requesting that Council reconsider its previous position.

In the event that Council should support an application for a restaurant liquor licence, the approval of the Department of Land Information and Western Australian Planning Commission is required. The application accompanied by Council's support and any suggested conditions is to be forwarded to the relevant authorities for approval before consideration by the Office of Racing, Gaming & Liquor.



An amendment of the current lease will also be required and will be at the expense of the lessee.

Given that patrons may already take packaged alcohol to Barchetta and that it is consistent with the trend to encourage more responsible consumption of alcohol, it is recommended that Council support this application. It is recommended that Council supports the sale of alcohol to persons over 18 years of age for consumption “ancillary” to a meal on the licensed premises and the licensed premises is that area covered by the lease agreement and the designated outdoor dining area.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

The committee discussed the issues involved with serving alcohol in the outdoor area, along with the current lease not allowing for a liquor licence.

**OFFICER RECOMMENDATION**

That Council:

- (1) Support the application for a restaurant liquor licence for Barchetta to permit the sale of alcohol to persons over 18 years of age for consumption “ancillary” to a meal on the licensed premises, subject to:
  - (i) the proprietor demonstrating there is sufficient storage area for the alcohol to be stored on the site;
  - (ii) satisfactory completion of any outstanding health works; and
  - (iii) alcohol is not to be served to patrons after 11.00pm on any day.
- (2) Agree that the licensed area is that area covered by the lease agreement and the adjacent designated outdoor dining area.

**COMMITTEE RECOMMENDATION**

That Council:

- (1) Support the application for a restaurant liquor licence for Barchetta to permit the sale of alcohol to persons over 18 years of age for consumption “ancillary” to a meal on the licensed premises, subject to:
  - (i) the proprietor demonstrating there is sufficient storage area for the alcohol to be stored on the site;
  - (ii) satisfactory completion of any outstanding health works;
  - (iii) alcohol is not to be served to patrons after 11.00pm on any day; and
  - (iv) the lease being amended to allow the restaurant liquor licence subject to agreement on a rent review.
- (2) Specifically limit the licensed area to that area covered by the lease agreement and excluding the adjacent designated outdoor dining area.

**AMENDMENT**

Moved Cr Woodhill, seconded Cr Morgan

That (1) be amended to include:

- (v) BYO remaining available as an option to restaurant patrons.

Carried 8/2

**10.3.5 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Cunningham

**That Council:**

- (1) Support the application for a restaurant liquor licence for Barchetta to permit the sale of alcohol to persons over 18 years of age for consumption “ancillary” to a meal on the licensed premises, subject to:**
- (i) the proprietor demonstrating there is sufficient storage area for the alcohol to be stored on the site;**
  - (ii) satisfactory completion of any outstanding health works;**
  - (iii) alcohol is not to be served to patrons after 11.00pm on any day;**
  - (iv) the lease being amended to allow the restaurant liquor licence subject to agreement on a rent review; and**
  - (v) BYO remaining available as an option to restaurant patrons.**
- (2) Specifically limit the licensed area to that area covered by the lease agreement and excluding the adjacent designated outdoor dining area.**

Carried 6/4

*The vote was recorded:*

*For Mayor Morgan, Cr Cunningham, Cr Dawkins, Cr Furlong, Cr Jeanes, Cr Strzina:*

*Against: Cr Carmichael, Cr Utting, Cr Walsh, Cr Woodhill.*

**10.3.6 COMMUNITY SAFETY AND CRIME PREVENTION - KEY STAKEHOLDER COMMITTEE**

**File No:** C 5. 6  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to report back to Council with respect to its resolution in May to form a committee and recommend changes to the makeup of that committee.

**STATUTORY ENVIRONMENT**

Section 5.9 of the *Local Government Act* provides that Council may establish committees and that it may delegate powers to committees. Section 5.10 provides for the appointment of persons to committees. Sections 5.16, 5.17 and 5.18 deal with delegation of powers to committees

The following extract from the *Local Government (Administration) Regulations* may have application:

**10. Revoking or changing decisions made at council or committee meetings s. 5.25(e)**

*(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported;*

*(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*

*(b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,*

*inclusive of the mover.*

*(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

*(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made.*

*(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*

*(b) in any other case, by an absolute majority.*

*(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

It is suggested that Regulation 10(3) applies as the proposed change to the previous resolution is not substantial because:

1. The deletion of the Office of Crime Prevention member does not prevent input from that organisation.
2. Councillors are community representatives.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Safety is mentioned a under a number of headings in the plan including:

*Environment – Beach Precinct* - A clean, safe beach precinct which is sustainably managed with no new developments west of Marine Parade and proactive conservation of the dune and marine environs.

**FINANCIAL IMPLICATIONS**

Government grant funding is expected to cover most of the costs associated with holding committee meetings other than staff time and venue use costs. Similarly, the grant funding should cover costs associated with the preparation of a community crime prevention plan.

**BACKGROUND**

Council passed the following resolution at its April 2005 meeting:

*That Council:*

- (1) Establish the Cottesloe Community Safety and Crime Prevention Committee for the purposes of preparing, in consultation with stakeholders, a draft Community Safety and Crime Prevention Plan for Cottesloe;*
- (2) Appoint to the committee one member of Council (the delegate to be decided at the Special Council meeting to be held in May), the Manager Corporate Services, one delegate from the community, one delegate from the Cottesloe Business Association, one person from the Office of Crime Prevention and one Officer from the Cottesloe Police Station;*
- (3) Authorise the Committee to expend funds to the limit of \$10,000 for purposes directly associated with research, consultation and reparation of the plan; and*
- (4) Advertise for nominations for the position of the one community delegate.*

The following background information was provided to the April meeting:

*In 2004 the Government moved away from supporting the Safer WA Program, which was designed to provide local solutions to local crime problems, and opted for a more Local Government based model where councils form stakeholder committees to review local crime problems and prepare a plan the address these.*

*At its February, 2004 meeting Council resolved to enter into a Community Safety and Crime Prevention Partnership agreement with the State Government. The agreement provided for the State to pay Council \$1,200 per annum toward the cost of holding consultation committee meetings (the stakeholder committee), and \$10,000 toward the cost of producing a plan.*

*This opened the door to grant funding opportunities for initiative to prevent crime.*

*The partnership was formed with the signing of the agreement last year (9 December, 2004) and the \$10,000 grant was paid to Council.*

*The process now is to work with the local community, Police and other State Government agencies to determine needs and define/determine priorities. Then to develop a plan that includes desired outcomes, resource requirements, timing, responsibilities/partnerships, and measurable outcomes. The plan is registered with the Department of Crime Prevention and Council coordinates implementation of the plan.*

In accordance with the resolution, letters were sent to the Cottesloe Business Association, the Office of Crime Prevention and the Cottesloe Police Station informing them of the committee's formation and inviting them to nominate a representative. The Cottesloe Business Association has selected a representative and will be writing soon to confirm this. The Office of Crime Prevention has advised that they no longer advocate that they have a representative on local committees but that they still offer support and assistance as required. The Office In Charge at the Cottesloe Police Station, Senior Sergeant Mark Twamley, advised that he will be his organisation's representative.

A large advertisement was placed in the Post Newspaper, along with a notice on the notice boards and the web site, calling for nominations for the community representative but no nominations have been received.

## **CONSULTATION**

The author of the this report has had discussions with the Cottesloe Business Association Chairman, the Office of Crime prevention and the OIC of the Cottesloe Police Station. The community representative place on the committee was advertised.

## **STAFF COMMENT**

It is suggested that Council consider nominating one or two more Councillors to sit on this committee in place of a representative from the Office of Crime Prevention and community representatives to get the process moving. Further, that Council review the committee's membership next May.

It is suggested that the Community Safety and Crime Prevention Committee's role is to work with and co-opt others as required to firstly devise a Community Safety and Crime Prevention Plan, for ratification by Council, then to work on a staged approach to implementing the plan. As such perhaps a small core committee with the ability to gain assistance/information/opinions from others as needed would work well. The committee's first task is to, probably using a consultant, work through the process of a draft Community Safety and Crime Prevention Plan which will involve the dissemination of information and gathering community thoughts. This will ensure wide involvement which may result in more interest in membership of the committee.

**VOTING**

Absolute majority.

**COMMITTEE COMMENT**

Nil

**10.3.6 OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council**

- (1) Modify the membership of the Cottesloe Community Safety and Crime Prevention Committee by replacing the Office of Crime Prevention nominee with a Councillor, and that Councillor Carmichael be appointed; and**
- (2) Nominate a Councillor as the community representative and that Councillor Utting be appointed.**

Carried 10/0

### 10.3.7 PRINCIPAL ACTIVITIES PLAN

**File No:** X2.13  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

The purpose of this report is to bring back before Council the draft *Principal Activities Plan* for the period July, 2005 to June, 2009 following a public consultation period.

#### STATUTORY ENVIRONMENT

The *Principal Activities Plan* (PAP) was required under Section 5.56 of the *Local Government Act* (1995). Recent changes to the Act removed the prescriptive requirements of the PAP and replaced it with a requirement to prepare forward plans. Regulations will be in place regarding the forward plans ready for the 2006/07 year but in the absence of any guiding regulations at this time it is suggested that the PAP process be followed for 2005/06.

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

Preparation of the *Principal Activities Plan* aligns with:

*District Development – Asset Management* – Council will prepare and implement an asset management plan for the district incorporating a database, appropriate financial reserves and acknowledging disability issues.

#### FINANCIAL IMPLICATIONS

The plan is not a commitment to expend funds.

#### BACKGROUND

Each year staff prepare a draft plan that is advertised for 42 days for public comment then put to Council, together with any comments received, for adoption.

The plan went before Council in April 2005 and Council resolved as follows:

*That Council receive the attached draft Principal Activities Plan for the period 1 July, 2005 to 30 June, 2009 and advertise the plan for public comment for forty two days.*

Advertisements were placed in the *Post Newspaper* and *West Australian Newspaper* on Saturday 30 April inviting submissions on the *Principal Activities Plan* by 4pm Monday 13 June, 2005. A notice was put on Council's notice boards and on its web site. No submissions had been received at the time of writing this report.

#### CONSULTATION

Submissions sought but none received.

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**STAFF COMMENT**

The *Principal Activities Plan* for the period July 2005 to June 2009 was prepared with input from relevant managers and other members of staff based on underlying programs where these existed.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.3.7 OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council adopt the *Principal Activities Plan* for the period 2005-2009 as presented.**

Carried 10/0



**10.3.8 COTTESLOE CIVIC CENTRE GARDENS- NATIONAL TRUST APPEAL**

**File No:** C4.9  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to recommend to Council that it proceed to canvass the willingness of appropriate persons to join a committee or become a possible patron to assist with the fundraising aspects of the National Trust Appeal. Also to request that council members submit names of possible committee members, particularly a possible chairperson of the committee, or a possible patron.

**STATUTORY ENVIRONMENT**

The Local Government Act provides as follows:

*5.8. Establishment of committees*

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

*5.9. Types of committees*

*(1) In this section*

*“other person” means a person who is not a council member or an employee.*

*(2) A committee is to comprise,*

*(a) council members only;*

*(b) council members and employees;*

*(c) council members, employees and other persons;*

*(d) council members and other persons;*

*(e) employees and other persons; or*

*(f) other persons only.*

*5.10. Appointment of committee members*

*(1) A committee is to have as its members,*

*(a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b) and*

*(b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

*(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

*(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section*

52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish;

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The appointment of the committee would be the subject of a further report to Council and should have no financial impact, however its activities are expected to provide funding for Civic Centre works.

## **BACKGROUND**

Administration has been working with consultants, Solutions for Heritage, for some time on putting appeal together and the process was significantly progressed with a SWOT analysis conducted last year with the assistance of the Mayor, Deputy Mayor and standing committee presiding members. The consultants have recommended that the appeal focus on the gardens rather than the internal parts of buildings as these are the most accessible and recognisable areas. The lions share of the estimated \$3m of expenditure requirements also relate to the gardens, hence the suggested title "Cottesloe Civic Centre Gardens Appeal"

The next and vital stage in the process is to form a committee to work on fundraising and to appoint an appeal patron. The Mayor, Deputy Mayor and standing committee presiding members available at the time met with the consultants on 13 June, 2005 to discuss a strategy for this stage. The proposal is that a committee be formed with two members of Council plus six to eight members of the community. It may be preferable to also have a patron, but this could be left for the committee to consider in due course. Also that the process be for Councillors to submit the Manager of Corporate Services a suggested list of names for committee membership, including a chairperson and/or patron, who in turn might suggest other appropriate committee members. It is intended that the Mayor, Deputy Mayor and standing committee presiding members, with assistance from the Manager Corporate Services, to collate the lists to form the basis of a recommendation to a subsequent meeting of Council after nominees have been canvassed.

The consultants have provided the following as a guide to the role of the proposed committee:

### **ROLE OF THE FUNDRAISING COMMITTEE**

*The Cottesloe Civic Centre Gardens Appeal Fundraising Committee acts as the steering group for the appeal. The committee's duties will be to:*

- *Maintain an effective appeal which operates under good governance practice*
- *Adopt an appropriate fundraising strategy and supervise its ongoing implementation.*
- *Oversee the development of appropriate promotional and administrative literature.*
- *Ensure that there are sufficient funds for all allocated expenditure.*
- *Support the objectives of the appeal through advocacy, public debate and personal involvement.*
- *Guide and lead those making contact with potential donors.*
- *Ensure that the appeal maintains sufficient funds to cover all planned activities.*
- *Plan and manage fundraising events and activities.*
- *Manage the costs of fundraising.*

*The fundraising process will involve members of the committee in the following way:*

- *Guiding the fundraising process*
- *Helping identify potential donors*
- *Supplying intelligence on donor prospects*
- *Making introductions to potential donors*
- *Helping in encouraging the support of donors*
- *Being willing to make some approaches to potential donors*
- *Assisting in publicising the Appeal*
- *Believing in the project*

### **CONSULTATION**

The author has consulted with all members of Council over time, the consultants and other staff.

### **STAFF COMMENT**

It is suggested that this is probably the most important phase of the project as the proposed committee will spearhead the fundraising and the patron will constitute the very important public face of the appeal.

It is recommended that Councillors lodge their suggested list of names with the Manager Corporate Services by 8 July 2005 and that the Mayor, Deputy Mayor and standing committee presiding members be empowered to reduce the list to six to eight people to be contacted and invited to sit on the committee. Further that this be followed by a report to the August meeting of Council recommending that the committee be formed and its draft membership ratified.

**VOTING**

Simple majority.

**COMMITTEE COMMENT**

Nil

**10.3.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Morgan, seconded Cr Furlong

**That Council:**

- (1) Foreshadow the formation of a Cottesloe Civic Centre Gardens Appeal Fundraising Committee and the possible appointment of an appeal patron;**
- (2) Request Council members to lodge a list of potential committee members, chairperson and/or patron with the Manager Corporate Services by 8 July, 2005; and**
- (3) Authorise the Mayor in conjunction with the Deputy Mayor and standing committee presiding members to review the lodged lists of names, contact and obtain agreement from relevant people and recommend to the August meeting of Council members for the committee and a possible patron.**

Carried 10/0

**10.3.9 COTTESLOE CIVIC CENTRE – ACCOMODATION OPTIONS**

<b>File No:</b>	<b>C 4</b>
<b>Author</b>	<b>Alan Lamb</b>
<b>Author disclosure of interest</b>	<b>Nil</b>
<b>Report date</b>	<b>15 June 2005</b>
<b>Senior</b>	<b>Stephen Tindale</b>

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**SUMMARY**

The purpose of this report is to put before Council a consultant's report with options and a recommendation in relation to the review of office accommodation.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item originally came out of the *Strategic Plan Action Plan*.

**FINANCIAL IMPLICATIONS**

It is anticipated that consultant fees for the next phase will be in the order of \$40,000 and provision has been made in the 2005/06 budget for this.

**BACKGROUND**

Following a report to the Strategic Planning Committee in November, 2005 Council passed the following resolution at its 13 December, 2004 meeting:

*That Council:*

- (1) *Confirm its commitment to:*
  - (i) *retaining the Civic Centre as its administrative centre;*
  - (ii) *ensuring that a good standard of office space is provided for staff and in turn;*
  - (iii) *ensuring that customers are better served.*
- (2) *Obtain architectural plans for potential additions to the Civic Centre.*

In accordance with part 2 of the resolution Considine and Griffiths Architects P/L were engaged. The firm has a long association with the Civic Centre and was engaged to prepare the Conservation Plan in 1996 and has had involvement in conservation and maintenance work since.

**CONSULTATION**

Nil, other than with staff and the consultant.

**STAFF COMMENT**

It is suggested that the process should be for Council to review the consultants report and staff recommendations and select one (or perhaps two) options for further development and used for public consultation before a final decision is made. The consultant would further refine parameters, prepare schematic drawings, conduct the public consultation (includes involvement of Heritage Council) and come back with a report and drawings. It is anticipated that this would be done during 2005/06 and that any building work would not commence till 2006/07. Any loan funds that may be required would need to be included in that year's budget. It is possible that this may coincide with development of the depot site and Council may choose to apply funds made available from the latter to this project.

As will be seen from the attached copy of the consultants report, current usage of the buildings has been reviewed, required space assessed and four options put forward. Three of the options feature extensions to the current structure and one features a new structure on the western-most lawn area. All options take into account Mustard Catering's assessment of its need for on-site space. They also make provision for Council to reoccupy the second story extension done in 1992 to provide for a committee room (this area was given over to administration in 1998 in response to growing accommodation needs). It should be noted that all costs suggested by the consultant and reproduced in this report are based on standard rates used for this purpose and are a guide only. The consultant also considered opportunities for deriving a revenue stream from the proposed expansion and option 4 reflects this. It also provides for future expansion. All options other than option 4 are expected to require the use of temporary accommodation whilst works are carried out.

The consultant notes that there is a need for works to be done to existing facilities to provide a higher level of amenity in existing facilities and that these works are required regardless of which option might be chosen. These works are as follows:

*War Memorial Town Hall – \$215,000*

*This provides an allowance to increase the functionality of the Jarrah room and enhance its use as a meeting hall with such things as, sound reinforcement, air conditioning and visual display facilities. This is considered a major upgrade to the current facilities*

*Function Rooms/ Lounge - \$175,000*

*A minor upgrade of the existing facilities and required maintenance to the lounge/ function room areas.*

*Council Chambers and Associated rooms - \$215,000*

*A minor upgrade and refit of the existing council chambers and associated rooms to provide more appropriate levels of servicing and finishes.*

*Arcade - \$85,000*

*As part of the ongoing conservation works an allowance has been made to reinstate the open arcade around the Jarrah room.*

*Existing Office Accommodation (Ground Floor) - \$165,000*

*The existing ground floor accommodation will require modification and upgrading as part of any upgrade of the existing accommodation.*

*This represents a base cost of \$855,000 to address the upgrading of the existing facilities. An optional cost in all schemes is the installation of a lift to improve access to all levels of the existing building; this represents an extra over cost in the order of \$200,000 to \$350,000.*

The following are the options put forward by the consultant:

***OPTION 1 - Addition/ Expansion of Current Accommodation***

*This option requires approximately 200m<sup>2</sup> of new accommodation, which corresponds to an estimated cost of \$345,000. This would result in an estimated total cost of \$1,200,000 with no significant increase in returns.*

***OPTION 2 - Addition & Relocation of Catering Services.***

*This option requires approximately 130m<sup>2</sup> of new accommodation, which corresponds to an estimated cost of \$225,000. A further additional cost is the refurbishment of the area previously occupied by the catering services contractor, which represents an additional 260m<sup>2</sup> at a cost of \$165,000. This would result in an estimated total cost of \$1,245,000 with no significant increase in returns. An indeterminate cost is that related to the relocation of the Catering Services, any future lease agreement will need to be negotiated to clarify the cost to be borne by each party. This option assumes the loss of the Lesser Halls as a facility or its replacement on site at a cost of say \$335,000.*

***OPTION 3 – Relocation of Catering Services & Retention of Caretakers Lodge***

*This option requires approximately 130m<sup>2</sup> of new accommodation, which corresponds to an estimated cost of \$225,000. Further additional costs are upgraded accommodation for Planning and Development Services and Community Safety, housed in the Caretakers Lodge, which represents an additional 146m<sup>2</sup> at a cost of \$92,000. The estimated total is \$1,172,000. There would be no significant increase in returns. An indeterminate cost is that related to the relocation of the Catering Services, any future lease*

*agreement will need to be negotiated to clarify the cost to be borne by each party. This option assumes the loss of the Lesser Halls as a facility or its replacement on site at a cost of say \$335,000. This option provides no significant increase in revenue.*

#### **OPTION 4 – Construction of a New Administration Building**

*This option requires approximately 980m<sup>2</sup> of new office space, of which 280m<sup>2</sup> is surplus space to generate a rental income, this represents an estimated cost of \$1,372,000. Upgrade work would still be required on the council chambers, jarrah room, lounge area and arcade, representing an additional estimated cost of \$690,000. The total estimated cost for this option is \$2,062,000. This excludes any work being undertaken to the existing offices once vacated. However, once a use is determined there would be some associated costs. This option provides for a significant increase in revenue returns to the council through the additional rent from the surplus floor area.*

The consultant calculated that the existing area was 1,145.8m<sup>2</sup> compared with an estimated requirement of 1,566.5m<sup>2</sup>, a short fall of 420.7m<sup>2</sup>.

To assist in the preparation of a recommendation for this report, all Civic Centre staff were provided with a copy of the report. A meeting was held to get the thoughts of staff on the option(s) to be recommended. At the meeting it was noted to staff that option 4 could be expanded to provide additional income potential that could make the financing of the project cost neutral. Staff noted that the consultant suggested that options 2 and 4 presented the best potential for meeting Council's needs and staff agreed with this. It was noted that option 2 resulted in the loss of the Lesser Hall (this option provides for Mustard Catering to occupy this area) and that if a new hall was required it could be built on-site for around \$335,000.

Staff favoured option 4 because it provided a green fields opportunity for better functionality of office space usage that would not be available with constraints of the areas currently used. They noted that there would be no disruptions to services or additional costs associated with the need for temporary accommodation and that there was a potential for income from a source other than the current catering lease arrangement. It was agreed that this aspect required a business case assessment of income potential.

It is suggested that when looking at looking at this item Council not be constrained by the current catering rights lease arrangements or the current lessees space requirements. There may well be other uses that do not require on-site space for the lease holder (note that the lease has expired and Mustard are using the facilities on a month by month basis at this time). Also it may be possible to gain a contribution toward some of the costs of proposed works (especially that associated with the War Memorial Hall as this will make the space more marketable) as part of any new leasing arrangement.



It is suggested that the estimated costs dictate that loan funds be considered. As staff favoured option 4 it is now used as an example of potential financing costs. This option would require loan funds of approximately \$2m which, based on current rates, would cost \$174,666 per annum over 20 years. Based on information supplied by the Valuer General's Office some time ago, office space in Cottesloe is worth between \$200 and \$250 per m<sup>2</sup>. Assuming a value then of \$225 per m<sup>2</sup> the 280m<sup>2</sup> space available for leasing under option 4 has a potential value of \$63,000 per annum. Assuming the currently occupied space in the main building could also be leased, this has a potential income of \$35,887 per annum and the two sources of income added together result a funding shortfall of \$75,112 per annum. Based on the same figures, doubling the size of the option 4 construction then would cost in the order of \$3.5m with an annual financing cost of \$304,722 and an annual income potential of \$319,387 indicating a surplus potential of around \$14,000. As noted previously, if this option is to be considered by Council it is recommended that a feasibility study be carried out to more properly assess the income potential. If this option is selected it is recommended that the community consultation focus on the importance of the western most lawn area, and loss of views from other areas of the Civic Centre to the community.

Option 2 provides the space required but dictates the loss of the Lesser Hall. This facility is used by a number of community groups, individuals and others for a variety of purposes. It is hired without supervision (that is a key is given to hirers who return the key at a later time/date) and so its use has a low impact on the operation of the organisation. Whilst no separate accounts are kept, based on a cost and income analysis done for a report last November, this hall costs around \$12,900 per annum and attracts income of around \$9,300, resulting in a net cost of \$3,600. While this is a loss, the hall nonetheless provides a community service that might not be easily met elsewhere. It is suggested that if this option is selected (or any other option that includes the loss of the Lesser Hall to the community) that community consultation require an assessment of the importance of this facility to the community.

As noted previously, alternative commercial uses of the Civic Centre may be viable and might not necessitate the provision of premises on site or the required premises might be of a different size etc to that which Mustard Catering has indicated. It is therefore recommended that Council explore usage options before deciding on an option to increase office space. Material supplied by the consultant could be used in the exercise to gain some indication of potential for a lessee to contribute toward some of the potential costs of the project for commercial uses. There may well be non-commercial options that better meet community requirements.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

The majority of the committee agreed that option 4 should not be further explored as it would be contentious and contrary to the spirit of Council's previous commitment to the Civic Centre.

**OFFICER RECOMMENDATION**

That Council, in order to gain more information before further addressing the office accommodation issue, engage a consultant in 2005/06 to assess usage options for the Cottesloe Civic Centre that provide either a commercial or community benefit, or both, optimise use of the facility, and at the same time meets the Council's and community's needs.

**10.3.9 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council**

- (1) Not proceed with further exploration of option 4; and**
- (2) In order to gain more information before further addressing the office accommodation issue, engage a consultant in 2005/06 to assess usage options for the Cottesloe Civic Centre that provide either a commercial or community benefit, or both, optimise use of the facility, and at the same time meets the Council's and community's needs.**

Carried 10/0

**10.3.10 TRANSFER OF FUNDS TO RESERVE**

**File No:** C7.6  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to recommend that Council transfer some funds for 2004/05 to specific reserve funds for use in 2005/06 or subsequent years.

**STATUTORY ENVIRONMENT**

The Local Government Act provides as follows:

**6.11. Reserve accounts**

*(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

*(2) Subject to subsection(3), before a local government*

*(a) changes\* the purpose of a reserve account; or*

*(b) uses\* the money in a reserve account for another purpose,*

*it must give one month's local public notice of the proposed change of purpose or proposed use.*

*\* Absolute majority required.*

*(3) A local government is not required to give local public notice under subsection (2)*

*(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*

*(b) in such other circumstances as are prescribed.*

*(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

*(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

**POLICY IMPLICATIONS**

Council's *Reserves Accounts Policy* applies.

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The recommendation is that funds from 2004/05 be set aside in reserve funds for use in 2005/06 or subsequent years. Setting funds aside in a reserve fund ties the money to the purpose the fund is set up for. It should be noted that no provision was made in the budget for the recommended transfers to reserve and so the 2004/05

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Budget should be amended if the transfers are agreed to. See Background for financial implications of each proposed transfer.

**BACKGROUND**

The following table sets out the detail of proposed transfers.

<b>DETAILS</b>	<b>\$</b>
Coast Care Officer– funding for Coast Care Officer from various sources tied to this purpose. The funds for transfer represent the difference between contributions received for the position and the cost of funding it in 2004/05. These funds that may be required to support the position in 2005/06 or subsequent years. The proposed transfer will have no affect on the year end position because the 204/05 budget provided for all funding support to be expended. In than year.	8,345
Cottesloe Community Safety and Crime Prevention Plan – Office of Crime Prevention grant received 2004/05 and tied to this purpose. Will not be spent in that year but should be spent 2005/06. The proposed transfer will have no affect on the year end position because the 2004/05 budget included provision for the \$10,000 grant to be expended in that year.	10,000
Computer Soft/Hardware Replacement – Funds set aside in the capital works section of 2004/05 budget for “records management system” will not be used in that year but will be required in 2005/06. The proposed transfer will have no affect on the year end position because the 2004/05 budget included provision for the \$35,000 to be expended in that year.	35,000
Cottesloe Town Centre Area Promotion – Funds raised in 2004/05 as a specified area rate for the purposes of funding town centre promotion will not be spent in that year but should be spent 2005/06. The proposed transfer will have no affect on the year end position because the 2004/05 budget included provision for the \$68,724 to be expended in that year.	68,724

**CONSULTATION**

Nil other than with staff.

**STAFF COMMENT**

It is recommended that the following new reserve funds be set up with the transfer of funds in 2004/05:

<b>RESERVE FUND TITLE</b>	<b>RESERVE FUND PURPOSE</b>
Coast Care Officer	The purpose of this reserve is to fund any funding shortfalls in the employment of the Coast Care Officer.
Cottesloe Community Safety and Crime Prevention Plan	The purpose of this reserve is fund the drafting and implementing the Cottesloe Community Safety and Crime Prevention Plan. (note funds from 2004/05 are for the plan but the reserve may have a purpose past this for subsequent years when Council may

	wish to put aside funds in any one year for a future years project)
Cottesloe Town Centre Area Promotion	The purpose of this reserve is to fund area promotion of the Cottesloe Town Centre.

The Computer Software/Hardware Replacement Reserve Fund is an existing fund that has the purpose "To fund the cost of replacing/upgrading of computer and ancillary equipment."

### VOTING

Absolute Majority

### COMMITTEE COMMENT

Nil

### OFFICER RECOMMENDATION

That Council

- (1) Amend the 2004/05 budget to provide for the following transfers to reserve:
  - \$8,345 to Coast Care Officer Reserve,
  - \$10,000 to Cottesloe Community Safety and Crime Prevention Plan Reserve,
  - \$35,000 to Cottesloe Town Centre Area Promotion Reserve,
  - \$68,724 to Computer Soft/Hardware Replacement Reserve; and
- (2) Transfer \$35,000 to the Computer Soft/Hardware Replacement Reserve and establish the following reserves with transfers as follows:

<i>Reserve Fund</i>	<i>Purpose</i>	<i>Amount \$</i>
Coast Care Officer	The purpose of this reserve is to fund any funding shortfalls in the employment of the Coast Care Officer.	\$8,345
Cottesloe Community Safety and Crime Prevention Plan	The purpose of this reserve is fund the drafting and implementing the Cottesloe Community Safety and Crime Prevention Plan.	\$10,000
Cottesloe Town Centre Area Promotion	The purpose of this reserve is to fund area promotion of the Cottesloe Town Centre.	\$68,724

### 10.3.10 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

**That Council**

- (1) **Amend the 2004/05 budget to provide for the following transfers to reserve:**
  - **\$8,345 to Coast Care Officer Reserve,**

- \$10,000 to Cottesloe Community Safety and Crime Prevention Plan Reserve,
  - \$68,724 to Cottesloe Town Centre Area Promotion Reserve,
  - \$18,182 to Town Centre Revitalisation Study,
  - \$35,000 to Computer Soft/Hardware Replacement Reserve; and
- (2) Transfer \$35,000 to the Computer Soft/Hardware Replacement Reserve and establish the following reserves with transfers as follows:

<i>Reserve Fund</i>	<i>Purpose</i>	<i>Amount \$</i>
Coast Care Officer	The purpose of this reserve is to fund any funding shortfalls in the employment of the Coast Care Officer.	\$8,345
Cottesloe Community Safety and Crime Prevention Plan	The purpose of this reserve is fund the drafting and implementing the Cottesloe Community Safety and Crime Prevention Plan.	\$10,000
Cottesloe Town Centre Area Promotion	The purpose of this reserve is to fund area promotion of the Cottesloe Town Centre.	\$68,724
Town Centre Revitalisation Study	The purpose of this reserve is to fund the Town Centre Revitalisation Study.	\$18,182

Carried 10/0

**10.3.11 DRAFT BUDGET FOR THE PERIOD 2005/06**

**File No:** C 7. 6  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 16 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to put the draft 2005/06 budget to Council.

**STATUTORY ENVIRONMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

None, other than those shown in the draft budget.

**BACKGROUND**

Nil

**CONSULTATION**

The draft budget has been developed with wide involvement of staff and three workshops/briefing sessions were held for Councillors and senior staff.

**STAFF COMMENT**

The draft budget is presented to the Works and Corporate Services Committee for its consideration and recommendation to Council.

**VOTING**

Absolute Majority

**COMMITTEE COMMENT**

The Manager Corporate Services tabled take from the most recent budget workshop that included a spreadsheet to track changes made to an earlier draft of the budget and reconciled with the current draft. The MCS noted to the meeting that these notes and the spreadsheet included further changes required to be made to the presented draft. One related to the Town Centre Revitalisation project which was not now expected to be commenced in the current year and so grant funding and corresponding expenditure needed to be carried through to 2005/06. The other related to an adjustment to transfers from the Area Improvement and Waste Management reserves

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There was some feeling within the committee that a 5% rate increase was too high and that 3% would be more suitable.

The Manager Corporate Services also clarified to the committee that re-valuations may have increased some properties rates, rather than the 5% rates increase. He also provided an indication of what the re-valuation figures are.

Mayor Morgan clarified to the committee that the rates increase is to provide more funds for the town's assets, the proceeds from the sale of Eric Street land would be used for the Civic Centre works.

#### **OFFICER & COMMITTEE RECOMMENDATION**

(1) ADOPTION OF 2005/06 BUDGET – SECTION 6.2 LOCAL GOVERNMENT ACT, 1995

That Council:

- (a) Adopt the budget for the financial year ending 30 June, 2006;
- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June, 2006;
- (c) Endorse the Statement of Amount to be made up from Rates for the financial year ending 30 June, 2006; and
- (d) Endorse the Operating Statement Budget showing expenditure of \$7,333,734 and revenue of \$7,846,707 for the financial year ending 30 June, 2006.

(2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995

That Council:

(a) General Rate

Impose a rate of 7.273 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June, 2006.

(b) Minimum Rate

Impose a minimum rate of \$656.00 for the financial year ending 30 June, 2006.

(c) Refuse Collection

Include a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish and a 240 litre MGB for recyclable household rubbish in the rate charge for residential properties. Additional services per week for residential properties to be charged at the rate of \$206.00 (inclusive of GST) per annum.



The following charges apply to commercial properties:

- General rubbish – one service per week – 240 litre MGB - \$206.00 per annum (inclusive of GST),
- Recycling – one service per fortnight – 240 litre MGB - \$103.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$206.00 per annum (inclusive of GST).

(d) Administration Charge – Section 6.45(3) Local Government Act, 1995

Impose an administration charge of \$42.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) Interest – Section 6.51 Local Government Act, 1995

Apply an interest rate of 11% per annum to rates and service charges levied in the 2005/06 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) Rates Instalment Payment Option

Adopt the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 30<sup>th</sup> August, 2005
- Second instalment due by 28<sup>th</sup> October, 2005
- Third instalment due by 5<sup>th</sup> January, 2006
- Fourth instalment due by 9 March, 2006.

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

Include for the purposes of area promotion, the raising of a specified area rate of 1.5 cents in the dollar on the gross rental valuations of all of

the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

- (3) INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995

That Council:

Apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

- (4) MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995

That Council:

Set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

- (5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995

That Council:

Set a mayoral allowance of \$5,000 and set a deputy mayoral allowance of \$1,000.

- (6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995

That Council:

Set a telecommunication allowance of \$1,600 for elected members.

#### **AMENDMENT**

Moved Cr Utting,

That the rates increase is to correspond with the CPI.

Lost for want of a seconder

#### **10.3.11 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

- (1) **ADOPTION OF 2005/06 BUDGET – SECTION 6.2 LOCAL GOVERNMENT ACT, 1995**

**That Council:**

- (a) Adopt the budget for the financial year ending 30 June, 2006;**

- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June, 2006;
- (c) Endorse the Statement of Amount to be made up from Rates for the financial year ending 30 June, 2006; and
- (d) Endorse the Operating Statement Budget showing expenditure of \$7,333,734 and revenue of \$7,846,707 for the financial year ending 30 June, 2006.

(2) **ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995**

That Council:

(a) **General Rate**

Impose a rate of 7.273 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June, 2006.

(b) **Minimum Rate**

Impose a minimum rate of \$656.00 for the financial year ending 30 June, 2006.

(c) **Refuse Collection**

Include a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish and a once per fortnight service of a 240 litre MGB for recyclable household rubbish in the rate charge for residential properties. Additional services per week for residential properties to be charged at the rate of \$206.00 (inclusive of GST) per annum.

The following charges apply to commercial properties:

- General rubbish – one service per week – 240 litre MGB - \$206.00 per annum (inclusive of GST),
- Recycling – one service per fortnight – 240 litre MGB - \$103.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$206.00 per annum (inclusive of GST).

(d) **Administration Charge – Section 6.45(3) Local Government Act, 1995**

Impose an administration charge of \$42.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) **Interest – Section 6.51 Local Government Act, 1995**

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Apply an interest rate of 11% per annum to rates and service charges levied in the 2005/06 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) **Rates Instalment Payment Option**

Adopt the following rates instalment options:

**Option 1**

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

**Option 2**

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 30<sup>th</sup> August, 2005
- Second instalment due by 28<sup>th</sup> October, 2005
- Third instalment due by 5<sup>th</sup> January, 2006
- Fourth instalment due by 9 March, 2006.

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

Include for the purposes of area promotion, the raising of a specified area rate of 1.5 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

(3) **INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995**

That Council:

Apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

(4) **MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995**

That Council:

Set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

- (5) **MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995**

**That Council:**

Set a mayoral allowance of \$5,000 and set a deputy mayoral allowance of \$1,000.

- (6) **TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995**

**That Council:**

Set a telecommunication allowance of \$1,600 for elected members.

Carried 7/3

## 10.4 ENGINEERING

### 10.4.1 REMOVAL OF TWO PEPPERMINT TREES, WILLIAM STREET, COTTESLOE

**File No:** E17. 5  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 8 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

Staff have noted two trees requiring removal in William Street, to the rear of properties fronting Grant Street. One tree is dying. The other large tree is split into two separate trunks with a large central core removed by white ants/rotting.

A letter was sent to affected properties, advising of the intended removal of the two trees. Letters have been received requesting that one or both trees remain.

A tree expert has inspected and recommends that both trees be removed.

This report also recommends that both trees be removed.

#### STATUTORY ENVIRONMENT

Council has responsibility under the Local Government Act for the care, control and maintenance of the road reserve. This includes all street trees and the road verge.

#### POLICY IMPLICATIONS

Council adopted a new *Street Tree* policy in February, 2005 which states:

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
  - restoration of a view,
  - alternative species requested by resident,
  - a desire to re-landscape,
-

- house alterations requiring crossover relocation,
  - shading of lawns, pools,
  - swimming pool installation – root or falling leaf problems,
  - perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
  7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
  8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
  9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;
- aggressive self seeding; and
- unacceptable toxicity.

## STRATEGIC IMPLICATIONS

The most applicable section of the Strategic plan is:

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

## FINANCIAL IMPLICATIONS

The removal of these two trees, stump grinding and replanting would cost approximately \$1,500 from Council's operating budget allocation for tree removals/establishment.

## BACKGROUND

There are many old trees in Cottesloe, some of which need removal and replacement each year due to death, dangerous condition, problems to houses and crossovers, storm damage etc.

Many of the species chosen have proved to be incompatible with narrow street verges, urban land use, multiple service trenches through their roots and other problems.

One major problem with street trees close to road edges, houses and footpaths is the liability issue. Most residents want quality street trees near their properties for shade, aesthetic reasons and protection from winds, but are bothered by leaf litter, root intrusion into drains, broken branches etc. If there is damage to property or persons from a street tree known to be dangerous then Council has a liability problem,

regardless of whether the person wishing to sue Council for damages originally wanted the dangerous trees retained or not.

One letter was received from No. 2 William Street, four from residents in No. 110 Grant Street and one from 12 William Street supporting the retention of the large split tree behind No. 112 Grant Street, with lesser support for the tree behind No. 116 Grant Street.

### **CONSULTATION**

This report is a result of affected property owners/residents being informed of a proposal to remove two dead or dangerous trees.

### **STAFF COMMENT**

The people employed for their expertise, Council's Works Supervisor and the specialist consultant, both recommend the removal of the trees.

Local residents are not the responsible body for the safety of street trees. Council is. An expert opinion would be rejected at Council's liability peril.

The large split Peppermint tree is very close to a double garage and just behind the kerb line. Public safety is the paramount consideration and this must be a question mark if the tree remains.

It is proposed that both trees be replaced with the same species.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

The Manager Engineering Services spoke on the City of Subiaco's tree preservation policy. Ill suited trees were being replaced with more suitable varieties. He noted that if the tree at the rear of 112 Grant Street fell over it may go directly across the crossover and if someone was injured or something was damaged the Council would be legally liable. If and when the tree was removed it would be replaced with another peppermint tree.

Cr Utting stated that he would like the item to be deferred to allow for a meeting with the affected residents.

### **OFFICER & COMMITTEE RECOMMENDATION**

That Council:

- (1) Remove the two Peppermint trees in William Street, Cottesloe at the rear of 112 and 116 Grant Street and replace them with new Peppermint trees; and
- (2) Inform the residents, who have requested their retention, of the reasons for their removal.



**AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

That Council:

- (1) Remove the Peppermint tree at William Street, situated at 116 Grant Street and replace with a new Peppermint tree.
- (2) Request staff to explore options to preserve the Peppermint tree at the rear of 112 Grant Street and present same to Council; and
- (3) Inform residents and petitioners of the above and the reasons for removing the tree at 116 Grant Street.

Carried 9/1

**10.4.1 COUNCIL RESOLUTION**

Moved Cr Cunningham, seconded Cr Strzina

That Council:

- (1) Remove the Peppermint tree at William Street, situated at 116 Grant Street and replace with a new Peppermint tree.**
- (2) Request staff to explore options to preserve the Peppermint tree at the rear of 112 Grant Street and present same to Council; and**
- (3) Inform residents and petitioners of the above and the reasons for removing the tree at 116 Grant Street.**

Carried 9/1

**10.4.2 REQUEST - STREET TREE ON ADJACENT NEIGHBOURS VERGE - 66 JOHN STREET**

**File No:** E17. 5  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The owner of 71 John Street has requested Council to plant a Norfolk Island Pine tree on the verge in front of the adjacent neighbours property at 66 John Street, to fill a gap in the tree line.

This report recommends no further action on this matter.

**STATUTORY ENVIRONMENT**

Council has the vested responsibility under the Local Government Act for the care, control and maintenance of the road reserve. This includes all street trees and the road verge.

**POLICY IMPLICATIONS**

Council adopted a new *Street Tree* policy in February, 2005 which states:

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
  - restoration of a view,
  - alternative species requested by resident,
  - a desire to re-landscape,
  - house alterations requiring crossover relocation,
  - shading of lawns, pools,
  - swimming pool installation – root or falling leaf problems,
-

- perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
  7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
  8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
  9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;
- aggressive self seeding; and
- unacceptable toxicity.

## STRATEGIC IMPLICATIONS

The most applicable section of the Strategic plan is:

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

## FINANCIAL IMPLICATIONS

Nil

## BACKGROUND

The owner of 71 John Street has a young Norfolk Island Pine tree growing in a gap between mature pine trees in front of his property. He believes the owner of 66 John Street should accept a new pine tree to fill the existing gap on the other side of the street.

The policy on street trees does not require the mandatory filling of every gap in lines of street trees in the town.

This gap in the tree line in front of 66 John Street has existed for a number of years. There are a number of other gaps in the tree line of Norfolk Island Pines along John Street, as there are on most townsite verges.

The procedure for street tree planting in the town requires a 30 metre overall gap so that each new tree is at least 15 metres away from other trees. The overall gap in this case is 23 metres.

**CONSULTATION**

The two affected residents have had input on this matter. No other consultation has taken place.

**STAFF COMMENT**

In the situation where a street tree has been missing for a number of years and the affected resident does not want one planted in the gap, the existing or previous policy gives no staff direction.

There are many gaps in street tree lines, both in high impact 'icon' Norfolk Island Pine tree lines and all other species. In the case of John Street there are five gaps between Broome Street and Marmion Avenue and approximately 10 gaps for the whole street length. If one gap must be filled then, to remove bias, all gaps should be filled regardless of owner support or rejection.

The procedure part of the previous policy quotes 15 metres as the preferred distance between street trees. Staff have enough problems re-establishing new street trees and keeping them alive without forcing trees onto unsympathetic owners and residents, particularly if the species selected clashes with the species of trees and shrubs planted on private properties. Large root areas, the affect on surrounding soils (acidic or alkaline), over shadowing by large trees, etc are typical reasons as to why some residents feel strongly against the planting of potentially large trees.

There have been situations where several attempts at establishing trees on certain verges have resulted in failure, with staff understanding when it is better to let it go and invest effort in other areas where tree establishment is welcomed.

**VOTING**

Simple Majority

**DECLARATION OF PROXIMITY INTEREST**

Cr Jeanes made a declaration of proximity interest as the owner of the property immediately adjoining the road reserve and left the room at 9.06pm and did not take part in the debate or vote.

*Cr Cunningham left the meeting at 9.06pm.*

**COMMITTEE COMMENT**

The committee felt that as the Council did not have a policy on infill, the inclusion of part (3) of the Officer Recommendation could be problematic in its application as it invited potential disputation on an ad-hoc basis.

**OFFICER RECOMMENDATION**

That Council:

- (1) Inform the owner of 71 John Street that it will not be planting a Norfolk Island Pine tree in front of 66 John Street;

- (2) Inform the owner of 66 John Street of Council's decision; and
- (3) Add a point #10 to its *Street Tree* policy stating :
  - (a) "In the case where strong objections are made by the adjacent landowner regarding the proposed infill of a gap in the verge street tree line with a new tree, then the Manager Engineering Services will determine the need for such a tree being planted, after all relevant discussions have been concluded."

#### **10.4.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Dawkins

**That Council:**

- (1) Inform the owner of 71 John Street that it will not be planting a Norfolk Island Pine tree in front of 66 John Street; and**
- (2) Inform the owner of 66 John Street of Council's decision.**

Carried 8/2

*Cr Jeanes returned to the meeting at 9.07pm.*

*Cr Cunningham returned to the meeting at 9.07pm.*

**10.4.3 REQUEST FOR THE REMOVAL OF TAMARISK TREES IN GORDON STREET**

**File No:** E17.10.40 & E17.5  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A letter has been received from 109 and 111 Eric Street requesting the removal of Tamarisk trees in Boreham Street due to the mess and blocked drains created from heavy leaf/needle drop from those trees.

This report recommends that affected residents be given copies of the arboricultural report and asked for comments before being reconsidered by Council in August, 2005.

**STATUTORY ENVIRONMENT**

Council has the vested responsibility under the *Local Government Act* of care, control and maintenance of the road reserve. This includes all street trees and the area of the verge, including crossovers.

**POLICY IMPLICATIONS**

Council adopted a new *Street Tree* policy in February, 2005 which states:

**OBJECTIVE:**

To recognise the environmental and aesthetic contribution that street trees make to the continuing development and presentation of streetscapes, by:

- selecting, planting and maintaining street trees, which enhance both existing and future streetscapes;
- creating a setting in sympathy with the function and appearance of the adjacent land uses, a safe and comfortable pedestrian environment, and cater for vehicular traffic;
- promoting the use of indigenous vegetation, including trees, on road reserves, to extend the habitat of native birds and animals in urban areas.

**PRINCIPLE:**

Street trees should be established on every street and road in the Town of Cottesloe, with one tree fronting every property, supported by proper systems of protection, watering, pruning and processes for species selection.

**ISSUES:**

- A balance is required between the Norfolk Island Pine tree as the Cottesloe 'Icon' tree and other tree species.
- Many existing tree species in Cottesloe were poorly chosen in the past and these mature trees are providing a variety of problems.
- The large range of street verge widths, up to 15 metres wide requires flexibility in species choice and planting locations to achieve the one tree per property aim.
- Ratepayers and residents vary in their attitudes to street trees and individual trees may suffer damage or die from 'unknown causes' in areas where they cause problems to houses and properties.

- Street trees can be a major source of public liability concerns due to root damage of drainage, paths, kerbing and crossovers on the verge and a variety of problems in private property.
- Supporting street trees on every verge is an expensive task, requiring substantial annual budget support. Normal maintenance costs are ongoing and the cost of damage caused by street trees in major storms can be very high.

**POLICY:**

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
  - restoration of a view,
  - alternative species requested by resident,
  - a desire to re-landscape,
  - house alterations requiring crossover relocation,
  - shading of lawns, pools,
  - swimming pool installation – root or falling leaf problems,
  - perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
  7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
  8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
  9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;
- aggressive self seeding; and
- unacceptable toxicity.

**STRATEGIC IMPLICATIONS**

The most applicable section of the Strategic Plan is:

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

**FINANCIAL IMPLICATIONS**

Approximately \$5,000 for the removal of two trees, stump grinding and pruning of the remaining 10 trees.

**BACKGROUND**

Tamarisk trees are no longer planted as verge trees in Cottesloe. Any Tamarisk trees removed are replaced with a different species.

Council's policy states that tree removals are a last resort and should not be based on reasons such as creating a mess. In this case, the tree type is not totally suitable for a narrow verge, creates a mess and needs proper ongoing heavy pruning and tends to shed branches.

As the trees become fully grown, there is a much larger expanse of root systems and branches to affect paths, kerbs, drains, road surfaces and private properties.

**CONSULTATION**

This item is a result of requests from two affected property owners for tree removal. No consultation with other property owners in Gordon Street has occurred.

**STAFF COMMENT**

Specialist arboricultural report for these trees (12) gives three options, ranging from heavy pruning, removal of two trees, plus lopping and heavy pruning of the rest or removal of all 12 trees and replacement with WA Weeping Peppermint trees, to match those growing at the southern end of the street.

The report explains the extreme capacity of Tamarisk trees to survive virtually any damage or pruning, to grow very large invasive root systems and the large volume of debris dropped for the life of these trees.

Many long water shoots have grown from previous pruning efforts, some up to 9 metres long.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.4.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Morgan, seconded Cr Strzina

**That Council:**

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- (1) Provide a copy of the arboricultural report to all affected landowners fronting Gordon Street for the section along which the Tamarisk trees grow, with a request for their comments on the three options provided; and
- (2) Reconsider this matter when any comments provided from affected Gordon Street residents are available, in the July meeting.

Carried 10/0

**10.4.4 2005/2006 DRAFT BUDGET - SALE OF ERIC STREET LAND**

**File No:** C 7. 6  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

This report deals with the results of community consultation regarding the sale of 103 Eric Street, Cottesloe.

The recommendation is for the sale of this property to be included in the 2005/2006 budget.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

One of the objectives of Council's Strategic Plan is to "Produce and implement a realistic 5 year plan for the maintenance of all major assets".

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

In November 2004 a report was put to Council concerning the diversion of stormwater from the Eric Street sump to the Railway Street road reserve.

It was resolved

*That Council obtain construction/design plans and installation quotations prepared for consideration by Council at a future meeting, to install a drainage pipeline on the south side of Eric Street from the frontage of Lot 14 to the west side road verge of Railway Street, south of Eric Street, to allow the removal of the drainage sump function of Lot 14 Eric Street.*

A further report was made to the February 2005 meeting of Council where it was resolved:

*That Council:*

- (1) Budget in the 2005/06 financial year to undertake the installation of 30 soak pits in the Lyons Street drainage catchment plus the sale of Lot 8 (No. 45) Lyons Street and Lot 14 (No. 103) Eric Street, Cottesloe;*
- (2) Obtain market valuations on both sale properties for budgeting purposes;*

- (3) *Accept the quotation provided by the Town of Mosman Park of \$195,500 for the installation of a 450mm diameter pipeline in Eric Street to divert water from Lot 14 (No. 103) Eric Street to Railway Street, with a start of works in June, 2005;*
- (4) *Inform affected residents in Eric Street of the nature of these drainage works, the reasons for installation and to give assurance that all verge damage will be totally rectified at Council's cost; and*
- (5) *Fund the installation of drainage improvements on Eric Street and in the Lyons Street catchment area from the sale of Lot 8 (No. 45) Lyons Street and Lot 14 (No. 103) Eric Street with surplus funds from the sale of these properties to be placed in the existing 'Area Improvement' Reserve Account for Infrastructure installation and upgrading.*

With a view to implementing the February 2005 resolution of Council, staff have prepared a draft budget for 2005/2006 which envisages the installation of drainage improvements on Eric Street and in the Lyons Street catchment area from the sale of Lot 8 (No. 45) Lyons Street and Lot 14 (No. 103) Eric Street with surplus funds from the sale of these properties being placed in the existing 'Area Improvement' Reserve Account for infrastructure installation and upgrading.

### **CONSULTATION**

At a budget meeting held on the 20<sup>th</sup> April 2005 concern was expressed by a number of Councillors at the potential for public criticism of Council for failing to undertake meaningful community consultation on the proposed sale of land.

Staff were therefore requested to prepare an urgent notice of motion for the next meeting of Council so that by the time the budget is ready for adoption, Council will have a view from within the community on the proposed sale of land.

Council resolved to undertake to "consult with the community, as a whole, on the proposed sale of land and associated works program. This consultation has been completed.

### **STAFF COMMENT**

Only one letter has been received regarding the proposal to sell 103 Eric Street, Cottesloe. The letter received, from SOS Cottesloe (Inc) is not opposed to the sale but gives a recommendation that all proceeds from the sale be used for a "heritage – conservation incentive fund." Previously, Council discussions, particularly in the three draft 2005/2006 budget workshops, centred on this proposed income being directed towards infrastructure improvement type projects.

Such projects have either been adopted by Council through the various five year infrastructure plans, the need to address the funding requirements for the Civic Centre or for future demands from the expected repairs to the Cottesloe Beach Groyne and Foreshore improvements.

### **VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.4.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Furlong

**That Council:**

- (1) Proceed with the inclusion of the sale of 103 Eric Street, Cottesloe during the 2005/06 financial year, with this expected income to be included in the budget document; and**
- (2) Inform SOS Cottesloe (Inc) that the sale of 103 Eric Street, Cottesloe will be included in the 2005/06 budget document, with the proceeds being used for infrastructure type projects for the benefit of the total community.**

Carried 9/1

**10.4.5 MAINTENANCE OF ROAD RESERVE VERGE PARKING AREAS POLICY**

**File No:** E17. 1  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 8 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

At its April, 2005 meeting Council resolved to have a report presented on “long term policy options as regards to maintenance agreements and the cost of maintaining carparks on road reserves predominantly used for private parking”.

This report provides a proposed policy on this matter.

**STATUTORY ENVIRONMENT**

The *Local Government Act* vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's *Activities on Thoroughfares and Trading on Thoroughfares and Public Places* local law gives Council significant powers to prevent, allow and control activities on the road reserve.

**POLICY IMPLICATIONS**

There are no specific policies on the subject matter but the most applicable is *Parking – Residential*.

**OBJECTIVE**

To encourage property owners to provide sufficient on site parking.

To minimise vehicle damage to road verges.

To provide guidelines for temporary parking areas on road verges where conventional on site parking cannot be achieved.

**PRINCIPLE**

On-site parking should be provided on all residential lots in accordance with the residential Planning Codes, Town Planning Scheme and decisions of Council. Council recognises that there are occasions where this is not immediately possible and temporary solutions may be required.

**ISSUES**

Verges are part of the road reserves, and as such are not a parcel of land which can be developed in such a way that property rights to individuals may accrue. Residents who may be granted approval to develop verge parking need to be aware that the land remains under the ultimate control of Council.

Continuous or regular parking on verges can cause serious damage to the verge surface, creating dust problems in summer and mud problems in winter. Paving verges continues the extension of hardstanding areas which may contribute to an ongoing drainage problem, as well as difficulties for the healthy growth of street trees and other nearby plants. Verge parking on a

regular basis should be discouraged and should not contribute to drainage responsibilities of Council, or significantly disadvantage local plant life.

The general provisions of this policy will apply to all existing verge parking areas including crossovers made obsolete by redevelopment, or the construction of walls, or other obstructions.

The provisions of the Local Government Act, Cottesloe Council Local Laws, Town Planning Scheme and relevant Policies will apply.

**POLICY**

- 4.1 The Chief Executive Officer is delegated responsibility to approve residential parking other than on-site parking.
- 4.2 In the event of any redevelopment, any verge parking area approved in accordance with this policy, or by any previous decision of Council, or any vehicle crossing place made obsolete, is to be removed and the verge reinstated at no cost to Council.
- 4.3 Applications for a verge parking area should detail the special circumstances which currently prevent vehicle access onto private property.
- 4.4 Council reserves the right to order the removal of any verge parking area which is not built, used, or maintained to the satisfaction of Council.
- 4.5 Council, pursuant to Clause 4.4 above, will consider an application for the construction of a verge parking area as a temporary measure in the following circumstances only:
  - (a) where the applicant acknowledges that the verge parking area is to be totally removed at no cost to Council if the property is redeveloped, or if the removal is required by Council;
  - (b) where vehicle access onto private residential property cannot reasonably be gained by a conventional vehicle crossover, or from a trafficable right of way;
  - (c) where a vehicle cannot be accommodated on site due to insufficient area, or major variation of natural ground levels, or where access to available space on-site is an unreasonable expectation, or
  - (d) where on-site parking, with turn around space on a busy road cannot be reasonably achieved, and
  - (e) where a vehicle may be safely accommodated on the verge without adversely affecting the sight distance.
- 4.6 Construction of a temporary verge parking area shall be in accordance with written approval in regard to the following conditions:
  - (a) the dimensions and finished level of a verge parking area being consistent with the specification for a single width vehicle crossing place;
  - (b) provision for two vehicles parked in tandem if space permits;
  - (c) a standard concrete kerb entry being built in accordance with the design for a brick paved crossover.
  - (d) the surface being protected paving brick, approved by the Manager of Engineering and laid on a sand bed evenly graded to conform with verge levels;
  - (e) provision being made for the disposal of all stormwater in close proximity without contributing water to the road/public drainage system;
  - (f) existing or proposed verge parking areas are not to include any fence or sign, which restricts usage to any property owner, occupier, business or customer.

- (g) reinstatement resulting from excavation by other service authorities, or by Council in the course of road works, is to be carried out at the expense of the property owner.
- 4.7 Paved set down areas will be considered in special circumstances for approval on road verges where the following applies:
- (a) The set down area will be limited to one bay, 6m long by 2.7m wide, at a right angle to the kerbline and immediately behind the kerbline.
  - (b) A footpath from the set down area to the private property, maximum width 1.2 metres, may be approved.
  - (c) If the surface of an original crossover is being converted to this use, then the remainder of the crossover is to be removed and replaced with indigenous native plant species in a non-lawn setting.
  - (d) Wherever possible, drainage water from the verge, in this situation, is to be controlled and directed into a private soak pit.
  - (e) Where existing parking restrictions are compromised by this approval, the applicants will find the change of signage necessary to allow "Authorised Vehicles Only" signs for the set down area plus any other required sign changes.
  - (f) This approval, if given, for a set down area, does not grant the right for full time long term parking. Its use is restricted to short term visits, mail and other forms of deliveries, and to aid the infirm and disabled to access private properties as visitors.
  - (g) Applicants for the approval of "Set Down Areas" must demonstrate the difficulties in the normal form of access from rear ROW or parking areas on adjacent streets or formal parking bays. Other factors would include narrow laneway widths, extreme level changes on existing vehicle ROW accesses and problems of access for the frail and disabled.

**RESOLUTION NO:** 13.2.1  
**ADOPTION DATE:** 24 March, 2003  
**REVIEW DATE:** March, 2008

### **STRATEGIC IMPLICATIONS**

The only applicable heading is:

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

### **FINANCIAL IMPLICATIONS**

Potential for Council expenditure on private car parking areas built on road verges to ensure public safety.

### **BACKGROUND**

This matter stems from a Council realisation that old car parks built on the road verges will reach a stage where considerable repair and upgrading works may be required on the asphalt surface, drains, kerbs and other components on those sites, to ensure the required level of public safety.

The road verge responsibility rests with Council and some form of agreement/understanding is required to ensure those who gain most use of these parking areas

are responsible for ongoing maintenance and eventual upgrading, with Council filling that role for the general public.

Many of the older sites have had property ownership changes, or a change in use of the property e.g. institutional use property sold to private owners. With the community becoming even more litigious, Council requires this lack of private responsibility addressed.

### **CONSULTATION**

This draft policy will require the standard level of public consultation prior to it being returned to Council for formal adoption.

### **STAFF COMMENT**

The road verge is an important asset to the Town of Cottesloe and its residents and businesses. It is Crown land, vested in Council, and is Council's responsibility for care, control and maintenance. Because of the growing concerns regarding liability for accidents on the total road reserve area, this policy is required, to ensure obstacles are removed from the provision of quality, maintained car parking areas, regardless of the original constructing body or any level of restricted use.

All constructed infrastructure decreases in quality with age. Proper provision must be made for sustainable maintenance. Council can achieve this through its ongoing five year programs. The body gaining value from restricted use verge car parking must also be made responsible for such sites or the sites should be removed.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Nil

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Agree in-principle to the content of the draft Maintenance of Road Reserve Verge Parking Areas policy;**
- (2) Agree to apply the requirements of the Consultation policy to inform ratepayers, residents and stakeholders involved in road verge parking areas of the draft policy; and**
- (3) Consider all comments and suggested changes from the outcomes of this consultation, for formal adoption of the final policy for Maintenance of Road Reserve Verge Parking Areas, at the August, 2005 meeting.**

Carried 10/0



**10.4.6 INTEGRATED REVITALISATION PLAN FOR STIRLING HIGHWAY**

**File No:** E17.10.90  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Council received the report completed by Estill and Associates in the April, 2005 meeting, and resolved to undertake a public consultation process prior to giving a final reply to the WESROC Board on this study report.

**STATUTORY ENVIRONMENT**

The Stirling Highway road reserve is the responsibility of Main Roads WA (MRWA), but the verge behind the kerbline, containing mostly the footpath alignment, is maintained by the applicable local government authority.

Funding for any changes to the highway rests with the State Government. Side intersections and footpaths could involve shared funding. All lines, signs, highway lighting and traffic control/intersection lights are MRWA responsibility.

**POLICY IMPLICATIONS**

There are no current Council policies to deal with Stirling Highway.

**STRATEGIC IMPLICATIONS**

There are no points within the Strategic Plan which deal with this matter.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

WESROC identified the need, some time ago, for a strategic vision of Stirling Highway through the local government areas of Nedlands, Claremont, Subiaco, Cottesloe, Mosman Park and Peppermint Grove.

This was recognised by Department of Planning & Infrastructure (DPI) and MRWA. A steering committee was formed of all of the stakeholders from DPI, MRWA, UWA and the involved local government authorities. A number of meetings took place between these stakeholders and the appointed consultant, Estill & Associates.

A number of previous, relevant studies were reviewed. Core concepts and characteristics were debated in three workshops.

Each stakeholder Council was invited to identify 'hot spots' on the highway, in need of improvement. The final report has been provided with the agreed objective being "Enhance Stirling Highway as a regional link offering a strong sense of identity and amenity offering improved functionality."

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Stirling Highway's role was seen as "an attractive landscaped and treed gateway and activity corridor between the western suburbs and the city of Perth."

The agreed key objectives for Stirling Highway are:

- Create a pleasing identity and amenity for Stirling Highway that retains its functionality,
- Explore and maximise opportunities for beautification and enhancement of the landscaping (including tree planting) along Stirling Highway to create an attractive and people-friendly environment,
- Promote consistency yet recognise local themes,
- Improve pedestrian access and safety,
- Improve cyclist access and safety,
- Encourage use of public transport,
- Promote legibility,
- Rationalise the impacts of commercial signage,
- Rationalise the provision of vehicle access and parking and provision for commercial service vehicles,
- Test the standards regulating the amenity of Stirling Highway, and
- Promote partnerships with Government delivery partners.

### **CONSULTATION**

This has now been completed, via the website and the Post Newspaper.

### **STAFF COMMENT**

No comments, either verbal or written have been received on this matter, after the completion of the advertised public consultation period.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Cr Cunningham asked whether a questionnaire, provided to the Stirling Hwy and one street back residents, would provide some community response.

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) **Advise the WESROC Board that, after a period of public consultation during which no comments were received, it supports the key objectives listed for Stirling Highway and, particularly, for the need for parallel bicycle routes to be defined to provide for this lack on the highway width; and**
- (2) **Supports the idea of a meeting with the Minister for Planning and Infrastructure regarding the redevelopment of Stirling Highway.**

Carried 10/0

**10.4.7 FIVE YEAR DEVELOPMENT PLAN - STREETScape AND ROAD FURNITURE**

**File No:** E17. 8  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 9 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Council has no control plan or long term program for the extensive infrastructure list that makes up streetscape or road furniture such as bollards, seating, rubbish bins, tree guards and grates plus special area lighting.

This report provides a draft five year program for standardising this equipment and bringing the current items up to the proposed designs and standards.

**STATUTORY ENVIRONMENT**

There is no specific legislation relevant to this report.

**POLICY IMPLICATIONS**

Council's policy relating to this matter is its Streetscape Policy and Manual, adopted in 1999.

**STRATEGIC IMPLICATIONS**

The most appropriate provision is under:

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

**FINANCIAL IMPLICATIONS**

Nil, within normal budget allocations per budget year.

**BACKGROUND**

A report was provided to Council in May, 2004 regarding the Town Centre Zone – Streetscape Plan. This concentrated on the town centre area and the various components of streetscape furniture: brick paving patterns and colours, street lights, seats, rubbish bins, signage and bollards. It also dealt with Council's streetscape policy and manual adopted in 1999, which recommends certain products for streetscape furniture, some of which are now unavailable or have been found to be dangerous or unsuitable for continuing use.

The manual has been found to be out of date in a number of recommendations, eg:

- Mercury vapour lights in special areas – these lights are very damaging to the environment due to the mercury disposal problems. They also give a yellow light which is not recommended for true colour definition. The fittings are also no longer available.

- The recommended rubbish bins in the town centre are dangerous to workers emptying them – due to the sharp metal internal surfaces and edges.
- The bollard type is made up of two components, one of which is no longer available and the other is non-UV stabilised plastic which decomposes quickly.
- The brick paving colours for the town centre have now been redefined, with the completed paving in Station Street and Jarrad Street (south side) being the adopted pattern and colours. No changes are suggested for the Marine Parade footpaths.

Therefore, staff are currently working through options regarding new street furniture recommendations.

A *Community Services Survey* was completed in 2002, with a new survey to be conducted in 2005. A large number of questionnaires were sent out and 182 received with comments. The survey report provided the following comments relating to this report:

- Respondents wanted an increased service level on footpaths,
- Marine Parade and Curtin Avenue require safe pedestrian crossings,
- Comments on the provision, safety and signage of dual use paths,
- Advertising on bus shelters and rubbish bins attracted adverse comment,
- Better street lighting is required due to security concerns,
- More rubbish bins required at beach area,
- More BBQ's at parks and reserves required,
- Don't install more street furniture west of Marine Parade, leave it as a national park type setting,
- Too many signs in view on beach front, and
- There is a need for entry signs on main routes leading into Cottesloe, with landscaping.

The emphasis of comments appear to 'push' the need for good quality installation, attractive long lasting products, a high level of maintenance, a reduction of clutter within the open landscape, safety for pedestrians, enhanced security and the removal of advertising from bins and bus shelters.

The 'push' then has to be funded and quality streetscape products are expensive.

The adopted policy from 1999 gives, as the objective of the document, the following:

#### **2.1 OBJECTIVE**

The objective of this policy is to identify a limited and coordinated range of long lasting street furniture items and paving materials that can be progressively used through the public places of the town, both in regular maintenance and replacement programs and in special streetscape improvement projects.

The intention is to provide items that:

- Enhance Cottesloe's unique sense of place and environmental assets.
- Unifies the town and reinforces its structure and legibility.
- Satisfy rigorous structural and durability requirements.
- Are comfortable, safe and attractive to users and convenient to install and maintain.
- Provides affordable combinations of standard and special items and materials.

The proposed five year plan will be based on these objective points and attempt to address the survey comments, within a realistic funding level.

### **CONSULTATION**

No public consultation has occurred on this matter.

### **STAFF COMMENT**

To date, Council's annual budget document has contained no capital works allocation for the upgrading of public street furniture. Any changes to seats, bollards, rubbish bins etc have occurred piece-meal as items are stolen, vandalised or in poor condition requiring replacement. This has meant new or replaced items are charged to maintenance accounts and there has been no obvious 'lift' in obvious standards for a total area or precinct.

The following comments apply to the various street furniture components.

#### **Brick Paving**

By the end of the 2005/06 financial year, all paths within the town centre will have been equipped with the adopted brick paving - Midland Brick "Autumn Glow" as a header course and a red paver for the main infill areas. The typical examples of this style are in Station Street and on the southern side footpath in Jarrad Street.

Brick paving does not apply to the residential street zone, with concrete uncoloured in-situ paths being the standard.

For the Marine Parade/Beachfront Precinct, as shown in the policy manual for streetscape, limestone coloured in-situ concrete is required for all footpaths apart from the east side of Marine Parade where clay brick pavers are to be used from Forrest Street to Napier Street and Eileen Street to the south side of Eric Street. The brick colours are to be "Autumn Glow" (cream) for the main brick and red pavers for the edging or header courses.

It is not proposed to include funding for brick paved paths in this five year program because the town centre footpath paving was budgeted as individual, special allocations in 2004/05 and 2005/06.

#### **Benches/Seats**

In the town centre precinct the seats have been in place for several years, with no negative comments being known of.

In the Marine Parade precinct a number of stylish bench seats have been installed, some of which have been privately funded as memorials to the departed. Any extra seats can be provided in the same way, without Council funds. Again, the quality and number of these bench seats appear to be very acceptable.

#### **'U' Shaped Hand Rails**

These are normally used at pedestrian crossings, to improve the safety of the crossing and provide a hand rail for pedestrians and cyclists.

All such hand rails should meet Australian Standards Association (ASA) standards in size, distance back from kerbline and colours. The colour is high visibility yellow with reflective silver and red stripes. These will replace the old white rails with a red stripe.

Regardless of the landscape precinct, these should be installed at pedestrian crossing points where there are high levels of crossing pedestrians and through traffic flows. They are installed at the pedestrian ramp and in the centre of median islands where there is a pedestrian gap.

### **Tactile Pavers**

It is intended that these will progressively be installed at busy pedestrian crossing points for the use of the blind and vision impaired to improve safety, mobility skills and orientation. They must be ASA standards and the colour is normally chosen to contrast with the underlying pavement colours.

Obvious sites for installation would be at all zebra crossing sites, the proposed new crossing of Curtin Avenue at Grant Street and several intersections within the town centre.

### **Street Lights**

Town centre precinct – the only Council owned decorative lights exist in the town centre. The light poles are three coloured (red, green and purple) and have mercury vapour lamps. Mercury vapour lighting does not give a white light and there is a growing environmental concern regarding the disposal of the mercury within the lamps.

It is proposed that there be a program to re-colour the light poles to blue, the same colour as the Marine Parade recommendation for light poles from the policy manual. At the same time, the lamp type should be changed to compact fluorescent or metal halide, which are low cost operation, give a white light (not yellow) and do not cause environmental problems at lamp disposal time.

There are no Council owned street lights in the rest of the townsite apart from metal halide lights in No. 2 carpark and large lights on the beachfront.

There are no decorative lights along the dual use path and beachfront on the west side of Marine Parade. No requests are on file for such lighting and it does not appear to be a discussion point during the 2003 beachfront workshops. Therefore such beachfront lighting is not proposed.

This change of lighting type for the town centre would meet the *Cities for Climate Protection* actions for earth friendly streetlighting and low energy compact fluorescent lighting.

### **Bollards (special area bollards)**

The manual describes these as recycled underground power boundary probes with recycled plastic battens. Staff have been unsuccessful in locating a new source for these 'boundary probes'. Western Power knows of no availability from their resources. The plastic battens break down quickly, possibly because they are not

UV stabilised. Therefore a new bollard type is required, to ensure long term availability, low maintenance costs, and retention of the long term objectives for style and aesthetics which can be practically met by Council maintenance staff.

The 1999 manual proposes the use of treated pine posts for residential streets and the Marine Parade precinct. It is understood that one objective from the 2003 beachfront workshops was "to enhance the quality of the public domain." While this can be achieved south of Jarrad Street, the heavily used area from Jarrad Street to North Street would be more suited to a better quality bollard near activity centres eg playgrounds, pedestrian zebra crossings, restaurants etc. These bollards would be the same blue colour advocated by the manual for rubbish bins, light poles and seat ends.

### **Rubbish Bins**

Staff have details of 157 street litter/rubbish bins within the road verge or beachfront. Thirty-nine of these bins are owned by Natsales Australia, with advertising on these bins being approved. Eighty-one are 120 litre or 240 litre standard Sulo bins, 20 are recycling Sulo bins and 17 are either dog bins or are better quality bins in the town centre. Only 10 of these special bins have so far been installed in Napoleon Street. These have been found to be dangerous to staff cleaning out the bins, due to sharp metal edges on the inserts being placed on a sharp metal surround. A short term solution has been to put blocks of wood under the inserts to elevate the sharp metal flanges of the inserts, and remove the possibility of fingers being cut. These bins should be replaced with a different model without this problem.

The Natsales Australia bins have been installed under a five year contract, which ends in 2006. A report will be put to Council by the end of 2005 regarding this contract and the points raised for renewal or removal.

In the draft 2005/06 budget \$30,000 is proposed for expenditure from the Waste Management Reserve Account, currently totalling \$77,000. This allocation is proposed to replace and extend the townsite rubbish bin installations and start replacing the Council owned Sulo rubbish bins within the Marine Parade precinct with better quality bins and surrounds. In the following two years, these bins would be fully replaced, to a higher aesthetic standard.

The *Five Year Development Plan for Streetscapes and Road Furniture* provides a five year schedule to undertake the listed works and replacements.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Nil

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Adopt the Five Year Development Plan for Streetscape and Road Furniture in-principal; and**

- (2) Make the plan available for public comment, with any proposed modifications being recommended for final adoption by Council at its August, 2005 meeting.

Carried 10/0



**10.4.8 REGIONAL MATERIAL TENDERS**

**File No:** E 1. 1  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 24 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

On behalf of the local governments of Mosman Park, Cottesloe, Claremont, Subiaco, Nedlands and Peppermint Grove, tenders were advertised and administered by the Town of Mosman Park for the supply of limestone, roadbase, drainage pipes and associated components, plus the supply and laying of extruded concrete kerbing, for a tender period of three years.

This report details the results of that tender process.

**STATUTORY ENVIRONMENT**

The *Local Government Act* requires that all purchases in excess of \$50,000 to be the subject of a tender process. This legal requirement has been complied with.

**POLICY IMPLICATIONS**

Council's *Purchasing Policy* applies to this tender.

**PURCHASING POLICY****Objective**

- (a) Provide guidance to Council officers when purchasing goods or services.

**Principal**

- (a) General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.
- (b) Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

**Issues**

- (a) While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:
- ensure that expenditure is cost effective;
  - promote ethical behaviour;
  - seek value for money over the life cycle of the product;
  - promote open competition between suppliers; and
  - encourage regional cooperation.

**Policy****4.1 Sustainability**

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
  - (a) production, packaging and distribution.
  - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
  - (c) content – preference shall be given to products made of recycled materials.
  - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
  - (e) eco-labelling - e.g. energy efficiency ratings.
  - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

**4.2 Tendering and Group Purchases**

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

**4.3 Quotations**

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this tender.

**FINANCIAL IMPLICATIONS**

Council uses all of these products in its road construction and maintenance functions. Any changes to the delivery prices of these products will have a direct impact on these works.

**BACKGROUND**

Mosman Park has called tenders on behalf of the majority of WESROC Councils for a number of years for a variety of products.

The main benefit is a coordinated approach on behalf of the region to achieve a bulk purchase benefit for all participants.

A three year contract is normally sought to allow long term financial planning and to reduce the time required compared to annual tenders.

**CONSULTATION**

Consultation has taken place between the Engineering Departments of the various WESROC Councils. Apart from the completed tender advertising process, no public comments are seen as being necessary for this item.

**STAFF COMMENT**

- (1) Supply and delivery of crushed limestone:

Three tenders were received. WA Limestone has been the supplier for the past three years and has again supplied the lowest tender prices for Cottesloe. Because of, particularly, high fuel costs, the delivered price per tonne has increased \$2.55/tonne on the first year costs for the previous contract, or 37%, well above the standard CPI figures. This is 37% over three years.

Fortunately, this Council does not use large volumes of limestone. The tender offered by WA Limestone, for three years, commencing at \$9.40/tonne delivered, for year one (2005/06), is recommended.

- (2) Supply and delivery of roadbase:

Two tenders were received. CSR Readymix has been the supplier for the past three years and has again offered the lowest prices for a three year period. The cost per tonne, delivered has increased \$1.95/tonne from the first year price on the old contract to \$12.45/tonne for 2005/06, an increase of 18.6% over the three years.

- (3) Supply and placement of extruded concrete kerb:

A total of five tenders were received. Several shapes (mountable, barrier and semi mountable) were tendered for, and the rates offered varied between these types and the lengths laid per day.

Two different contractors offered the lowest cost rates, depending on the lengths laid per day. Conkerb, the supplier for the past three years, is recommended because the majority of work is for 100m or more laid per day and their rates would be the lowest cost to Council, overall.

Compared with the first year rates for the previous three year contract the rates per metre laid will increase between 6.2 and 22.1% depending on lengths laid and type of kerb.

- (4) Supply and delivery of drainage pipes and ancillaries:

Five tenders were received for these materials. In the previous three year contract, Rocla supplied all drainage pipes, CSR Wembley supplied soakwells, manhole lids and gully lids, while the Georgio Group supplied well liners.

With various components within a drainage system, care must be taken to ensure different products fit together and delivery costs are compared. Also, over the three year period, the best prices offered may vary between tenderers.

As with the Mosman Park recommendations, the best rates for Cottesloe are recommended as: Rocla for all pipes, CSR Wembley for all drainage ancillaries and Rocla for all well liners, for a three year period. These rates amount to a three year price increase ranging from 1.0 to 13.8%, depending on the item.

Generally the annual rate increases for road construction and maintenance materials are expected to be above the State or National CPI figures, due to their reliance on imported crude oil to manufacture bitumen, plus natural gas, diesel and petrol prices for production and delivery.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

The Manager Engineering Services brought to the committee's attention the rise in price of construction materials.

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council accept the tender prices submitted for a three year contract commencing on 1 July, 2005 for the materials listed:**

- (a) Supply and delivery of crushed limestone – WA Limestone;**
- (b) Supply and delivery of crushed roadbase – CSR Readymix;**
- (c) Supply and placement of extruded concrete kerbing – Conkerb;**
- (d) Supply and delivery of drainage pipes and ancillaries:**
  - (i) Rocla Pipeline Products – all pipes and well liners,**
  - (ii) CSR Wembley Cement – all drainage ancillaries.**

Carried 10/0

**10.4.9 ADELAIDE INTERNATIONAL PUBLIC WORKS CONFERENCE**

**File No:** X 9.18  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Item requests conference approval for author  
**Report Date:** 25 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

Every two years a major conference is arranged by the Institution of Engineers Australia and the Institute of Public Works Engineers Australia (IPWEA) on a large range of public works topics. It attracts public works and local government engineers from around Australia, South East Asia, New Zealand, Canada, USA and a variety of other countries. In August, 2005 this conference will be held in Adelaide from 21 to 25 August.

This report requests approval to attend by the Manager Engineering Services.

**STATUTORY ENVIRONMENT**

No statutory requirements apply.

**POLICY IMPLICATIONS**

Council's *Conference* policy applies:

**CONFERENCES****OBJECTIVE**

Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training.

**PRINCIPLES**

Council supports the attendance of Members and Officers at conferences/seminars/training when the benefits to the organisation from attendance can be clearly identified.

**ISSUES**

The extent to which Council supports and funds attendance at conferences is a contentious issue. The benefits of attendance are not always readily identifiable and consequently there can be problems convincing a sceptical community that the expenditure is justified. For this reason, it is important that the benefits of attendance can be readily identified, especially when attendance involves interstate or overseas travel.

**POLICY**

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

The Chief Executive Officer is authorised to actively promote and approve the attendance of elected members at training courses provided under WALGA's Elected Members Development Program.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/seminars/training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement.

## STRATEGIC IMPLICATIONS

The most applicable items in the Strategic Plan are:

*Management/Staff Satisfaction:* Staff enjoy working at the Town of Cottesloe in an environment where they can reach their full potential.

*Management/Innovation and Improvement:* We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.

## FINANCIAL IMPLICATIONS

The conference attendance for a member of IPWEA is \$1,330. The accommodation, travel and meals etc are estimated at \$1,670. The 2005/06 draft budget allowance for this conference is \$3,000. This is included in the Conferences allocation within Public Works Overheads. The 'Earlybird' saving, if conference fees are paid before 15 July, is \$120.

## BACKGROUND

IPWEA is a national association of local government and public works professional and technical staff from around Australia. It is in partnership with the Institution of Engineers, Australia for professional training, including conferences. This conference is **the** major local government engineers event occurring every two years and attracts a large variety of overseas representatives.

The program is attached. The main topics of the presentation are:

- Asset management – roads revitalisation,
- Asset management – setting the scene,
- Public/private partnerships,
- Asset management – lessons learnt,
- Developments in pavement technology,
- Water/waste water,
- Stormwater management,
- Road maintenance best practice,
- Environmental sustainability,
- Emerging issues in fleet management,

- Risk management,
- Strategic asset management,
- Waste management and recycling,
- Asset management benchmarking,
- Coastal and foreshore works,
- Asset management decision support,
- Asset management – structures,
- National transport planning,
- Asset management super session,
- Technical tours,
- Human resource management,
- Pipe performance,
- Road pavement management,
- Water use and re-use,
- Unsealed roads,
- Managing safer roads,
- Contract management,
- Contract management – future trends,
- Asset management general,
- Ensuring sustainable communities.

There are up to five 'streams' of papers being delivered and the most applicable subjects have to be chosen. Virtually all of the topics listed would apply to current aspects of engineering services in Cottesloe.

### **CONSULTATION**

No consultation has occurred on this matter.

### **STAFF COMMENT**

One of the most important sources of current information and training for experienced local government engineers occurs in conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry.

New ideas are picked up from these presentations, trends occurring throughout Australia become obvious and new products are presented or proved to be dubious or worthy of caution.

A report on the results and high points of the conference would be presented, if attended.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Nil

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

Moved Mayor Morgan, seconded Cr Strzina

**That Council approve the attendance of the Manager Engineering Services at the International Public Works Conference in Adelaide in August, 2005 and that a report on the conference be presented to Council after attendance.**

Carried 10/0

**10.4.10 REAR BOUNDARY OF 2 AND 2A NAILSWORTH STREET,  
COTTESLOE**

**File No:** 2 & 2A Nailsworth Street  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 17 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

At its April, 2005 meeting Council resolved the following:

*That Council*

- (1) *Inform the owners of 2 & 2A Nailsworth Street that Council would support a 2.5 metre setback of the joint property boundary involving the depot site at the new boundary of 2 & 2A Nailsworth Street, with the 37.3m<sup>2</sup> area involved being added to the depot site and, in return, the same area of 37.3m<sup>2</sup> being added to the northern boundary of Nailsworth Street, to create a 1.7m by 22.5m long land area addition to that property; and*
- (2) *Contribute 50% of:*
  - (a) *the total cost of survey, amalgamation and subdivision procedures required to have these boundary changes occur; and*
  - (b) *the cost of the fence as per Neighbouring Fences Act.*

The owners of 2 and 2A Nailsworth Street have now arranged a deed for signatures of both parties involved and the attachment of the Common Seal of the Town of Cottesloe.

This report recommends the signing of this deed and the attachment of the Common Seal.

**STATUTORY ENVIRONMENT**

The depot site is owned 'fee simple' by Council so this is a matter between two private property owners. Council's legal position has been clarified to enable the boundary fence to be capable of installation on the property boundary or to negotiate a 'land swap' as an alternative.

**POLICY IMPLICATIONS**

There are no specific policies relevant to this matter.

**STRATEGIC IMPLICATIONS**

There are no specific strategic plan provisions for this matter.

**FINANCIAL IMPLICATIONS**

The cost of surveying and administration costs for the subdivision/amalgamation process is expected to be below \$2,000.



**BACKGROUND**

The owners of 2 & 2A Nailsworth Street are seeking a secure, long term property boundary at the top of the old quarry wall which is effectively the edge of the Council's depot area.

Measurements have been taken and areas determined by a staff member, who has qualifications in surveying, to determine the extent of a possible 'land swap' to resolve the issue.

**CONSULTATION**

Consultation between the Town of Cottesloe and the owners of 2 & 2A Nailsworth Street is complete.

**STAFF COMMENT**

The attachment of the Common Seal of the Town of Cottesloe requires a formal Council resolution to do so.

The deed complies with Council's original resolution:

**DEED**

**TOWN OF COTTESLOE**

"Town of Cottesloe"

-and-

**TRACEY ANNE TYLER**

"Tracey"

-and-

**STEPHEN RICHARD BOYLE and TRACEY ANNE TYLER**

"Stephen and Tracey"

THIS DEED made the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

**B E T W E E N:**

**TOWN OF COTTESLOE** of 109 Broome Street, Cottesloe, Western Australia ("Town of Cottesloe");

**TRACEY ANNE TYLER** of 2A Nailsworth Street, Cottesloe, Western Australia ("Tracey"); and

**STEPHEN RICHARD BOYLE and TRACEY ANNE TYLER** both of 2A Nailsworth Street, Cottesloe, Western Australia ("Stephen and Tracey").

**RECITALS:**

- A.** Tracey is the registered proprietor of Lot 30.
  - B.** Stephen and Tracey are the registered proprietors of Lot 31.
-

- C. The Town of Cottesloe is the proprietor of Lot 94.
- D. Tracey intends to transfer part of Lot 30 to Town of Cottesloe and Stephen and Tracey intend to transfer part of Lot 31 to Town of Cottesloe.
- E. Town of Cottesloe intends to transfer part of Lot 94 to Tracey.

**NOW THIS DEED WITNESSES AS FOLLOWS:**

**IN THIS DEED THE TERM:**

“Lot 30” means Lot 30 on Deposited Plan 41231 being the whole of the land in Certificate of Title Volume 2228 Folio 868;

“Lot 31” means Lot 31 on Deposited Plan 41231 being the whole of the land in Certificate of Title Volume 2228 Folio 869;

“Lot 94” means Lot 94 on Plan 2701 being the whole of the land in Certificate of Title Volume 1031 Folio 666.

TRACEY AGREES TO TRANSFER TO TOWN OF COTTESLOE THAT PART OF LOT 30 WHICH IS COLOURED RED ON THE DIAGRAM ATTACHED.

STEPHEN AND TRACEY AGREE TO TRANSFER TO TOWN OF COTTESLOE THAT PART OF LOT 31 WHICH IS COLOURED RED ON THE DIAGRAM ATTACHED.

TOWN OF COTTESLOE AGREES TO TRANSFER TO TRACEY THAT PART OF LOT 94 WHICH IS COLOURED RED ON THE DIAGRAM ATTACHED.

THE PARTIES MUTUALLY AGREE TO DO ALL THINGS NECESSARY TO EFFECT THE TRANSFERS CONTEMPLATED BY THIS DEED AND TO OBTAIN SEPARATE CERTIFICATES OF TITLE FOR THE LAND OWNED BY EACH PARTY FOLLOWING REGISTRATION OF TRANSFERS PURSUANT TO THE TERMS OF THIS DEED.

IT IS MUTUALLY AGREED THAT THE COST OF AND INCIDENTAL TO:

THE PREPARATION, EXECUTION, REGISTRATION AND STAMPING OF THIS DEED AND ALL TRANSFERS PURSUANT TO THE TERMS OF THIS DEED; AND

SURVEYING THE NEW LOTS TO BE CREATED PURSUANT TO THIS DEED;

*shall be paid one half by Town of Cottesloe and one half by Tracey.*

**EXECUTED** by the parties as a Deed.

**THE COMMON SEAL** of )  
**TOWN OF COTTESLOE** was )  
affixed by authority of a resolution )  
of the Council in the presence of: )

**Mayor:**  
Chief Executive Officer:

**SIGNED** as a Deed by )  
**TRACEY ANNE TYLER** in the presence )  
of: )  
Witness:

**SIGNED** as a Deed by )  
**STEPHEN RICHARD BOYLE** in the )

presence of: )

Witness:

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.4.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council resolve to have the deed relating to the exchange of small areas of land affecting Council's depot site and lots 30 and 31 Nailsworth Street, involving the owners of those properties signed by the Mayor and Chief Executive Officer and that the Common Seal of the Town of Cottesloe be attached to that document.**

Carried 10/0

**10.5 FINANCE****10.5.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MAY, 2005**

**File No:** C 7. 4  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 14 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May, 2005 to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

It will be noted from the Operating Statement on page 3 that operating revenue is ahead of the year to date budgeted figures by an amount of \$159,083. It should be noted that the deficit in Transport of \$29,922, is somewhat distorted as parking revenues in this area are ahead of forecast by \$32,569. This deficit is primarily due to the timing of grant funding and infrastructure works and will correct itself prior to the financial year end. In General Purpose Funding there has been greater than anticipated revenues from interim rates, and also from interest received from general investments.

The area of Community Amenities has \$62,914 more than expected revenue at this time of year and this is primarily from Town Planning Charges \$14,082, Graffiti Grant Funding \$8,150, Waste Charges \$14,924 and Recycling Royalties of \$6,587. Income from Building is ahead of expected by \$33,679.

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Overall expenditure is \$320,220 less than the year to date budget, with \$128,142 coming from the area of Transport. It should also be noted that expenditure in Area Promotion is \$68,724 less than expected due to delays in the forming of a company that will use the monies generated by the special area rate. Other shortfalls in expenditure are mainly timing factors.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.5.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May, 2005 as submitted to the 21 June, 2005 meeting of the Works and Corporate Services Committee.**

Carried 10/0

**10.5.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 MAY, 2005**

**File No:** C12 and C13  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2005, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

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

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Schedule of Investments on Page 34 of the Financial Statements shows that \$1,701,072.26 was invested as at 31 May 2005. Of this, \$564,845.24 was reserved and so restricted funds. Approximately forty nine per cent of the funds were invested with the Home Building Society, thirty seven per cent with National Australia Bank, and thirteen per cent with Bankwest. The bank account shows an overdrawn balance of \$32,907.00 taking into account unrepresented cheques.

The Schedule of Loans on Page 35 shows a balance of \$427,624.91 as at 31 May 2005. Of this, an amount of \$9,639.47 represents a current liability to Council.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

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**10.5.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2005, as submitted to the 21 June, 2005 meeting of the Works and Corporate Services Committee.**

Carried 10/0

**10.5.3 ACCOUNTS FOR THE PERIOD ENDING 31 MAY, 2005**

**File No:** C 7. 8  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 May, 2005, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

Significant payments included in the list of accounts commencing on page 27 of the Financial Statements, brought to Council's attention include:

- \$21,968.39 to West Australian Local Government Superannuation Plan being for employer contributions to the plan.
- \$89,600.89 to the Town of Mosman Park being for progress payments for roadwork's at Broome/Grant St etc
- \$12,851.81 to the Australian Taxation Office being for the annual fringe benefits tax return.
- \$29,042.02 to Wasteless being for domestic and commercial waste collection services for the month of May 2005.
- \$69,115.56 to FESA being ESL levies collected on their behalf.
- \$14,516.15 to the Warren Symington Ralph for legal expenses connected with Sea View Golf Club.
- \$12,925.00 to the Western Australian Electoral Commission being part payment for the 2005 Council elections.



- \$11,528.00 to Digital Mapping Solutions being for a mobile mapping software solution for graffiti and other purposes.
- \$18,705.50 to Rentworks Ltd for the purchase of leased computer equipment.
- \$15,328.14 & 14,383.79 to WMRC being for transfer station tipping fees.
- \$47,520.59 & \$46,775.94 for May payroll.
- \$30,585.55 for a new passenger vehicle
- \$10,216.00 to Portacom for the purchase of notebook computers to be reimbursed by staff.
- \$10,164.00 to Considine Griffiths Architects for a space planning report at the Civic Centre.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Nil

**10.5.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 31 May, 2005, as submitted to the 21 June, 2005 meeting of the Works and Corporate Services Committee.**

Carried 10/0

**10.5.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD  
ENDING 31 MAY, 2005**

**File No:** C 7. 9  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 May, 2005, to Council.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The Sundry Debtors Report on pages 32 & 33 of the Financial Statements shows a balance of \$158,946.43 of which \$132,850.71 relates to the current month. Of this, \$59,988.41 relates to pensioner rebate claims and \$58,346.20 relates to grant funding.

The balance of aged debt greater than 90 days stood at \$3,492.78 as at 31-05-05. Of this amount \$3,217.50 was received on 01-06-05, \$200.00 is with recovery agents, and a further \$75.08 is about to be sent to recovery agents.

The Property Debtors Report on page 31 of the Financial Statements shows a balance of \$531,668.30. Of this amount \$167,657.15 and \$3,637.35 are deferred rates and deferred ESL respectively

**VOTING**

Simple Majority

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**COMMITTEE COMMENT**

Nil

**10.5.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the period ending 31 May, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 May, 2005.**

Carried 10/0

**AUDIT COMMITTEE MEETING HELD ON 21 JUNE 2005****10.6.1 AUDIT SERVICES**

**File No:** C 7.2  
**Author:** Mr Alan Lamb  
**Author Disclosure of Interest:** Nil  
**Report Date:** 17 June, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to put to Council, through the Audit Committee, that the current audit agreement ends at 30 June 2005 and that there is a need to renew or enter into a new agreement for Council's audit requirements.

**STATUTORY ENVIRONMENT**

Part 7 of the Local Government Act deals with Audits and Division 1A deals with Audit Committees:

*7.1A. Audit committee*

*(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

*(2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

*(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*

*(4) An employee is not to be a member of an audit committee.*

*7.1B. Delegation of some powers and duties to audit committees*

*(1) Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

*\* Absolute majority required.*

*(2) A delegation to an audit committee is not subject to section 5.17.*

*7.1C. Decisions of audit committees*

*Despite section 5.20, a decision of an audit committee is to be made by a simple majority.*

Division 2 deals with the appointment of Auditors and

*7.2. Audit*

*The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.*

### *7.3. Appointment of auditors*

*(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person, on the recommendation of the audit committee, to be its auditor.*

*\* Absolute majority required.*

*(2) The local government may appoint one or more persons as its auditor.*

*(3) The local government's auditor is to be a person who is*

*(a) a registered company auditor; or*

*(b) an approved auditor.*

### *7.4. Disqualified person not to be auditor*

*(1) A person may not be appointed as a local government's auditor if that person is a disqualified person.*

*(2) In this section*

*}disqualified person~ means a person who*

*(a) is a councillor or an employee of the local government;*

*(b) is a person who is in debt for more than the prescribed amount to the local government for a period of more than 35 days after*

*(i) in the case of that part of the debt which is for a rate or service charge under Part 6, the date the rate notice was issued; or*

*(ii) in the case of that part of the debt which is not for a rate or service charge, the date an account was rendered to the person by the local government;*

*(c) is an employee of, or a member of the governing body of, an entity of a kind prescribed for the purposes of this paragraph; or*

*(d) is a member of a class of persons prescribed for the purposes of this subsection.*

*The Minister may approve a person who, immediately before the commencement of this Act*

*(a) was a registered local government auditor within the meaning of that term in Part XXVII of the Local Government Act 1960 5 as in force before that commencement; and*

*(b) was the auditor of a local government,*

*as an approved auditor for the purposes of this Act.*

### *7.6. Term of office of auditor*

*(1) The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.*

*(2) The appointment of an auditor of a local government ceases to have effect if*

- (a) his or her registration as a registered company auditor is cancelled;
- (b) his or her approval as an approved auditor is withdrawn;
- (c) he or she dies;
- (d) the auditor ceases to be qualified to hold office as auditor or becomes a disqualified person;
- (e) the auditor resigns by notice in writing addressed to the local government; or
- (f) the appointment is terminated by the local government by notice in writing.

(3) Where

- (a) the registration of a local government's auditor as a registered company auditor is suspended; or
- (b) a local government's auditor becomes unable or unwilling to carry out all or part of his or her duties,

the local government is to appoint\* a person to conduct the audit or to complete that part of the audit which remains to be conducted, as the case requires.

\* Absolute majority required.

7.7. Executive Director may appoint auditor

If by 30 November in any year a local government has not appointed an auditor the Executive Director may appoint

- (a) a qualified person; or
- (b) in default of an appointment under paragraph (a), the Auditor General,

to be the auditor of the local government's accounts and annual financial report for the relevant financial year.

7.8. Terms of appointment of auditors

(1) Subject to this Part and to any regulations, the appointment of a person as auditor of a local government is to be made by agreement in writing on such terms and conditions, including the remuneration and expenses of the person to be appointed, as are agreed between that person and the local government.

(2) The remuneration and expenses payable to the auditor of a local government (whether appointed by the local government or by the Executive Director under section 7.7) are payable by the local government.

A copy of the Local Government (Audit) Regulations 1996 is attached for information. As is a copy of sections 5.16, 5.17 and 5.20 of the Local Government Act.

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil at this time other than advertising costs that are covered by budget provisions.

**BACKGROUND**

Recent changes to the Local Government Act provided for the formation of an Audit Committee which is to have more than three members none of whom can be an employee of the Council. The Local Government (Audit) Regulations were also changed and now provide the following functions of the Audit Committee:

*16. Functions of audit committee*

*An audit committee*

*(a) is to provide guidance and assistance to the local government*

*(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*

*(ii) as to the development of a process to be used to select and appoint a person to be an auditor;*

*and*

*(b) may provide guidance and assistance to the local government as to*

*(i) matters to be audited;*

*(ii) the scope of audits;*

*(iii) its functions under Part 6 of the Act; and*

*(iv) the carrying out of its functions relating to other audits and other matters related to financial management.*

The current Audit agreement with Mr Greg LeGuire and Mr Sean McGurk of Grant Thornton ends at the completion of the 2004/05 audit. Mr Greg LeGuire and another partner from this firm (there was a change in the second auditor in 2001) have been Council's auditors since 1998/99. They were appointed by Council following a call for quotations. The first term was three years and the appointment has been extended twice since.

**CONSULTATION**

Nil other than with Cr Miller regarding the timing of the Audit Committee meeting.

**STAFF COMMENT**

As will be seen, one of the Audit Committee's rolls is to assist Council by providing guidance in relation to the audit function and to develop a process to be used to select and appoint a person (note this cannot be a firm it has to be a person) to be an auditor. Regarding the appointment, it cannot be for more than five years but the auditor can be appointed for a further period at the expiration of the agreement. There is no need to call tenders unless the expected costs will be over \$50,000. Council has till November 30 2005 to make an appointment (the Executive Director of

the Department of Local Government and Regional Development will make the appointment after this date).

It is recommended that The Audit Committee discuss matters such as the scope of the audit and its involvement in the audit process with a view to making a recommendation to Council.

With regard to the appointment process, Council appears to have appointed auditors for terms of three years in the past. It is expected that any new agreement would cost more than the \$8,500 agreed audit fee for 2004/05 but no more than \$10,000 per annum. Based on this an appointment for three years is not expected to exceed \$50,000 and so there is no need to call for tenders. Other options include either advertising for quotations or requesting quotes from specific firms (both require the firm to nominate the auditor from their team).

It is suggested that the calling for quotations option be selected and that this be done by seeking quotes from specific firms as, based on past experience, this is less expensive.

#### **VOTING**

Simple majority

#### **OFFICER RECOMMENDATION**

That Council ask the Audit Committee to review its functions as provided for in Regulation 16 of the Local Government (Audit) Regulations with a view to making recommendations to Council.

#### **COMMITTEE COMMENTS**

The committee indicted that, in terms of its functions under Regulations 16 of the Local Government (Audit) Regulations:

- With regard to the appointment of an auditor (or auditors) that it favoured seeking quotes from a selection of auditors which have relevant experience. That administration should provide the committee with a list of auditors for the purposes of seeking quotations.
- With regard to the scope of the audit and Council's functions relating to audits, it would meet with the auditor prior to the commencement of each audit and at the completion of the audit, and at other times as may be necessary. That it should receive auditor's management letter and monitor Administrations responses to this. Audits should be completed and the audit report received in time to ensure that annual electors meetings can be held in November each year.
- With regard to the 2004/05 audit, the committee will meet with the auditor before the commencement of the audit and at the end of the process.

The committee noted that Council should appoint an auditor before November 30, 2005.

The committee requested that Administration draw up a draft scope of audits and engagement terms for presentation to the committee.



The next meeting of the Audit Committee will be held with the current auditors, or their representatives.

**10.6.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Jeanes

**That Council:**

- (1) Request the Audit Committee to develop a process to be used to select and appoint a person to be an auditor for the Town and progress this with a view to providing Council with a recommendation, prior to November 30 2005, on a person to be appointed as the Town's auditor for a term.**
- (2) Request the Audit Committee to recommend a scope of audits and engagement terms, noting the desire for Council to hold its annual electors meetings in November each year and so the need for the audit to be completed, and the audit report delivered, by the end of September.**
- (3) Request the Audit Committee to meet with the Town's current auditors, or their representatives, with regard to the 2004/05 audit and over see this function.**

Carried 10/0

**STRATEGIC PLANNING COMMITTEE MEETING HELD ON 31 MAY 2005****10.7.1 KEY PRIORITY STRATEGIES 2005/2006**

**File No:** x12.4  
**Author:** Ms Ruth Levett  
**Author Disclosure of Interest:** Nil  
**Report Date:** 24 May, 2005  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of the report is to determine the key priority strategies for 2005/2006. It is also recommended that those strategies that will not be completed in the current period and other priority strategies identified by elected members be adopted and form the *Action Plan* for 2005/2006.

**BACKGROUND**

A workshop attended by elected members and senior staff was conducted in 2003 to determine the key priority strategies for the following two year period. A copy of the *Summary of Outcomes - Strategic Planning Workshop* is attached (Attachment 2).

Following the workshop, staff prepared goals and actions for the consideration of Council. Attachment 3 shows the key priority strategies identified in bold. Due to limited resources, a number of actions remain outstanding for potential inclusion in the proposed *Action Plan* for 2005/2006 (Attachment 3).

**CONSULTATION**

Nil

**STAFF COMMENT**

Whilst the current *Action Plan* covers the period 2003 – 2005, the Council workshop was actually held towards the end of 2003 and it was not until the budget year of 2004/2005 that activity commenced in earnest. Work has steadily progressed on the strategies identified and despite some significant changes, the majority of the actions have been successfully completed or are underway.

Strategies identified under the specific goals (shown on Attachment 3) that have been purposely held off and have not been actioned to date are:

**Goal 1 Corporate Governance**

1.7 Customer service

**Goal 2 Community Enrichment**

2.3 Promote the community's use of the Civic Centre

2.4 Community safety.

**Goal 3 Environmental Management**

- 3.4 Natural Asset Management Plan.
- 3.5 Protect and enhance development of icon sites

**Goal 4 Infrastructure**

- 4.3 Transmission lines.
- 4.4 Upgrade Right of Ways report.
- 4.5 Improve public toilet provision.
- 4.6 Develop Asset Management Plan.

In addition to these strategies, the following strategies (and accompanying actions) have not yet been fully completed in the current period and can be rolled over into 2005/2006:

**Goal 1 Corporate Governance**

- 1.5 Desktop audit of surveys/reports/policies.
- 1.6 Examine the utilisation of Council's assets and rationalise where socially and commercially appropriate.

**Goal 2 Community Enrichment**

- 2.1 Promote a safe and secure community.

**Goal 3 Environmental Management**

- 3.1 Progress TPS 3.
- 3.2 Preserve our built heritage.
- 3.3 Develop Town Planning Scheme Streetscape Policy to address new Residential Design Codes and review existing Town Planning Scheme policies.

**Goal 4 Infrastructure**

- 4.2 Enhance Streetscape.

At its last meeting Council resolved that town planning scheme matters should be dealt with by the Development Services Committee.

It is therefore recommended that strategies identified under Goal 3 be referred through to the Development Services Committee for action.

Where elected members have identified other strategies that they wish to be considered for inclusion in the *Action Plan* for 2005/2006, these may be raised for discussion at the meeting.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

The vision for Cottesloe is “*A safe, clean and attractive Town*”.

Our mission is “*To preserve and improve the unique village character of Cottesloe by using sustainable strategies in consultation with the community.*”

All strategies and actions should be sympathetic to the vision and mission.

**FINANCIAL IMPLICATIONS**

Actions may require specific budget allocation by appropriate Managers.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

- (1) Supports the following key priority strategies and requests staff to document and implement appropriate actions for inclusion in the *Action Plan* for 2005/2006:

Goal 1 Corporate Governance

1.7 Customer service

Goal 2 Community Enrichment

2.3 Promote the community's use of the Civic Centre

2.4 Community safety.

Goal 3 Environmental Management

3.4 Natural Asset Management Plan.

3.5 Protect and enhance development of icon sites

Goal 4 Infrastructure

4.3 Transmission lines.

4.4 Upgrade Right of Ways report.

4.5 Improve public toilet provision.

4.6 Develop Asset Management Plan.

- (2) Supports the following outstanding current strategies and relevant actions for inclusion in the *Action Plan* for 2005/ 2006:

Goal 1 Corporate Governance

1.5 Desktop audit of surveys/reports/policies.

- 1.6 Examine the utilisation of Council's assets and rationalise where socially and commercially appropriate.

Goal 2 Community Enrichment

- 2.1 Promote a safe and secure community.

Goal 4 Infrastructure

- 4.2 Enhance Streetscape.

- (3) Refer the following outstanding current strategies and relevant actions to the Development Services Committee for action:

Goal 3 Environmental Management

- 3.1 Progress TPS 3.
- 3.2 Preserve our built heritage.
- 3.3 Develop Town Planning Scheme Streetscape Policy to address new Residential Design Codes and review existing Town Planning Scheme policies.

#### **10.7.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Strzina

**That Council:**

- (1) **Supports the following key priority strategies and requests staff to document and implement appropriate actions for inclusion in the draft *Action Plan* for 2005/2006 to be referred to a special meeting of this committee prior to a recommendation going to Council:**

**Goal 1 Corporate Governance**

- 1.7 Customer service**

**Goal 2 Community Enrichment**

- 2.3 Promote the community's use of the Civic Centre**
- 2.4 Community safety.**

**Goal 3 Environmental Management**

- 3.4 Natural Asset Management Plan.**
- 3.6 Greenhouse Gas Action Plan**
- 3.7 Water Resources Management Plan**

**Goal 4 Infrastructure**

- 4.3 Transmission lines.**
- 4.4 Upgrade Right of Ways report.**
- 4.5 Improve public toilet provision.**

**4.6 Develop Asset Management Plan.**

- (2) Supports the following outstanding current strategies and relevant actions for inclusion in the *Action Plan* for 2005/ 2006:

**Goal 1 Corporate Governance**

- 1.5 Desktop audit of surveys/reports/policies.
- 1.6 Examine the utilisation of Council's assets and rationalise where socially and commercially appropriate.

**Goal 2 Community Enrichment**

- 2.1 Promote a safe and secure community.

**Goal 4 Infrastructure**

- 4.2 Enhance Streetscape.

- (3) Refer the following outstanding current strategies and relevant actions to the Development Services Committee for action:

**Goal 3 Environmental Management**

- 3.1 Progress TPS 3.
- 3.2 Preserve our built heritage.
- 3.3 Develop Town Planning Scheme Streetscape Policy to address new Residential Design Codes and review existing Town Planning Scheme policies.
- 3.5 Protect and enhance development of icon sites.

Carried 10/0

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

Nil

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

Nil

**13 MEETING CLOSURE**

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

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