

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
7.00 PM, MONDAY, 27 OCTOBER, 2003**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
8	PUBLIC STATEMENT TIME.....	4
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	6
10	REPORTS OF COMMITTEES AND OFFICERS.....	7
11	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 20 OCTOBER 2003.....	7
11.1	PLANNING.....	7
11.1.1	NO 6 (LOT 8) CLARENDON STREET - DEVELOPMENT APPLICATION	7
11.1.2	NO 193 - 195 (LOTS 18 AND 19) BROOME STREET - PROPOSED EXTENSION OF AN EXISTING 3.0M HIGH FENCE ALONG THE REAR OF NO. 193 AND 195 BROOME STREET	19
11.1.3	NO 22 (LOT 1) LYONS STREET - ADDITIONS & ALTERATIONS & CARPORT IN THE FRONT SETBACK	23
11.1.4	NO 25 (LOT 3) BROOME STREET - SUBDIVISION REFERRAL	27
11.1.5	NO 26 (LOT 123) FLORENCE STREET - SUBDIVISION REFERRAL	34

11.1.6	STIRLING HIGHWAY PLANNING STUDY - REVIEW OF ROAD RESERVATION	39
11.1.7	REPORT ON THE STATUS OF THE MUNICIPAL INVENTORY AND HERITAGE IN COTTESLOE	46
11.1.8	NO 1 (LOT 11) BROOME STREET - REQUEST FOR THE PROPERTY TO BE REMOVED FROM THE MUNICIPAL INVENTORY AND TPS POLICY NO. 12 LISTS	59
11.1.9	NO 20 (LOTS 12 & 13) WILLIAM STREET - DEMOLITION OF CATEGORY 3 DWELLING ON THE MUNICIPAL INVENTORY	63
11.1.10	NO 9 (LOT 33) WEBB STREET - DEMOLITION APPLICATION	67
11.1.11	NO 5 (LOT 3) MELVILLE STREET - REMOVAL FROM THE DRAFT CLAREMONT HILL HERITAGE AREA	71
11.1.12	COTTESLOE BEACH HOTEL - PROPOSED INTERIM LISTING ON THE STATE REGISTER OF HERITAGE PLACES	74
11.1.13	NO 15 (LOTS 45 & 13) BARSDEN STREET - BELOWGROUND CONCRETE SWIMMING POOL	78
11.2	HEALTH.....	80
11.2.1	BEACHES CAFE - OUTDOOR EATING AREA LICENCE	80
11.2.2	COMMERCIAL WASTE COLLECTION	84
11.2.3	OCEAN BEACH HOTEL - PUBLIC BUILDING ASSESSMENT	87
11.2.4	TENDER - THE COLLECTION OF MISCELLANEOUS (GREEN & BULK) WASTE	91
12	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 21 OCTOBER 2003.....	96
12.1	ADMINISTRATION	96
12.1.1	COTTESLOE BEACH - USAGE FOR ORGANISED SPORT	96

- 12.1.2 COTTESLOE TENNIS CLUB - COMMUNITY SPORTING AND RECREATION FACILITIES FUND GRANT APPLICATION 101
- 12.1.3 STAFFING - COMMUNITY DEVELOPMENT OFFICER 104
- 12.1.4 WESTCOAST COMMUNITY CENTRE - DONATION REQUEST 111
- 12.2 ENGINEERING 113**
- 12.2.1 DUAL USE PATH -NORTH COTTESLOE 113
- 12.3 FINANCE..... 117**
- 12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2003 117
- 12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2003 119
- 12.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2003 121
- 12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2003 123
- 12.4 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 125**
- 12.4.1 NOTICE OF MOTION - ANTI - SOCIAL BEHAVIOUR 125
- 13 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... 130**
- 14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEET 130**
- 15 MEETING CLOSURE..... 130**

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00 pm.

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

Mayor Robert Rowell (Chairperson)
Cr Daniel Cunningham
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Kevin Morgan
Cr William Robertson
Cr Anthony Sheppard
Cr Victor Strzina
Cr John Utting
Cr John Walsh

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Malcolm Doig	Manager Engineering Services
Mr Stephen Sullivan	Manager Development Services
Mr Alan Lamb	Manager Corporate Services
Mrs Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**Mr M Huston, PO Box 400 – Ocean Beach Hotel – Item 11.2.3**

Mr Huston asked Council when was the Ocean Beach Hotel's application to increase patron numbers formally made? Was it in accordance with the Health Regulations pursuant to Form 4?

Mr Huston also asked why the Ocean Beach Hotel is not being prosecuted for not displaying their certificate of approval? He also asked what are the numbers and measured areas approved in the current certificate?

The Mayor advised Mr Huston that the questions would be taken on notice and a written response provided.

Ms K Perfrement, 81 Curtin Avenue – Cottesloe Beach Hotel – Item 11.1.12

Ms Perfrement asked if the Mayor is in favour of high rise development on the beachfront above the current restrictions? A yes or no answer was requested.

The Mayor advised that he was unable to answer this question in the manner requested as it contained a number of assumptions.

Mr T Atkinson, 253 Marmion Street – Design Advisory Panel and Cottesloe Beach Hotel

Mr Atkinson asked why is the Council placing such an emphasis on the Design Advisory Panel when it consists of the people which stand to benefit from development (property) and asked whether one of the architects is linked to Multiplex?

The Mayor replied that he is only aware of one member of the Design Advisory Panel having links with Multiplex. This member has not been participating in these discussions. The Design Advisory Panel is made up of volunteers to assist Council, they do not make the decisions.

Mr Atkinson asked that if a development application is received by Council for the redevelopment of the Cottesloe Beach Hotel, which exceeds the height requirements but fits in with the other requirements will it be supported?

The Mayor replied that Council would consider any development application, when it is received, on its merits.

Mr D Bibby, 5 Rosser Street – Sea View Golf Club Lease

Mr Bibby asked for confirmation that public access will be available at all times, as in accordance to the public access clause in the vesting order? Mr Bibby also asked when will the wording of the actual clause relating to access be made publicly available?

The Mayor replied that the lease is required to include a public access clause.

The Chief Executive Officer advised that subject to the Sea View Golf Club and himself agreeing on the draft lease it will then be presented to Council for its initial consideration. Public consultation will be undertaken once the Council was comfortable with the draft lease.

Mr Bibby asked whether the lease would be signed prior to a management plan being prepared?

The Mayor replied that he has previously gone on record that the lease will not be signed until the management plan was completed.

Mr C Wiggins, 50 John Street – Cottesloe Beach Hotel

Mr Wiggins requested information on the status of the Multiplex proposal for the Ocean Beach Hotel, specifically the date when Multiplex will make available to ratepayers their proposed development?

The Mayor replied that no date has been provided.

Mr Wiggins asked when the outcomes of Design Advisory Panel and Council workshops will be ready for public comment?

The Mayor advised that it could be some time, as things were still at the conceptual stage.

Mr R Treasure, 1/134 Marine Parade – Sunday Parking

Mr Treasure voiced concerns regarding parking on the verges on Sunday nights. Mr Treasure suggested that adding "Penalty \$100" to the no parking signs will assist in deterring people from parking on the verges.

The Mayor advised that he would pass Mr Treasure's comment onto the Works and Corporate Services Committee.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Robertson, seconded Cr Miller

The Minutes of the Ordinary Meeting of Council held on Monday, 22 September, 2003 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.1 Lifesavers

The Mayor reported that recently a lifesaver was attacked on the beach. The matter has been discussed with the Police, and Council Rangers have been requested to provide backup. There are also concerns regarding potential rowdy Cottesloe Beach Hotel patrons and issues with school leavers. Meetings have been held with hotel management and Police in relation to these concerns and issues. The Mayor welcomed any suggestions.

7.2 WA Environment Awards

Cr Morgan attended the WA Environment Awards, on behalf of the Town of Cottesloe. Cottesloe was recognised as a finalist in the 'Government Leading by Example' category. Cottesloe CoastCare volunteers were also nominated.

Cr Morgan noted that this is a worthwhile process and that the Town of Cottesloe should be proud of being recognised.

The Mayor requested that a letter of congratulations be sent to CoastCare.

8 PUBLIC STATEMENT TIME**8.1** Mr B McCarthy, 81 Curtin Avenue – Cottesloe Beach Hotel

Mr McCarthy stated his concerns regarding the implications of developing an apartment block on the Cottesloe Beach Hotel site. A residential development is not compatible with the current landuse and concerns were raised over any changes to the landuse. Effective community consultation has not been undertaken. The benefits of any proposed development should be provided to the people that use the area and the community. Mr McCarthy exemplified the Leighton Action Plan as being a development that was undertaken with effective community consultation and planned facilities were enhanced as a result of consultation.

8.2 Ms S Woodhill, 23A Grant Street – Curtin Avenue-Grant Street Traffic Lights

Mrs Woodhill thanked the Mayor and Councillors for their attendance at a recent residents meeting to discuss the proposed traffic lights at the Curtin Avenue-Grant Street intersection. On behalf of the residents Mrs Woodhill put to the Council the motion passed at the meeting:

“There be no traffic lights at the Grant Street/Curtin Avenue intersection and that Council appeal to Main Roads to put the \$250,000 for the lights towards an overpass or an underpass for the safe crossing of Curtin Avenue”.

8.3 Mr J Hammond, 36 Railway Street – Keep Cott Low

Mr Hammond stated, on behalf of the Keep Cott Low Committee, that the committee does not want to see high rise buildings on the Cottesloe beachfront. Mr Hammond stated that the Council does not seem to have a position on the issue of high rise buildings being allowed. Also concerned that Council is intimidated by Multiplex. Mr Hammond is alarmed that meetings have been held with Multiplex. Community consultation needs to be undertaken.

The Mayor assured Mr Hammond that Multiplex has not provided Council with any drawings of the proposed development, and that at the meetings that have been held, conceptual designs were all that was presented.

8.4 Mr C Wiggins, 50 John Street – Hotel Patron Behaviour

Mr Wiggins spoke on behalf of the SOS Committee in relation to the behaviour problems being caused by hotel patrons. He applauded the Council for holding meetings with the hotels and Police, however more action is required. Mr Wiggins suggested that a psychologist could present the message to school leavers and hotel patrons in a way that they will take notice.

The Mayor replied that a meeting to review current goals and actions will be held in early December. The Police have also noted that all beachfront areas have similar problems. Underage people turn up with their own liquor and it may not be entirely the fault of the hotels.

Mr Wiggins stated that he hasn't seen many people drinking on the beach.

8.5 Mr R Treasure, 1/134 Marine Parade – Hotel Patron Behaviour

Mr Treasure stated that the problems are mainly on Sunday night half an hour before and one hour after the pubs close.

8.6 Mr S Coward, 1 Broome Street - No 1 (Lot 11) Broome Street - Request for the property to be removed from the Municipal Inventory and TPs Policy No. 12 lists – Item 11.1.8

Mr Coward sought the removal of No. 1 Broome Street from the Municipal Inventory and TPs Policy No. 12 lists. Mr Coward voiced his disappointment that he was not consulted about the property being added to the Municipal Inventory and TPs Policy No. 12.

8.7 Mr M Huston, PO Box 400 – Ocean Beach Hotel – Item 11.2.3

Mr Huston stated that the processes and decisions made regarding the increase to patron numbers at the Ocean Beach Hotel have been undertaken wrongly. The administration report incorrectly defines the measurement of the floor space. Regulations impose that a risk management plan must be initiated and electronic counting systems installed, along with allowing Council to impose other conditions as it sees fit. Clause 95.5 allows only Council, Police and Director of Liquor Licensing to be the only complainants. Mr Huston asked Council to accept that their process is wrong. A petition will be submitted to Council.

The Mayor replied that Councils are subject to the Public Health Act. The Public Health Act and the Liquor Licensing Act make their measurement decisions differently. The lower figure is the one to be operated on, in this case 1,000.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

9.1 PROPOSAL TO INCREASE THE PERMITTED NUMBER OF PATRONS FROM 1,000 TO 1,285 PERSONS AT THE OCEAN BEACH HOTEL.

Moved Cr Jeanes, seconded Cr Utting

That the petition be referred to Committee.

Carried 11/0

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 20 OCTOBER 2003****11.1 PLANNING****11.1.1 NO 6 (LOT 8) CLARENDON STREET - DEVELOPMENT APPLICATION**

File No:	6 Clarendon
Author:	Ms Lilia Palermo
Attachments:	Location map Site plans, elevations, floor plans Correspondence from applicant Submissions (4) Response to submissions from applicant
Author Disclosure of Interest:	Nil
Report Date:	6 October, 2003
Senior Officer:	Mr Stephen Sullivan
Property Owner:	S. Grimwood & J. Zito
Applicant:	Hillam Architects
Date of Application:	3 September, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	678m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two/three storey dwelling on No.6 Clarendon Street, Cottesloe.

It is recommended that the application be refused on the basis that the proposed development does not comply with the height controls under the clause 5.1.1 (b) (ii) of the Town Planning Scheme No 2.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Residential Design Codes

POLICTY IMPLICATIONS

Building Heights

Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1(c) Building Heights	Wall Height 39.6 RL	40.5 RL
	Roof Height – 42.1 RL	42.4 RL

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
Element 3	Setback to Ground Eastern Wall – 1.0m	Ni – 1.5m	Clause 3.3.2, P2
Element	Setback to First Floor Eastern Wall – 3.0m (Passage)	2.6m	Clause 3.3.1, P1
	Setback to First Floor Eastern Wall – 1.6 (WIR, Ensuite, Spa)	1.5m	Clause 3.3.1
	Setback to First Floor Western Wall – 1.2m	0.91m – 1.3m	Clause 3.3.1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

Building
Engineering
Health

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:
Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There were 4 submissions received, of which 4 were objections.

In summary the following concerns were expressed by the neighbouring property owners in their objections:

4 Clarendon Street

- Architectural design of the proposed dwelling on No 6 Clarendon is out of character with the rest of the street;
- Proposed rear setback on No 6 Clarendon is less than the other properties in the vicinity. Reduced rear setback will affect the amenity of the neighbouring properties and will create a precedent for similar applications in the future;
- Proposed reduced rear setback on 6 Clarendon will affect privacy of 4 Clarendon due to overlooking of the backyard and the pool areas from the proposed balcony;
- Screening vegetation should be planted at the rear of 6 Clarendon;
- The proposed building is over height and should be rejected;
- The proponents did not try to negotiate the proposal with the neighbours in order to achieve an acceptable outcome;

8 Clarendon Street

- The building bulk of the proposed dwelling is an issue. The size of the building is not suitable for the block;
- Proposed development will affect the amenity of adjoining properties to the east due to loss of views;
- Objection to proposed portion of the building on the eastern boundary is expressed;

8 Clarendon (objection prepared by K. Adam on behalf of the owners)

- Proposed residence is three storeys and should be refused;
- Proposed residence exceeds the height requirements for wall and roof heights under the Town Planning Scheme and does not comply with the performance criteria under the Element 7 – Building heights in the R-Codes;

- Proposed rear setback on 6 Clarendon is not in line with the existing rear setbacks in the area and will affect the amenity and monetary value of 8 Clarendon due to loss of north-westerly views;
- The bulk of the proposed residence is excessive for R -20 density and will affect the amenity of 8 Clarendon;
- Eastern boundary setbacks do not comply with the R-Codes, reduction of any setbacks should not be supported;
- The proposed privacy fence in the North-Eastern corner of the site should be setback from boundary;

12 Clarendon Street

- Proposed development will affect the amenity of 12 Clarendon due to loss of westerly views due to the rear setback being lesser than the properties in the locality;
- Proposed residence exceeds plot ratio that should be allowed in the area;
- Proposed development will create a precedent for similar applications, which would diminish the character of Cottesloe due to removal of mature trees;
- Proposed development on 6 Clarendon will affect the monetary value of 12 Clarendon due to its negative effect on amenity.

51 Eric Street

- Proposed Spa will be located 7-8m above the ground level of our block and only 6m from our boundary, which will affect our amenity and privacy;
- Consideration should be given for the proposed building not to be located so close to our boundary;

BACKGROUND

Council previously dealt with the application for a three story residence on 6 Clarendon submitted by the same applicant - Hillam Architects, which was refused on the 23rd June 2003. The main reason for refusal was non-compliance with Clause 5.1.1(b) (ii) of the Town Planning Scheme Text, which limits the permitted number of storeys to two storeys. The previously proposed development also exceeded the roof and wall height requirements under the Scheme and the Local Planning Policy 005 – Building Heights Policy and did not comply with a number of acceptable development standards under the RDC.

STAFF COMMENT

The following comments are made in relation to proposed development:

Building Height

Clause 5.1.1 (a) of the Town Planning Scheme No 2 states the following:

“Council’s general policy for development within the district favours low rise development of no more than 2 storeys to maintain privacy, views and general amenity notwithstanding that Council may consider the circumstances and merits of each case in terms of the amenity and development control provisions of this Scheme. In exercising height control policies Council will not regard as a storey undercroft space used for lift shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council.”

The term storey is defined in the Town Planning Scheme text as follows:

“means that proportion of a building which is situated between the top of any floor and the top of the floor next above, or if there is no floor above it, that portion between the top of the floor and the ceiling above it;”

The undercroft of the proposed residence contains a workshop, which is approximately 30m² in area. It has a large window facing a pool and also has direct access to a backyard area and a sauna. The proposed workshop has a potential to be used as a habitable space. A workshop is not listed as one of the spaces that can be located in the undercroft area without it being considered a storey under the TPS Clause 5.1.1 (a).

Therefore the proposed residence has three levels containing habitable rooms and located above one another which would constitute three storeys.

Clause 5.1.1 (b) (ii) states:

“Residential Zone – The maximum building height shall be two storeys except that Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph (c) of this clause and also provided that in, Council’s opinion, the dwelling will retain the appearance of a two storey dwelling and will not adversely affect local amenity”

The proposed development contains three storeys. The top storey is not located within the roof space and therefore does not comply with the TPS Clause 5.1.1(b) (ii) quoted above.

The proposal does not comply with the statutory provisions of the Town Planning Scheme and therefore should be refused.

Wall and Roof Ridge Height

Clause 5.1.1 (c) –“Measurement of Building Height” states that:

“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

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”.

Council considered a proposal for a three storey residence on the subject lot at its meeting of 23rd June 2003 at which time the Council determined the natural ground level at the centre of the site to be 33.6 AHD for the purposes of clause 5.1.1 of the Town Planning Scheme text.

The wall height of the proposed three storey residence exceeds the wall height limit of 6.0 metres measured from the natural ground level at the centre of the site (33.6 AHD). The required wall height is 39.6AHD. The proposed wall height is ranging from 39.7AHD to 40.516AHD.

The proposed roof height exceeds the required height of 42.10AHD by 0.32 metres. The majority of the roof is complying with the height restriction except for the proposed skylight.

The proposed development does not comply with the height limit for walls and roof ridge, which is a statutory requirement under the Town Planning Scheme No.2 (TPS2). The applicant was previously advised by Council's Planning officer about this statutory non-compliance. The applicant was not prepared to modify the plans in order to bring the proposal into compliance with the height restrictions.

The applicant submitted a response to the objections received during the advertising period, where the applicant expresses disagreement with Council's determination of the Natural Ground Level (NGL) for the purpose of the Clause 5.1.1(c). The applicant is of the opinion that the NGL for the purpose of heights calculation should be determined as a median level between the two adjoining properties No. 4 Clarendon and No.8 Clarendon.

Clause 5.1.1 (c) does not provide for any discretion for contesting the measurement of NGL at the centre of the site, as is specifically states:

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

Unless the Council is of the opinion that the previous Council's NLG determination should be reconsidered, the proposal should be refused as it does not comply with the statutory height restrictions.

Town Planning Scheme Policy No. 005 - Building Heights

Council's Town Planning Scheme Policy No. 5 – Building Heights state that in addition to the height restrictions outlined in clause 5.1.1 of the Scheme Text, which are calculated from the natural ground level at the centre of the site, Council may measure the height of a building at any point on the site to avoid any adverse impact on adjoining neighbours. Variations to the height limits may be given in circumstances where the amenity of the area is not unreasonably diminished.

Assessment of this application has shown that the building does not conform to this policy at the rear of the site. The site slopes from the front down to the rear of the site. Applying the height controls in Town Planning Scheme Policy No. 005, both the ridge height limit and the wall height limit are exceeded.

The proposed building is very long and will present a bulky appearance to the adjoining properties. Its length is substantially longer than the length of the adjoining buildings.

Non-compliance with the Policy will result in a higher, bulky building which will adversely impact on the amenity of the adjoining properties and the outlook from those properties. Therefore, it is considered that the amenity of the area will be adversely affected by the non-compliance with the Policy.

Boundary Setbacks

The following boundary setbacks don't comply with the acceptable development standards of the Element 3 – "Boundary Setback Requirements" under the Residential Design Codes:

Discretionary Provisions	Min/Required	Proposed
Setback to Ground Eastern Wall	1.0	Nil – 1.5
Setback to First Floor Eastern Wall	3.0 - Passage	2.58
Setback to First Floor Eastern Wall	1.6 – WIR, Ensuite, Spa	1.48
Setback to First Floor Western Wall	1.2	0.91 – 1.3

The proposal is required to be considered under the following performance criteria:

- Buildings set back from boundaries other than street boundaries so as to:*
- *Provide adequate direct sun and ventilation to the building;*
 - *Ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *Provide adequate direct sun to the building and appurtenant open spaces;*
 - *Assist with protection of access to direct sun for adjoining properties;*
 - *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
 - *Assist in protecting privacy between adjoining properties.*

The subject property is North-South orientated and overshadowing of adjoining properties is not an issue as the shadow from the building would be cast towards the front of the lot.

Proposed reduced setbacks do not affect the privacy of adjoining properties as the proposed variations do not contribute to overlooking of any habitable room windows or outdoor living areas.

Proposed Reduced Setbacks to the Eastern Wall

Council received an objection from the adjoining property owners to the east (No 8 Clarendon) expressing their concern in regards to the effect of the building bulk on the amenity of their property.

The side of the building on the eastern boundary consists of three portions of the building separated by the two glazed sections of wall of 4.0 metres and greater. The setbacks of these three portions of the eastern wall were measured separately in accordance with the figure 2D (page115) of the R-Codes.

The setback of the two glazed sections of 4.0m and 4.5 separating the portions without major openings were determined based on full length of the wall being 38.5m.

The aim of the requirement under the Figure 2D of the RDC is to ensure that in cases where certain sections of the wall are without major openings they are permitted to be located closer to the side boundary however, they should be separated by gaps of at least 4.0 m to reduce the effect of building bulk on the amenity of the adjoining properties.

The proposed reduction of the required setback of the glazed section of wall separating the portions of wall without major openings will have a negative effect of the building bulk on the adjoining property to the east.

Proposed Reduced Setbacks to the Western Wall

A variation is proposed to the side boundary setback for the western wall. A portion of the western wall on the upper floor (5metres in length) is proposed to be setback a distance of 0.91metres from the boundary, which is 0.3 metres lesser than required under the acceptable development standards.

The rest of the setbacks on the western boundary comply with the requirements. The administration considers that the proposed variation to the setback of the 5.0m portion of the western upper wall complies with the performance criteria of the Element 3 – “Boundary Setback Requirements”. The proposed variation would not affect privacy or access to direct sun and ventilation of the adjoining properties or increase the negative effect of the building bulk on the adjoining property to the west.

If the application was to be approved it would be recommended that the variation to the western upper floor boundary setback be allowed, as it is considered to be in compliance with the relevant performance criteria.

Proposed Screen Walls

Proposed screen walls in the north-western corner and the north-eastern corner do not comply with the required setbacks under the acceptable development standards of the Design Element 3 – Boundary Setback Requirements.

Screen wall falls within a definition of a building under the R-Codes and should be setback in accordance with the R-Codes requirements for building setbacks in Table 2a.

Proposed screen walls on the western and eastern boundaries do not comply with the acceptable development standard under the Clause 3.3.2 Buildings on Boundary, which states:

- iii. In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary*

The applicant is proposing boundary walls to more than one side boundary, which are also higher than 3.0m

The proposed buildings on boundaries do not comply with the performance Criteria of the Clause 3.3.2, which states the following

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

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

Although it can be argued that the proposed screen walls would enhance privacy for the residents of 6 Clarendon and the adjoining neighbours to the east and west they would also have an adverse affect an the amenity of adjoining properties. The screens add to the length and bulk of the development.

The proposed screens compound the effect of a building having large proportions, being overheight, and having reduced setbacks to the side boundaries would increase the negative effect of the building bulk on the amenity of adjoining properties.

BUILDINGS ON BOUNDARY

The ground floor plan includes a section of a wall having a nil setback. Acceptable development standard A2 (ii) under the Clause 3.3.2 – “Buildings on Boundary” states the following:

“In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary”.

The proposed variation complies with the acceptable development standard quoted above as it is 4.9meters in length and 2.4m in height.

Council received a submission from the owner of the adjoining property to the east objecting the proposed boundary wall. The reasons for objection were not substantiated by the submitter.

The proposed boundary wall is on the lower level, which would not be higher than a standard boundary fence.

REAR SETBACK, VIEWS AND BUILDING BULK

The rear setback of the proposed residence complies with the acceptable development standards under the R-Codes. The following setbacks are proposed:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Basement North	Sauna, Workshop	0.0	5.5	No	1.5	7.0
Basement North	Entry, Stairs	0.0	15.3	No	1.5	15.5
Basement North	Games	0.6	5.0	No	1.0	10.0
Ground North	Whole	3.0?	15.0	Yes	1.5	5.7 – 15.6
First Floor North	Spa, Balcony, Bedroom 1	8.0	6.4	No	1.3	3.4
First Floor North	Passage, Theatre Balcony	8.5	15.2	Yes	5.5	10.0

Council received submissions from the owners of the adjoining property to the east 8 Clarendon, to the west 4 Clarendon and from the owners of 12 Clarendon expressing objections to the proposed rear setback of the proposed three storey residence on 6 Clarendon.

The following points were expressed in the objections regarding the rear setback:

- Proposed setback is not in line with the rear setbacks of the adjoining residences;
- Proposed lesser rear setback will affect the westerly views of the residences to the east;
- As a result of the loss of the views the monetary value of the adjoining residences to the will be affected;
- Proposed lesser rear setback will exacerbate the effect of the building bulk on the amenity of the adjoining residences;

Clause 5.1.2 (a) states the following:

Notwithstanding the specific provisions of this Scheme in considering a proposed development, Council shall have regard to and may impose conditions relating to the following-

- a) the need for limitation of height or location of buildings to preserve or enhance views;*
- b) the dispersal of building bulk into two or more separate buildings on a lot in order to minimise the effect on building bulk*

The following is also specified in the Clause 2.1.1 as part of the General Objectives of the R-Codes:

- iii. To ensure appropriate standards of amenity for all dwellings;*
- v. To protect the amenity of adjoining residential properties;*

Clause 2.1.3 states that “in assessing and determining applications for residential development, the Council shall have regard to both the General Objectives and any Specific Objectives for Code provisions set out in the Codes”.

A report was prepared by a consultant on behalf of the adjoining property owners 8 Clarendon stating the following:

“The proposed development would extend both significantly further north than the rear setback line of the existing houses on No’s 4,6 and 8 Clarendon Street and also very close to the eastern boundary of the site. The impact on the views currently enjoyed from No.8 would be such as to obstruct virtually all of the north westerly views, including of the ocean, currently enjoyed from the upper levels of the house on No.8. These views form the most significant single part of the amenity of No.8, and obviously contribute very substantially to its monetary value also. If the proposed development were to proceed the amenity of No.8 and its value would be significantly and permanently damaged”.

A drawing was also prepared by the consultant previously in regards to the original application for a three storey residence on 6 Clarendon showing the extent of the negative effect of the proposed residence on the views currently enjoyed by the owners of 8 Clarendon.

The rear setback and layout of the proposed residence on 6 Clarendon has not changed considerably, therefore the drawing prepared by the consultant is still a relevant demonstration of the effect of the proposed development on the amenity of the adjoining properties to the east.

The administration considers that the effect of the height of the proposed residence coupled with the bulky nature of the development and the length of the eastern wall will have a negative effect on the amenity of the adjoining properties due to potential loss of views and building bulk.

The administration considers that the proposed development does not satisfy the general objective of the Residential Design Codes to "*protect the amenity of adjoining properties*" and also requires modifications to the "*location of building to preserve or enhance views*" in accordance with the Clause 5.1.2 (a) of the TPS 2.

CONCLUSION

The proposed residence is three storeys, which is a non-compliance with a statutory requirement under the TPS 2 Clause 5.1.1(b) (ii), which limits development in the residential zone to two storeys.

The proposed residence also exceeds the height limit requirement for roof height and wall height under the TPS 2 Clause 5.1.1 (c).

The proposal should be refused due to its non-compliance with the statutory requirements under the TPS2.

The following aspects of the proposal are also considered to contribute to the negative effect of the proposal on the amenity of the adjoining properties:

- Non-compliance with the Local Planning Policy 005 Building Heights
- Proposed variations to the required setback of the sections of the eastern wall
- The extent of the building to the rear
- Location of the proposed screen walls

VOTING

Simple Majority

COMMITTEE COMMENT

Manager, Development Services advised that there was very little change to the previous application and advised Council for this reason it was not forwarded to the Design Advisory Panel. Also advised Council of how the officer measured the natural ground level using the 1934 Water Corporation maps.

11.1.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) **Determines the natural ground level at the centre of the site to be 33.6AHD for the purposes of Clause 5.1.1 of the Town Planning Scheme text.**
- (2) **REFUSES its Approval to Commence Development for a three storey single house at No. 6 (Lot 8) Clarendon Street, in accordance with the application submitted on the 3 September, 2003 and additional plans received on the 5th October 2003 as:**

- (a) The proposed development exceeds the maximum number of storeys permitted under Clause 5.1.1(b)(ii) of the Town Planning Scheme text;
 - (b) The proposed development exceeds the maximum wall and ridge heights permitted under Clause 5.1.1(c) of the Town Planning Scheme text;
 - (c) The proposed development exceeds the maximum wall and ridge heights permitted under Town Planning Scheme Policy No. 005 – Building Heights;
 - (d) The development does not comply with the objectives of the Residential Design Codes and the objectives for Design Element 3 – Setbacks as the proposed development:
 - (i) does not comply with the acceptable standards for this Design Element 3 along the western and eastern side boundaries;
 - (ii) the variations do not satisfy the performance criteria in that the development will have an adverse impact on the adjoining properties to the east and west due to the building bulk of the proposed development;
 - (e) Having regard to the provisions of Clause 5.1.2(a) and (d) of the Town Planning Scheme text, the proposed development and the surrounding development, Council is of the opinion that:
 - (i) the large bulky nature of the proposed development will adversely impact on the views and amenity of the adjoining properties due to its length, height and set backs; and
 - (ii) the amenity of the adjoining properties will be adversely affected by the proposed building bulk.
- (3) Advise the submitters of Council's decision.

Carried 11/0

11.1.2 NO 193 - 195 (LOTS 18 AND 19) BROOME STREET - PROPOSED EXTENSION OF AN EXISTING 3.0M HIGH FENCE ALONG THE REAR OF NO. 193 AND 195 BROOME STREET

File No:	No. 193 and 195 Broome Street
Attachment(s):	Location map Site plan & elevations Correspondence from Architect Photos
Author:	Mr Stephen Sullivan
Author Disclosure of Interest:	Nil
Report Date:	6 October, 2003
Senior Officer:	Mr Stephen Tindale
Property Owner:	Mr Van Beem
Applicant:	Owner
Date of Application:	6 October, 2003
Zoning:	Residential
Use:	N/A
Density:	R20
Lot Area:	Both lots are 675m²
M.R.S. Reservation:	N/A

SUMMARY

The rear of the two sites abut a right of way. There is currently an existing 3.0m high fence located along the southern section of the rear boundary(western boundary) at No. 193 Broome Street. It is proposed to extend this fence northwards along the rear boundary of No. 193 and 195 Broome Street to reduce the overlooking into the rear of No. 2 Ozone Parade and vice versa.

It is recommended that the application be approved.

PROPOSAL

No's 193 to 197 Broome Street are owned by the one property owner. The proposal involves extending an existing fence, which is 3.0m in height and located along most of the rear boundary of No. 193 Broome Street, along the rest of this boundary as well as No. 195 Broome Street.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

Not required.

However, letter sent by registered mail to owner of No. 2 Ozone Parade. No submission received. Phone conversation with the applicant confirmed that they had spoken with the owner of No. 2 Ozone Parade and they had no objections to the proposed fence height.

BACKGROUND

No. 193 – 197 are in the ownership of one person.

The property at No. 193 has an existing fence abutting the right of way of approximately 3.0m in height. This fence is located on the southern section of the right of way (refer to site plan). The fence is approximately 8m in length.

It is proposed to extend this fence across the rest of the rear boundary of No. 193 Broome Street and the rear boundary of No. 195 Broome Street. The new fence will replace fences that are currently 1.8m in height, with the northernmost section being 2.1m in height.

No. 197 Broome Street, which is not part of this application, already has a rear fence that ranges in height from 2.1m to 3.2m.

The proposed 3.0m fence extension is located opposite to an existing garage that is 3.6m in height for half of the length of the rear boundary of No. 2 Ozone Parade. The increased fence height is proposed to prevent overlooking between the Broome Street properties and the Ozone Parade property. A swimming pool has been built at the rear of No. 2 Ozone Parade – refer to accompanying information.

STAFF COMMENT

The application was proposed to be dealt with under delegated authority but was called in when Cr Utting and Cr Cunningham requested the matter be referred to Council for determination.

It is considered that the additional height of the fence will not detrimentally affect the adjoining property owners in Broome Street nor the property owner of No. 2 Ozone Parade.

Therefore, having regard to the purpose of the wall, its location, the existing fence heights and structures located near of the right of way and the consultation that has occurred, it is recommended that the application be approved.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the proposed extension to an existing 3.0m high fence along the rear of No. 193 Broome Street and No 195 (Lot 6) Broome Street, Cottesloe in accordance with the plans submitted on 6 October, 2003, subject to all construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.

Lost 2/9

The motion was Lost.

Note: The Council did not grant its approval for the proposed development. The majority of the Council were of the opinion that the proposed fence would have an adverse impact on the locality due to its excessive height, lack of security due to the loss of surveillance from the surrounding properties and loss of vehicular access from the right of way to the rear of the site.

11.1.3 NO 22 (LOT 1) LYONS STREET - ADDITIONS & ALTERATIONS & CARPORT IN THE FRONT SETBACK

File No: 22 Lyons Street
Author: Mr Daniel Heymans
Attachments: Location plan
 Site plans, elevations
 Correspondence from owner
 Correspondence from applicant
Author Disclosure of Interest: Nil
Report Date: 7 October, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Mr & Mrs Angeloni

Applicant: Maurice Ford Architect
Date of Application: 2 September, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 721m²
M.R.S. Reservation: N/A

SUMMARY

The application is for additions and alterations to the existing building together with a new carport within the front setback area. The purpose of this report is to assess the proposed new carport, as the additions and alterations comply with the acceptable development standards of the Residential Design Codes.

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

Garages and Carports in the Front Setback Area Policy No 003

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town 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 No. 003	6.0m front setback	1.5m front setback

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal
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. No submissions were received.

BACKGROUND

The subject property is located on the eastern side of Lyons Street. Currently there is an existing house on the lot which is setback 7.5m from the front boundary.

STAFF COMMENT**Front Boundary Setback**

Town Planning Scheme Policy No. 3: Garages and Carports in Front Setback Area requires carports and garages to be positioned behind the front setback line in accordance with Table 1 of the Residential Design Codes, which on land coded R20, is 6 metres. The policy allows for lesser setbacks in certain circumstances.

The surrounding development in Lillian Street is characterised by open carport structures with setbacks to the front boundary varying from 1.0m - 4.5m depending upon the setback of the main dwelling.

The dwelling on the subject site is located 7.5m from the front boundary and the applicant is proposing to construct a carport 1.5m from the front boundary.

The northern side of the lot has more space for the location of the carport which would increase the setback from the front boundary.

However a mature healthy tree is located on this side of the verge and therefore the administration recommends that the proposed location of the carport is acceptable in order to retain the tree.

Garden Shed

The applicant has proposed a garden shed just inside the front setback area. To screen the garden shed from the street the applicant has proposed a 2.5m high limestone wall 6.0m from the front boundary.

The administration believes that garden sheds are normally located at the rear of properties and not visible from the street. In this instance the construction of a 2.5m high screen wall is seen to impact on the amenity of the streetscape in a negative manner.

Therefore the administration recommends that the garden shed be relocated to the rear of the property.

CONCLUSION

The proposed development be approved subject to the following conditions.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Walsh made a Declaration of Interest with respect to knowing the owner of the property.

COMMITTEE COMMENT

Cr Walsh stated that there were only 2 houses with the carport within the front setback on this side of the street and 4 on the otherside of the road and would like to see Council being consistent in approving carports and garages behind the front setback line.

11.1.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the Additions & Alterations & Carport in the Front Setback at No 22 (Lot 1) Lyons Street, Cottesloe in accordance with the plans submitted on 2 September, 2003, 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) 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;**
- (7) Revised plans being submitted for approval by the Manager, Development Services, showing the garden shed being relocated to the rear of the lot.**

Carried 8/3

11.1.4 NO 25 (LOT 3) BROOME STREET - SUBDIVISION REFERRAL

File No: 25 Broome
Author: Ms Lilia Palermo
Attachments: Location plan
 Correspondence from WAPC
 Supporting document from Ken Adam & Associates dated September 2003
Author Disclosure of Interest: Nil
Report Date: 10 October, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: D & S Hewitt

Applicant: K A Adam & Associates
Date of Application: 10 October, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 683m²
M.R.S. Reservation: N/A

SUMMARY

Council received a referral from the Western Australian Planning Commission (WAPC) in regards to a proposed subdivision of No 25 Broome Street, Cottesloe.

Given the assessment that has been undertaken, the recommendation is to advise the WAPC that Council holds no objection to the proposed subdivision, subject to a number of conditions.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

Imposition of a ROW widening condition ensures a consistent long-term approach to upgrading of right-of ways in the municipality.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal
Engineering

External
N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

Council previously considered a subdivision proposal on No 25 Broome Street. at its meeting of 22 July 2002. Council made a decision to advise the WAPC that it objected to the proposed subdivision of 25 Broome Street for the following reasons:

- 1) *The resulting width of the new lots would be considered too narrow and the resultant development would have a detrimental impact on the streetscape;*
- 2) *Due to the undersized area of the existing lot, the alternative form of subdivision (battle-axe subdivision) is not possible;*
- 3) *The building is listed as a category 3 on Council's Municipal Inventory.*

The WAPC subsequently approved the subdivision subject to conditions. The owners of 25 Broome Street requested reconsideration of the certain conditions imposed by the WAPC

The request for reconsideration of the conditions was rejected by the Commission. The applicant has submitted a new subdivision application to the WAPC.

STAFF COMMENT

It is proposed to subdivide 25 Broome Street into two lots 364m² and 317 m² in size. The existing house would be demolished as a result of the proposed subdivision.

The existing residence on 25 Broome Street is listed in the Town of Cottesloe Municipal Inventory as a Category 3 building.

Heritage Implications

The following is stated in the Municipal Inventory in regards to management Category 3:

Significant as an Individual Building.

"Retain and conserve if possible; endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

Recommendations: Incorporate heritage Precincts within the Town planning scheme and cover with development guidelines and incentives such as first areas to receive underground power, rate rebate for registered verges and first consideration of verge maintenance and upgrading by Council."

Council has previously granted approvals for the demolition of category 3 buildings as they are not seen to be of state significance or significant to the district.

The proposal

The proposal to subdivide No 25 Broome Street into two lots complies with the required minimum and average site area for R30 density coding, (270m²-minimum and 300m²-average).

The current subdivision proposal on 25 Broome Street is similar to the subdivision proposal on 25 Broome Street previously assessed by Council in July 2002. The proposal is for subdivision of the lot in the centre resulting in two lots both with frontage to Broome Street.

The applicant stated the following in the letter received by Council with the subdivision referral from WAPC:

The current proposal differs, however, in two respects:-

- *truncation is provided at the right-of way; and*
- *cross-easements are provided at the rear of the proposed northern lot to enable both lots to obtain vehicular access from the right-of-way.*

The application does not provide for right-of-way widening..."

The applicant is also discussing various issues in regards to conditions 3 and 5 previously imposed by the WAPC, which were as follows:

3. *The building being constructed to plate height prior to the submission of the Diagram or Plan of Survey.*
5. *The right-of-way adjoining the northern boundary of the subject land shall be widened by 0.82metres, such widening being shown on the Diagram or Plan of Survey as a " Public Right of way" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without ant compensation by the Crown.*

Condition 3 is based on the requirements outlined in the Development Control Manual prepared by the WAPC. Clause 3.5.2 of the Development Control manual States the following:

"Where proposed lots less than 350m² are narrow, irregularly shaped, present vehicular access difficulties or require development to proceed with party walls, the Commission may require, having regard to the views of the local government, that deposited plans of survey or vacant/survey –strata plans not be endorsed until the buildings are constructed to plate unless there is a detailed area plan adopted under an operative town planning scheme".

The proposed lots are less than 350m², which also have a narrow frontage (7.54m and 7.34m). There are might be also access difficulties because of the narrow frontage of the proposed lots. An area at the rear of the lot abutting a ROW is marked on the subdivision plan as an area subject to cross-easements for access in order to allow for access to the rear of the lot towards the south via the ROW.

It is considered by the administration that Condition 3 previously imposed by the WAPC should remain if the current application is to be approved by the Commission. This condition would ensure that the land is not subdivided until the development has been built in accordance with the Residential Design Codes.

Condition 5 which was previously imposed by the WAPC required widening of the ROW abutting the northern boundary of the lot by 0.82m. The previously imposed Condition 5 was in accordance with the requirements under WAPC Bulletin 33, which states the following:

"Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres wide (or 5 metres, if appropriate), the approval may require that the land required to widen the laneway to 6 metres (assuming equal widening on both sides of the right-of-way, where appropriate) will be given up free of cost to be dedicated to public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken. This reflects the increasing need for greater width (improved vehicle passing opportunities, etc) as the number of developments accessing the right-of-way grows."

The applicant stated in the letter submitted with the subdivision application that the previously imposed condition requiring ROW widening is "inequitable" and "unrealistic".

The application was advertised for comment to internal Council staff. Council's engineering service advised that ROW widening condition should be imposed. The ROW abutting the subject lot is only 3.36m in width. Subdivision of the subject lot into two lots is increasing the number of developments accessing the ROW. The widening is needed in order to improve safety for users of the ROW in the long term.

The imposition of such condition is in accordance with the WAPC Bulletin 33 and WAPC Development Control Manual and should be imposed to ensure consistent approach in assessment of subdivision applications and would have long-term benefit for upgrading of the right-of-ways in the municipality.

CONCLUSION

The WAPC previously approved the proposal for subdivision of 25 Broome Street subject to conditions.

The existing building on the lot is only listed in the Municipal Inventory as a Category 3 building. The preservation of the building alone cannot serve as a valid reason for subdivision refusal.

Conditions requiring the applicant to submit an application for planning approval and construct the residences to plate height prior to issue of the Diagram of Survey would ensure that the new lots to be created are capable of development in accordance with the R-Codes.

It is recommended that Council advises the WAPC that it holds no objection to the subdivision proposal subject to conditions. All the conditions imposed previously by the WAPC are still valid and should be imposed as conditions in case if the subdivision of 25 Broome is approved.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it has no objection to the proposed subdivision at No 25 (Lot 3) Broome Street, Cottesloe (WAPC Ref No: 123262), subject to the following conditions:

- (1) No lot having a frontage of less than 7 metres.
- (2) The applicant obtaining development approval for the development of a house(s) on the lots less than 350m² in accordance with the requirements under the Clause 3.5.2 of the WAPC Development Control Policy Manual
- (3) The building being constructed to plate height prior to the submission of the Diagram or Plan of Survey;
- (4) The right-of-way adjoining the northern boundary of the subject land shall be widened by 0.82metres, such widening being shown on the Diagram or Plan of Survey as a "Public Right of Way" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any compensation by the Crown.

- (5) A 2m truncation being provided at the North Eastern Corner of the proposed 319m² lot where the ROW meets Broome Street.
- (6) The 0.82 metre widening, and the 2m truncation being paved, sealed and drained to the satisfaction of the Western Australian planning Commission;
- (7) The right-of-way abutting the northern boundary of the subject lot being paved and drained at the subdividers cost to the satisfaction of the Western Australian Planning Commission.
- (8) All existing crossovers being removed and surfaces being reinstated accordingly to the satisfaction of the Western Australian Commission.
- (9) A photographic record of the building being submitted to the Town of Cottesloe prior to demolition.

COMMITTEE COMMENT

Cr Jeanes was of the opinion that condition (4) should be deleted as it would improve the subdivision and condition (6) be amended to delete the 0.82 metre widening.

Manager, Development Services advised that condition (3) is recommended so that the two houses are built at the same time and there is no chance of a large blank wall being visible from the vacant lot next door if they chose to build only one of the houses.

Cr Jeanes moved that conditions (3) and (4) be deleted and condition (6) be amended to delete the wording 0.82 metre widening.

AMENDMENT

Moved Cr Walsh, seconded Cr Morgan

That the Officers Recommendation, in place of the Committee Recommendation, be put.

Lost 4/7

11.1.4 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council advise the Western Australian Planning Commission that it has no objection to the proposed subdivision at No 25 (Lot 3) Broome Street, Cottesloe (WAPC Ref No: 123262), subject to the following conditions:

- (1) No lot having a frontage of less than 7 metres.**
- (2) The applicant obtaining development approval for the development of a house(s) on the lots less than 350m² in accordance with the requirements under the Clause 3.5.2 of the WAPC Development Control Policy Manual**
- (3) A 2m truncation being provided at the North Eastern Corner of the proposed 319m² lot where the ROW meets Broome Street.**

- (4) The 2m truncation being paved, sealed and drained to the satisfaction of the Western Australian planning Commission;
- (5) The right-of-way abutting the northern boundary of the subject lot being paved and drained at the subdividers cost to the satisfaction of the Western Australian Planning Commission.
- (6) All existing crossovers being removed and surfaces being reinstated accordingly to the satisfaction of the Western Australian Commission.
- (7) A photographic record of the building being submitted to the Town of Cottesloe prior to demolition.

Carried 9/2

11.1.5 NO 26 (LOT 123) FLORENCE STREET - SUBDIVISION REFERRAL

File No: 26 Florence
Author: Ms Lilia Palermo
Attachments: Location plan
 Correspondence from WAPC
 Supporting information from Planning Solutions
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: J. Garcia-Tiran

Applicant: Planning Solutions (Aust) Pty Ltd
Date of Application: 1 October, 2003

Zoning: Residential
Use: N/A
Density: R20
Lot Area: 926m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of a subdivision referral from the Western Australian Planning Commission (WAPC), which requires Council to provide comment to the WAPC within 42 days from the date of the referral.

Given the assessment that has been undertaken, the recommendation is to advise the WAPC that Council objects to the proposed subdivision due to its non-compliance with the required site area under the Residential Design Codes.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2
 Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal
Engineering

External
N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The application is for subdivision of 26 Florence Street, Cottesloe into two lots. The subject property is zoned Residential R20.

STAFF COMMENT

The proposal to subdivide 26 Florence Street into two equal size lots 463m² each does not comply with the site area requirements under the RDC for R20 density coding.

The minimum site area requirement under the R-codes for R20 is 440m² and the average is 500m². Both of the proposed lots are not in compliance with the average site area of 500m².

The planning consultants Planning Solutions Pty submitted a report on behalf of the owner providing justification for the proposed subdivision.

The applicant is using Clause 3.2.1 A2 of the RDC for the purpose of including an area 2m wide of the ROW located at the rear of the subject lot into the site area calculation.

Clause 3.1.2 A2 states the following:

"in the case of a rear battleaxe site, the site area inclusive of access leg where such an access leg contributes no more than 20 per cent of the site area as required by Table 1. Where the lot (excluding access leg) adjoins or abuts a right-of-way or public reserve for open space, pedestrian access, school site or equivalent, half of the width (up to a maximum of two metres) may be added to the site area"

Clause 3.1.2 A2 cannot be applied to subdivision of 26 Florence Street, as it purposely states that it is only applicable *"in the case of a rear battleaxe site"*. The subdivision proposal of 26 Florence Street does not incorporate a battleaxe lot, the two proposed lots both have frontage to Florence Street.

The proposal does not comply with the average site area requirement (500m²) for R20 density coding. The proposal is considered under the relevant performance criteria of the Design Element 3.1 – "Housing Density" of the RDC, which is as follows:

"The Commission may approve the creation of a lot of a lesser area and the Commission or Council may approve a minimum site area of a Grouped Dwelling on a site area less than that specified on Table 1 provided that the proposed variation would meet the following criteria:

- be no more than 5 per cent less in area than that specified on Table 1; and*
- facilitate the protection of an environmental or heritage feature; or*
- facilitate the development of lots with separate and sufficient frontage to more than one public street; or*
- overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
- allow land to be development with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or*
- achieve specific objectives of the local government Scheme and, where applicable, the Local Planning Strategy".*

Both of the proposed new lots do not comply with the average site area requirement specified under the Table 1 by 7.4%, which does not satisfy the performance criteria. The proposed subdivision does not satisfy any of the performance criteria quoted above.

The proposal also does not comply with the minimum frontage requirement of 10m for lots in areas coded R20. The width of both of the proposed lots is 9.8m.

DEVELOPMENT CONTROL POLICY 2.2 – RESIDENTIAL SUBDIVISION (DC 2.2)

Clause 3.2.3 of the Western Australian Planning Commissions Development Control Policy 2.2 specifies the following criteria which must be met by the subdivider when applying for subdivisions or survey strata subdivisions, which include a variation to the minimum or average lot size:

- The variation only applies to one lot in the subdivision; and
- The variation reduces the area of that one lot by no more than 5% of the minimum area specified in Table 1 or elsewhere in the R – Codes; and
- The variation in the area of that one lot reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in the table 1 or elsewhere in the R-Codes; and
- The variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission forms the opinion that it will have a particular beneficial outcome for the Community.

The proposed variation to the average site area applies to both of the proposed lots and the variation is more than 5%. It is not considered by the administration that the proposed variation would have a particular beneficial outcome to the community.

CONCLUSION

The proposed subdivision of 26 Florence Street, Cottesloe does not comply with the average site area requirements under the RCD.

The proposal does not comply with the performance criteria under the Design Element 3 – Housing Density, as the proposed variation reduces the area of each of the proposed lots by more than 5% of the average site area specified in Table 1.

The proposal does not comply with the criteria specified in the WAPC Development Control Manual. The proposed variation to the average site area applies to both of the proposed lots and the variation exceeds 5%.

The proposal does not comply with a 10m minimum frontage requirement for lots in the areas coded R20 under the Table 1 of the RDC.

It is recommended that Council advises the WAPC that it objects to the proposed subdivision.

However there is a potential for the applicant to comply with the minimum and average site area requirements under the RDC in case if an application is made for a survey strata for the purpose of development of two grouped dwellings. In this case Clause 3.1.3 A3 (v) of the RDC would apply, which states:

- *In the case of Grouped Dwellings in areas Coded R20 at the time of the gazettal of the Residential Design Codes the average site area shall be 450m².*

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council advise the Western Australian Planning Commission that it has an objection to the proposed subdivision at No 26 (Lot 123) Florence Street, Cottesloe (WAPC Ref No: 123268), for the following reasons:

- (1) The proposal does not comply with the average site area requirement specified in the Table 1 of the Residential design Codes;**
- (2) The proposal does not comply with the performance criteria of the Design Element 3.1 of the Residential Design Codes;**
- (3) The proposal does not comply with the criteria for assessing applications for subdivision proposing variation to lot sizes specified under the Clause 3.2.3 of the WAPC Development Control Manual; and**
- (4) The proposal does not comply with a 10m minimum frontage requirement for lots in areas coded R20 under the Table 1 of the Residential Design Codes.**

Carried 11/0

11.1.6 STIRLING HIGHWAY PLANNING STUDY - REVIEW OF ROAD RESERVATION

File No: D5.2
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 6 October, 2003
Senior Officer: Mr Stephen Tindale
Attachment: Letter dated 28 August, 2003 from the Department for Planning and Infrastructure. The other reports will be tabled at the October meeting of the Development Services Committee.

SUMMARY

The Department for Planning and Infrastructure is seeking approval in principle from Council to permit the Western Australian Planning Commission to commence an amendment to the Metropolitan Region Scheme. The purpose of the amendment will be to rationalise the existing 80m road reservation along Stirling Highway, from Jarrad Street to Hackett Drive, Crawley. It is proposed that the reservation be between 30m and 35m in width.

Plans were prepared to support the reduced road reservation width, which were the subject of a community consultation process.

It is recommended that Council:

- support the principle of reducing the road reservation;
- express concern at the implications of the proposed Stirling Highway road design and the proposals for the Western Suburbs Highway on the Town Centre; and
- request the Chief Executive Officer to approach the relevant body(ies) to develop a process that facilitates a holistic approach to the development and integration of the Town Centre and the two adjoining transportation corridors.
- inform the Shire of Peppermint Grove of its position; and
- staff be authorised to prepare the necessary Scheme Amendment documents to zone or reserve land based on the No. 2 Town Planning Scheme maps, should the Western Australian Planning Commission commence an amendment to the Metropolitan Region Scheme, to reduce the road reservation width along Stirling Highway.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme
Town of Cottesloe Town Planning Scheme

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

There is uncertainty with property owners affected by the existing road reservation in terms of:

- potential property resumption; and
- appropriate zoning applicable to the land.

The purpose of the study is to rationalise the road widening requirements for Stirling Highway and reduce the existing 80m reservation accordingly. To achieve this, an amendment to the Metropolitan Region Scheme is required. The effect of the removal of some or all of the existing road reservation from private properties will leave these portions of the site without any zoning.

Council will need to amend its existing Town Planning Scheme to zone this land under the existing Town Planning Scheme. Once the land has been zoned under the current Town Planning Scheme, this will provide certainty to the property owners concerning the need for a property resumption and the development potential of their land.

FINANCIAL IMPLICATIONS

The cost of amending Council's existing Town Planning Scheme will be approximately \$1000.

BACKGROUND

On the 15 September 2003, a memo from the Manager, Development Services was sent to all Councillors advising that the reports from this study were available for inspection and that they would be tabled at the meeting.

A copy of the covering letter and the Summary Report were circulated to Councillors at that time.

Since 1963, land along Stirling Highway has been subject to a Primary Road reservation. This reservation is 80m in width and affects both sides of Stirling Highway.

The purpose of the reservation is to identify land requirements for that road. This would indicate the ultimate design width of the road and the extent of road widening required from private and non-private land owners.

There have been a number of studies carried out on Stirling Highway since the early 1990s.

It was not until mid 1996 that the Western Australian Planning Commission placed a 5.0m development set back line along both sides of Stirling Highway. This development setback line is still in place. This would allow for an ultimate road width to be between 30 and 35m. The width varies due to the need to preserve heritage listed buildings and other constraints

The 5.0m development set back line protects the front of properties along Stirling Highway from being developed until the study has been concluded and the reservation changed to reflect the results of the study and the consultation process that is required to be followed for an Metropolitan Region Scheme amendment.

The development setback line is in addition to any normal setback required for development.

The analysis of existing and future traffic volumes along Stirling Highway indicates that there would only be a marginal variation to current numbers over the next 20-30 years.

During the submission period, the report states that there were 163 responses received (only 160 are shown in the report). Of those shown in the report, 25 submissions (approximately 16%) were received from Cottesloe residents.

It was also pointed out in the report that only 16% of all the submissions that were received came from respondents that abutted Stirling Highway, while the remaining 84% were away from Stirling Highway.

STAFF COMMENT

The purpose of this study is to rationalise the existing road reservation width along Stirling Highway and to amend the existing Metropolitan Region Scheme to reflect the reduced reservation. The land protection plan accompanying the report sets out the extent of road widening required if and when the government decides to proceed with the widening of Stirling Highway.

The proposed highway concept plans and reservation requirements are viewed by the Department for Planning and Infrastructure as being a "...long term planning proposal". The Department for Planning and Infrastructure have also indicated in their letter that prior to any future highway improvements, more detailed planning work is require to be carried out in close consultation with Councils.

The current road reservation affects 94 properties in the Town of Cottesloe. The reduction in the road reservation will result in only 36 properties being affected by the need to have any property resumptions in the future. The widening requirements vary from 0.7m up to 6.0m

Two further properties would be affected, however, these only require a corner truncation.

From the Public Communications Report, 25 responses were received from people within the Town of Cottesloe. A breakdown of their position is outlined below:

Support Option			Do not support Option		
Property abuts Stirling Highway	Property affected by existing Road Reservation, but not on Stirling Highway	Submission from Elsewhere in the District	Property abuts Stirling Highway	Property affected by existing Road reservation, but not on Stirling Highway	Submission from Elsewhere in the District
2	1	7	5 ⁽¹⁾	1	5

Four submissions were received from two properties.

Two submissions made comments but did not identify support or opposition to the proposal.

In total, there were 7 submissions from four properties that would be directly affected by the road widening of Stirling Highway.

Other properties may be directly or indirectly affected by the final design solution for the highway, whenever that occurs.

There were a number of other issues raised from the submitters which, based on the letter from the Department for Planning and Infrastructure, were considered in the refinement of the plan.

Proposals

The current concept plan for Stirling Highway would result in:

- (1) Right hand turns from Stirling Highway (travelling south) being restricted to the following streets:
 - Parry street
 - Eric street
 - Napier Street
 - Napoleon street; and
 - Jarrad street
- (2) Left in/left out for vehicles travelling north along Stirling Highway;
- (3) Road widening on some properties that front along Stirling Highway; and
- (4) Boreham Street being left in/left out rather than left out only.

CONCLUSION

The principle of reducing the road reservation for Stirling Highway is supported.

However, the design for Stirling Highway seeks to limit vehicular access in the southern section of the District to right hand turn movements into Napier Street and Napoleon Street. This will have implications for Napoleon Street which is really an access road rather than a local distributor road.

Coupled with this proposal, are the proposals for the Western Suburbs Highway and the alternative design options that are proposed for the Jarrad Street locality. These concepts have the potential to impact on the internal and external links of the Town Centre.

Further, Westrail in 1999 have previously expressed a desire to re-develop the Cottesloe Train Station and it is known that more recently the State Government has expressed a desire for increased residential densities around train stations.

It is recommended that Council support in principle the concept of the reduction of the Stirling Highway road reservation, but require further work in terms of the impact that the proposed changes will have on the local road network through the Town Centre.

Further, it is considered that a holistic approach to the development and integration of the Town Centre and the two adjoining transportation corridors is required which should include all stakeholders. This should result in a co-ordinated approach to this important locality.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Notes the findings of the Stirling Highway Planning Study – Review of Road Reservation;
- (2) Advise the Western Australian Planning Commission that it:
 - (a) supports the concept of the reduction in the Stirling Highway road reservation and the Metropolitan Region Scheme amendment required to reduce the reservation;
 - (b) expresses its deep concern in relation to the potential adverse impact that the proposed Stirling Highway road changes near the Cottesloe Town Centre, coupled with the possible effects from the Western Suburbs Highway, would have on the Cottesloe Town Centre; and
 - (c) believes that a holistic approach should be taken to the development and integration of the Town Centre and the two adjoining transportation corridors.

- (3) Request the Chief Executive Officer to approach the relevant body(ies) to develop a process that facilitates a holistic approach to the development and integration of the Town Centre and the two adjoining transportation corridors.
- (4) Advise the Shire of Peppermint Grove of Council's position.
- (5) In the event that the Western Australian Planning Commission commences the amendment process to the Metropolitan Region Scheme for the reduction of the current Stirling Highway road reservation, authorises Council staff to prepare the necessary documents to amend the current Town Planning Scheme to reflect the:
 - (a) reduced reservation boundaries that will form part of the Metropolitan Region Scheme amendment; and
 - (b) reserves, zonings and densities, that have already been identified in the existing No. 2 Town Planning Scheme map.

COMMITTEE COMMENT

The Committee wanted to amend part (2)(b) to further highlight the potential adverse impact that the Stirling Highway design proposal would have on Station Street and Napoleon Street.

11.1.6 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) Notes the findings of the Stirling Highway Planning Study – Review of Road Reservation;**
- (2) Advise the Western Australian Planning Commission that it:**
 - (a) supports the concept of the reduction in the Stirling Highway road reservation and the Metropolitan Region Scheme amendment required to reduce the reservation;**
 - (b) expresses its deep concern in relation to the potential adverse impact that the proposed Stirling Highway road changes near the Cottesloe Town Centre, especially on Station Street and Napoleon Street, coupled with the possible effects from the Western Suburbs Highway, would have on the Cottesloe Town Centre; and**
 - (c) believes that a holistic approach should be taken to the development and integration of the Town Centre and the two adjoining transportation corridors.**
- (3) Request the Chief Executive Officer to approach the relevant body(ies) to develop a process that facilitates a holistic approach to the development and integration of the Town Centre and the two adjoining transportation corridors.**
- (4) Advise the Shire of Peppermint Grove of Council's position.**

- (5) In the event that the Western Australian Planning Commission commences the amendment process to the Metropolitan Region Scheme for the reduction of the current Stirling Highway road reservation, authorises Council staff to prepare the necessary documents to amend the current Town Planning Scheme to reflect the:
- (a) reduced reservation boundaries that will form part of the Metropolitan Region Scheme amendment; and
 - (b) reserves, zonings and densities, that have already been identified in the existing No. 2 Town Planning Scheme map.

Carried 11/0

11.1.7 REPORT ON THE STATUS OF THE MUNICIPAL INVENTORY AND HERITAGE IN COTTESLOE

File No: D3.3
Author: Mr Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 30 September, 2003
Senior Officer: Mr Stephen Sullivan

SUMMARY

A detailed report on the current status of the Municipal Inventory and heritage is being prepared although not completed at the time of the preparation of the agenda.

The report will be circulated separately from this agenda.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Heritage of Western Australia Act 1990

VOTING

Simple Majority

OFFICER RECOMMENDATION

A further report will be circulated for consideration by the Development Services Committee.

The following report was presented to Council via a memo on 17 October 2003.

REPORT ON THE STATUS OF THE MUNICIPAL INVENTORY AND HERITAGE IN COTTESLOE

File No: D3.3
Author: Mr Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 30 September, 2003
Senior Officer: Mr Stephen Sullivan

SUMMARY

This report outlines the current status of the Municipal Inventory, the Heritage Areas, Town Planning Scheme Policy No. 12, Schedule 1 of the Town of Cottesloe Town Planning Scheme No. 2 and the Heritage Strategy.

It is recommended that a Heritage Advisory Panel be established and that Terms of Reference be established for this Panel.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Heritage of Western Australia Act 1990

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 012

STRATEGIC IMPLICATIONS

The report seeks to establish a strategic direction in relation to Heritage within the Town of Cottesloe.

FINANCIAL IMPLICATIONS

Should Council establish a Heritage Advisory Panel similar to the Design Advisory Panel, then a nominal honorarium payment is made.

The scope of the work required to be undertaken by the Panel and the community interest shown in being on the Panel will affect the costs associated with the formulation and running of this Panel.

A more accurate idea of costs will be known following further work on this matter.

BACKGROUND**Municipal Inventory**

The Local Authority is required under Section 45 of the Heritage of Western Australia Act 1990 to:

"...compile and maintain an inventory of buildings in its District which in its opinion, are or may become, of cultural heritage significance."

The term cultural heritage significance

"...in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations"

The term "community" is not defined in the Act.

Council adopted the original Municipal Inventory in 1995. Under the Heritage Act of Western Australia a local government is required to:

- Update the list annually;
- Review the list every 4 years;
- Provide a copy to the Heritage Council; and
- Ensure the inventory is compiled with proper public consultation.

The original 1995 Municipal Inventory had the following categories:

Category	Description	Number or Properties or Places
1	Possible Inclusion On State Register	23
2	Important To The District	69
3	Important As An Individual Building	162
4	Heritage Site Or Significant Vegetation	31
5	Significant In Contributing To Local Character	24
6	Future Heritage Or Recycled Building	22

Council appointed McDougall & Vines to undertake a review of the Municipal Inventory in 2002.

At its Ordinary Meeting held on 23 September 2002 Council considered the Municipal Inventory review by McDougall & Vines.

The review recommended that an additional 28 places be added to the list and that the category of 21 other properties be modified.

The Consultant also recommended that 9 properties be removed from the Municipal Inventory.

In addition 30 properties listed on the 1995 Municipal Inventory have either been demolished or removed from the list by Council.

Council also resolved that the owners of properties that were either added to the list or modified or deleted from the list as apart of the Municipal Inventory Review 2002, be notified and provided with an opportunity to comment on the changes.

The consultation occurred between 31 January 2003 and 25 April 2003.

Council also advised those property owners that made a submission that prior to any report going to Council, they would be notified and given sufficient time to read the report recommendations and be allowed to provide additional comments if required.

Heritage Strategy

The Town of Cottesloe appointed consultants McDougall & Vines to prepare a Heritage Strategy Report in 2001.

The initial intention of the report was to look at the heritage value of the John Street Area. The brief was later expanded to undertake an overall heritage strategy to look at the 4 original heritage areas that were defined in the 1995 Municipal Inventory.

At its Ordinary Meeting held on 23 July 2001 Council resolved to advertise the report for public comment. The report was advertised in July/August 2001 and two public meetings were held.

There were 73 written submissions received of which 42 were in favour of the Heritage Strategy.

Of the 73 submissions received, 41 related directly to the individual listing of buildings and of these 24 objected and 17 supported individual listing of properties. The remainder of the 73 submissions made no comment about individual listing.

On the 25 September 2001 Council considered the submissions received on the Heritage Strategy Report at a special meeting of Council. Council resolved to support in principle the Draft Heritage Strategy Report as its strategic document on Heritage and resolved to:

- Finalise the report;
- Prepare a policy on heritage areas that incorporate the following:
 - i) John Street Heritage Area;
 - ii) Claremont Hill Heritage Area;
 - iii) Essential/Contributory Property Schedule;
 - iv) Residential Conservation & Development Guidelines.
- Review those properties where the owners have requested Council to change the category.

The report made a number of recommendations as follows:

- (1) Town Planning Scheme Review – include heritage strategies and objectives in the new Planning Scheme – **Underway** ;
- (2) Review the 1995 Municipal Inventory – **Underway (refer above)**;
- (3) Define Heritage Areas - identified 2 major areas the Claremont Hill Heritage Area and the John Street Heritage Area – **Amendment No. 33 Halted**;

After Council gave the report "in principle" approval in September 2001 the administration began preparing the relevant policies for the draft heritage areas. Following the Moullin's decision, Council resolved on the 26 August 2002 to initiate an Amendment to Town Planning Scheme No. 2 (Amendment No. 33) to:

- Identify heritage protection as a scheme objective;
- Incorporate relevant scheme provisions for the identification and control of development within heritage areas.

The administration prepared the documentation for Council's meeting in March 2003 where Council adopted Amendment No. 33 for advertising. However a change to the amendment was proposed at Council's meeting in April 2003 where Council resolved to defer the item until May when the new Council would be finalised.

It was again deferred until the meeting on the 23 June 2003 where Council resolved not to proceed with Amendment No. 33.

- (4) Demolition Control and Approval for new Development – **Guidelines Developed but not adopted;**
- (5) Financial Incentives – a number of financial incentives were recommended – **Heritage Loan Scheme being Developed;**
- (6) Education, Promotion & Information Strategies – a number of actions were recommended to improve these areas – **Not undertaken;**
- (7) Community Participation – the report recommended the setting up of a Local Heritage Advisory Committee and a History Resource Centre – **Not undertaken;**
- (8) Economic & Valuation Issues – recommended that a joint study be undertaken with other WESROC members to study the conflict between heritage controls and property market expectations – **Not undertaken.**

There were a number of recommendations made by the consultant which have yet to be addressed or investigated in further depth. In addition there are a number of outstanding issues that have been investigated but have not been finalised.

Schedule No. 1 – of the Scheme

Schedule 1 of the Town of Cottesloe Town Planning Scheme No. 2 is a list of significant sites within the Town that have been considered worthy of protection in the Scheme.

There are 27 places listed in Schedule No. 1. Of these 7, are also on the State Heritage Register.

The list was originally compiled in 1988 as part of Town Planning Scheme No. 2 and at that time was the only list of properties with cultural and heritage significance in the locality until the 1995 Municipal Inventory was adopted.

In March 2000 Council resolved to send a list of category 1 & 2 buildings on the Municipal Inventory to the Heritage Council for possible inclusion on the State Heritage Register.

However due to the amount of buildings referred to the Heritage Council it is believed that this will take years to complete.

On the 18 December 2000 Council resolved to initiate an amendment to the scheme (Amendment No. 30) to include those properties listed as category 1 & 2 in the 1995 Municipal Inventory on Schedule 1 of the Scheme.

However on the 25 September 2001 Council resolved to defer Amendment No. 30, as Council was already dealing with Policy No. 12 and the draft Heritage Report.

This was deferred until April 2003 when Council resolved to adopt a revised addition of Amendment No. 30 and advertise it for a period of 90 days and refer it to the Western Australian Planning Commission for comment.

The advertising for this amendment has not occurred yet. The administration is awaiting direction from Council on the overall heritage strategy before undertaking advertising.

Town Planning Scheme Policy No. 12

Council adopted Town Planning Scheme Policy No. 12 as an interim measure to identify buildings of cultural heritage significance and provide some level of protection for those properties listed as category 1 & 2 on the Municipal Inventory that were not included on Schedule 1 of Town Planning Scheme No. 2.

Originally all properties that were categorised as 1 & 2 were proposed to be included on Policy No. 12, which totalled 69 properties.

However as a result of advertising of the proposed policy, a total of 25 submissions from property owners were received from the 69 that were notified. Of these 23 were objections and 2 supported the policy, with the remaining 42 not making a submission.

The consultants completed a thorough review of all submissions and provided detailed comments.

The consultants recommended that Council not include those category 1 & 2 buildings located in the proposed Heritage Areas on Policy No. 12.

The consultant also recommended that an additional 9 properties be removed as there were not considered to be of cultural heritage significance.

This resulted in a total of 26 properties being included in Policy No. 12, of which 6 objected to listing.

The Policy was adopted on the 26 November 2001.

Amendment 30 is proposing to place all those properties listed on Policy No. 12 onto Schedule 1 of the Scheme together with those category 1 & 2 properties located within the Heritage Areas that were not included in Policy No. 12.

This would result in Policy No. 12 being revoked.

STAFF COMMENT

The adoption of the original Municipal Inventory in 1995 and a greater awareness in heritage generally, resulted in Council appointing a consultant to undertake a Heritage Strategy for the entire district.

This strategy dealt with a multitude of proposals, which were independent of the Municipal Inventory.

Through mis-information being spread throughout the community and a lack of education programmes aimed at clarifying the issues confusion on heritage has resulted.

Residents appear to be confused as to what lists their properties are on and what affect this has on their development rights.

This has been exacerbated by the relatively complex nature of heritage issues and the multitude of lists that the Town of Cottesloe now possesses (Municipal Inventory, Draft Claremont Hill Heritage Area, Draft John Street Heritage Area, Town Planning Scheme Policy No. 12, Schedule 1 of the Scheme & the State Heritage List).

In addition the current heritage situation needs to be clarified and streamlined to provide more certainty for property owners.

In streamlining heritage in Cottesloe there needs to be a careful assessment of all the issues ensuring that the community plays an active role in the process from the beginning before any decisions are made.

Comments are provided on the current heritage initiatives and those that have been halted below and the pertinent issues relating to each of them is addressed and discussed from a holistic perspective.

Municipal Inventory

The Municipal Inventory is a document that should be reviewed every 4 years under the Heritage Act of Western Australia.

The review of the Municipal Inventory has been undertaken and submissions have been received.

The administration recommends that these submissions should be reviewed by an independent Heritage Advisory Panel. The structure of such a panel is discussed below.

There are a few outstanding issues relating to the Municipal Inventory that have yet to be dealt with these include:

- Should listing result in some form of statutory development control?
- Should listing be voluntary?
- Should owners be able to be removed from the list?

Many Local Authorities have placed additional provisions in their Town Planning Schemes to provide a level of protection for properties listed as category 1 or 2 on Municipal Inventories.

In the Town of Cottesloe Policy No. 12 was introduced as an interim measure to protect some buildings listed as category 1 & 2.

In addition Amendment No. 30 is proposing to include all category 1 & 2 buildings on the Municipal Inventory within Schedule 1 of the Town of Cottesloe Town Planning Scheme No. 2.

In some Local Authorities concentrations of buildings categorised as No. 3 or lower have also been protected by including them in Policy Areas e.g. Heritage Protection Areas or Character Protection Areas.

However buildings categorised as 3 or lower which stand in isolation have generally not had additional policies or scheme provisions developed to provide protection.

The Municipal Inventory is an inventory of buildings. It seeks to provide Council with a database of buildings that is of cultural heritage significance to the community. The Town of Cottesloe Municipal Inventory has been structured to define community in two ways and those being the State community (Category 1 buildings) and the local community (the remaining categories).

It is not until those properties are incorporated directly into the Town Planning Scheme or by way of policies, is there a greater weight given to the local importance of those properties.

Removal of properties and the associated data on those properties from the Municipal Inventory will result in a loss of local knowledge and history from this collective pool of information.

It is considered important that the community be informed in terms of what the Municipal Inventory means in the Town of Cottesloe.

Schedule No. 1 – of the Scheme & Town Planning Scheme Policy No. 12

Proposed Amendment No. 30 has been adopted by Council for advertising. However, the Administration has not commenced the advertising process as a consequence of the change in direction of Council.

The purpose of Amendment No. 30 is to correct errors on the current list and to also add the remaining category 1 & 2 buildings listed on the Municipal Inventory that are not listed in Schedule No. 1.

Furthermore the revised Schedule No. 1 would provide a comprehensive list of those buildings that are seen to be significant to the local community with some level of protection.

The administration believes that these properties should be protected within the Scheme as they are considered to be significant to the state and the district.

The administration requests clarification from Council as to whether Council would like to:

1. Halt Amendment No. 30 and deal with this issue in the new TPS No. 3;
2. Halt Amendment No. 30; and

3. Proceed with Amendment No. 30 and refer any submissions received to the proposed Heritage Advisory Panel.

If the results of the submission period on Town Planning Scheme Policy No. 12 are a guide, then there will be some property owners that would not object to their property being listed on Schedule 1.

In the interim the existing Schedule 1 and Policy No. 12 will provide a certain level of protection for these buildings.

It should also be noted that neither Schedule No. 1 nor Policy No. 12 prohibit the demolition of buildings.

Heritage Areas

Numerous Councils' in Western Australia have established heritage areas out of the findings of their respective Municipal Inventories to protect concentrations of properties listed on Local Government Municipal Inventories.

The original Town of Cottesloe Municipal Inventory 1995 identified 4 possible heritage areas this was later revised by consultants McDougall & Vines in 2000 to two heritage areas, Claremont Hill & John Street.

As stated previously Council initiated amendment No. 33 to include provisions in the scheme which allowed the establishment of heritage areas as policy areas. These provisions would not oblige Council to establish Heritage Areas, they would merely allow the establishment of such policy areas at a later stage if the need arises.

These proposed provisions are proposed to be in TPS No. 3 in line with the Model Scheme Text provisions

The Model Scheme Text provides a template for the development of new schemes. The Western Australian Planning Commission has advised that Local Authority Town Planning Schemes are required to closely mirror the Model Scheme Text.

As a part of establishing Heritage Areas the consultants prepared two reports relating to the two Heritage Areas.

In the draft Heritage Reports houses were either classified as contributory or essential to the Heritage Area. The administration has previously referred tot these documents whilst assessing applications, because these were to be adopted by Council as part of the overall Heritage Strategy.

However since Amendment No. 33 was halted it is no longer clear if these documents should be utilised or not.

Therefore, the administration requests clarification from Council as to whether Council would like to:

1. Stop utilising the draft reports when assessing applications and notify all affected owners of Council's decision; or

2. Keep utilising the reports when assessing applications and notify all affected owners of Councils decision.

Draft Heritage Design Guidelines

As part of the development of the draft Heritage Area Reports, the consultants also prepared a set of Design Guidelines for new development within these two areas.

The administration previously utilised these draft guidelines as a guide to new development in these two areas.

However now that Amendment No. 33 has been stopped, the administration requests clarification from Council as to whether Council would like to:

1. Keep utilising these guidelines as an information sheet to owners wishing to undertake new development and inform affected owners of Councils decision;
or
2. Stop utilising these guidelines and inform affected owners of Councils decision.

Heritage-Design Advisory Panel

The Heritage Strategy Report prepared by Vines & McDougall in 2001 recommended that a Heritage Advisory Panel be established. The administration believes that a Heritage Advisory Panel be established. The purpose of the panel would be to provide advice specifically on heritage related matters.

The administration believes that as there are a number of outstanding issues to be resolved with Heritage it would be pertinent to establish an advisory panel specifically for Heritage.

Therefore the administration recommends that a new terms of reference be compiled for the panel, together with the advertisement of expressions of interest from relevant candidates.

One of the first tasks for the new panel could be to provide advice on the submissions received on the review of the Municipal Inventory.

Education, Promotion and Information Strategies

The draft Heritage Strategy Report outlined a number of areas where Council could be pro-active in the area of heritage.

These included Heritage Conservation Awards, Heritage Newsletter and Cultural Heritage Tourism.

In relation to the Heritage Newsletter the administration previously utilised this medium to notify affected owners of the direction and progress of heritage in Cottesloe. The administration believes that as there are numerous heritage issues to be dealt with over the coming period it is necessary to once again utilise the Heritage Newsletter to inform residents of the latest developments.

Heritage Awards could easily be developed which would give owners of heritage-listed buildings some sense of achievement by receiving a heritage awards. The administration believes that these awards are vital in developing a sense of pride in heritage in the locality.

Discussions with other local authorities and the Heritage Council of Western Australia are required to gather more information as to the structure of such awards.

Cultural Heritage Tourism is a vital part of any heritage strategy it can involve a variety of different projects.

The Municipal Inventory has a list of 35 Heritage Sites in the district, which it recommends to place, appropriate markers or the like on the site. In addition to these there are a number of other buildings listed as category 1 & 2 which could also have an appropriate marker placed on the verge of the site to give a brief outline of the buildings historical significance together with historical photographs.

A heritage trail could be established once a number of these markers are placed on the relevant sites to provide a source of information for tourists visiting Cottesloe.

The administration recommends that these issues be referred to the Heritage Advisory Panel once it is established.

Council at it's meeting on the 22 September 2003 resolved to contribute \$25,000 to the Heritage Loan Scheme. The administration advised the Western Australian Local Government Association of Council's contribution.

The W.A. Local Government Association has advised Council that the first round of the Heritage Loan Scheme has closed, however due to a high level of interest in the first round there is a plan to initiate a second round in early 2004.

The administration is awaiting information pamphlets and application forms for residents, where a mail out will advise all relevant owners of the Heritage Loan Scheme.

Removal of Properties from Various Heritage Lists

The administration is receiving various requests for removal of properties from primarily the Municipal Inventory and the heritage area lists. These requests have placed extra workload on the administration and there needs to be a process for the consideration of the removal of such properties.

The following outlines some options for the various lists:

Schedule No. 1

Schedule No. 1 is part of Town Planning Scheme No. 2 and any alteration to this requires a scheme amendment.

To initiate numerous amendments to this schedule would result in a large amount of administrative work.

The Scheme is currently being reviewed and therefore any applications for removal at this stage should be taken as part of the scheme review and not as separate amendments to the current scheme.

Town Planning Scheme Policy No. 12

For alterations to Policy No. 12 Council would have to resolve to make modifications to the Policy and adopt a new revised Policy this would require notification in the local newspaper.

Although there is a presumption against demolition, this policy does not prevent Council from permitting the demolition of a building if it is on this list.

The administration recommends that any requests for removal from policy No. 12 should be referred to the proposed Heritage Advisory Panel once it is established.

Draft Heritage Areas

Removal from these lists will depend on which direction Council takes.

If Council decides to not utilise these reports any longer then removal from them would not be necessary, however if Council decides to continue utilising these reports then all requests should be referred to the proposed Heritage Advisory Panel once it is established.

Municipal Inventory

It is considered that properties and the data associated with those properties should be retained on the Municipal Inventory, including situations where properties are demolished. This is the only substantial document that Council has that provides a detailed history of the District on a property by property basis.

It is considered that should there be questions over the category listing, then these be referred to the Heritage Advisory Panel for comment.

CONCLUSION

The administration recommends that Council establish a Heritage Advisory Panel, and that Council decide on the issues raised in relation to the Draft Heritage Areas, Draft Design Guidelines and the Review of the Municipal Inventory.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council

1. Request the administration to develop terms of reference for a new Heritage Advisory Panel.
2. Notify property owners that have made a submission on the review of the Municipal Inventory that:
 - (a) Council is establishing a Heritage Advisory Panel;

- (b) All submissions will be reviewed by the Heritage Advisory Panel before deliberation by Council; and
- (c) They will be informed of the Heritage Advisory Panels findings prior to deliberation by Council.

COMMITTEE COMMENT

Mayor Rowell would like to arrange a meeting with the Chairperson of the Heritage Council to discuss the value and meaning of having a Municipal Inventory.

Cr Miller is of the opinion that all Category 1 buildings remain the same and all the other buildings listed in the document become a "Z" category with no significance but remain on the list for information purposes.

Cr Furlong would like to see Council advise all residences on the meaning of having a Municipal Inventory.

Mayor Rowell moved that this item be deferred to the November round of meetings.

COMMITTEE RECOMMENDATION

That Council defer this matter to the November round of meetings.

AMENDMENT

Moved Cr Sheppard, seconded Cr Furlong

That the motion be amended by adding "and that an education session on heritage be organised for Councillors before the November 2003 round of meetings."

Carried 11/0

The amended motion was put.

11.1.7 COUNCIL RESOLUTION

That Council defer this matter to the November round of meetings, and that an education session on heritage be organised for Councillors before the November 2003 round of meetings.

Carried 11/0

11.1.8 NO 1 (LOT 11) BROOME STREET - REQUEST FOR THE PROPERTY TO BE REMOVED FROM THE MUNICIPAL INVENTORY AND TPS POLICY NO. 12 LISTS

File No: 1 Broome Street
Author: Ms Lilia Palermo
Attachments: Location plan
 Correspondence from owner
 Municipal Inventory Information on 1 Broome Street
Author Disclosure of Interest: Nil
Report Date: 2 October, 2003
Senior Officer: Mr Stephen Sullivan
Property Owner: S & E. M. Coward
Applicant: S & E. M. Coward
Date of Application: 2 October, 2003
Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 645m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of a request to remove the property No.1 Broome Street from the list under the Town of Cottesloe Municipal Inventory and the Policy No.12 – Places of Cultural Heritage Significance.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

Places of Cultural and Heritage Significance

Policy No 012

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

The purpose of the report on this agenda dealing with the heritage issues in the Town of Cottesloe prepared by Daniel Heymans is to seek clarification from Council regarding its position and strategy for dealing with heritage matters in the Town of Cottesloe.

Application for removal of properties from various heritage listings such as Municipal Inventory, Policy No.12, Schedule 1 and Draft Heritage Areas should be deferred until such time when Council makes a decision regarding the appropriate procedure for dealing with heritage issues.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The owners of No.1 Broome Street are seeking removal of their property from the TPS Policy No.12 and from the list under the Municipal Heritage Inventory.

The property is located on the corner of Broome and Gibney Street and is zoned Residential R 30.

STAFF COMMENT

The property No. 1 Broome Street is assigned Management Category 2 under the Town of Cottesloe Municipal Inventory. The following is recommended for Management Category 2:

2.- Maximum Incentives under Town Planning Scheme

High level of protection appropriate: provide maximum encouragement to the owner under the Town planning Scheme to conserve the significance of the place.

Photographically record the place prior to any major redevelopment or demolition.

Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme and cover with development guidelines and incentives.

Municipal Inventory is a document that provides a database of significant heritage places within the locality. Development of the properties is not necessarily restricted solely by the fact that they are registered in the Municipal Inventory.

Removal of the properties from the Municipal Inventory would undermine the opportunity for public to learn about the historical development of the built environment in the district. If all the requests to remove properties from Municipal Inventory were satisfied the document would cease to serve its purpose of providing a database of heritage places in the locality.

No 1 Broome Street is also listed under the Town Planning Scheme Policy No 12 – “Places of Cultural heritage Significance” It is stated in the Policy 12 that “*the places identified in Categories 1 & 2 of the Municipal Inventory contribute significantly to the character of Cottesloe, and Council is conscious that they form an integral part of the character, amenity and ‘sense of place’ of the suburb.*”

The main objectives of the Policy No 12 are:

“To protect existing places of cultural heritage significance, and to maintain the character, amenity and ‘sense of place’ of the suburb.

To ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building”

It is specifically stated in the Policy No 12 that demolition of places covered by the policy will not be supported by Council, unless it is demonstrated to Council’s satisfaction that the listed building is not of local cultural heritage significance.

The policy also outlines the development assessment requirements for any applications for development of properties included in the Local Policy 12 and specifies the information required to be submitted with the applications for development or demolition.

Removal of the property from the listing under the Policy No.12 would potentially allow the owners of the property to gain demolition or development approval under delegated authority and without addressing the development assessment requirements outlined in the TPS Policy 12.

CONCLUSION

It is considered by the administration that removal of the properties from the Municipal Inventory is not appropriate. Municipal Inventory is merely a historical record of significant heritage places in the district and it does not predetermine the development potential of properties included in listing. Removal of the properties from the list would undermine the potential of the public to learn about the historical development of the built environment in the municipality.

Assessment of the request to remove No 1 Broome Street from the Policy No.12 should be deferred until such time when Council makes a determination on the procedure for dealing with heritage issues in the Town of Cottesloe, which would ensure consistent and fair approach to assessing requests and development applications involving heritage matters.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council Defers consideration of the request for removal of No. 1 Broome Street, Cottesloe from the Municipal Inventory and Policy No. 12 listings until the time when Councils makes a determination on the procedure for dealing with heritage matters.

COMMITTEE COMMENT

Mayor Rowell inspected the residence and found it to be extremely rundown and in need of a lot of repair to restore the residence. Additions to the rear of the building in a very different style to the front of the residence.

Cr Walsh would like to see a heritage committee created with an expert heritage consultant on the committee.

Mayor would like to see a checklist and guidelines put in place to deal with heritage buildings.

11.1.8 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council removes No. 1 Broome Street, Cottesloe from the Municipal Inventory and Policy No. 12.

Carried 7/4

11.1.9 NO 20 (LOTS 12 & 13) WILLIAM STREET - DEMOLITION OF CATEGORY 3 DWELLING ON THE MUNICIPAL INVENTORY

File No: 20 William Street
Author: Mr Daniel Heymans
Attachments: Location plan
Correspondence from owner
Photo
Author Disclosure of Interest: Nil
Report Date: 25 September, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: E Banda

Applicant: As above
Date of Application: 2 September, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 1214m²
M.R.S. Reservation: N/A

SUMMARY

The purpose of this report is to seek Council approval for the demolition of an existing single storey residential dwelling which is classified as a category 3 dwelling on the Town of Cottesloe Municipal Inventory. Given the assessment that has been undertaken, the recommendation is to Approve the demolition Application.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

State Register of Heritage Places	N/A
TPS No 2	N/A
Town Planning Scheme Policy No 12	N/A
Draft Heritage Strategy Report	Claremont Hill Heritage Precinct - Essential
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
N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

Review of delegation is necessary to allow the Manger of Development Services to approve the demolition of buildings listed in the draft heritage areas under delegated authority.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The subject property is located on the northern side of William Street within the Claremont Hill Area. The property is classified as category 3 in the Municipal Inventory and as essential in the draft Claremont Hill Heritage Area.

STAFF COMMENT

A category 3 building is classified in the Municipal Inventory as:

"3 - Significant as an Individual Building

Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme and cover with development guidelines and incentives such as first areas to receive underground power, rate rebate for registered verges and first consideration of verge maintenance and upgrading by Council."

Council has previously granted approval for the demolition of category 3 buildings as they are not seen to be of state significance or significant to the district.

In certain instances where there is a large concentration of such buildings Local Authorities have created heritage protection areas. The Town of Cottesloe proposed to create a Claremont Hill Heritage Area however this was stopped by Council in June 2003.

The draft heritage areas report identifies an “essential building” as:

“Essential – properties that are essential to the current character of the Heritage Area. These properties should be retained as places of local heritage significance within the area. The significance of the place (aesthetic, historic and social) is described on the assessment sheet. Any alterations or extensions should reinforce the character of the area.”

The individual assessment sheet for this property states that the building was constructed in the interwar period. The aesthetic value of this property results from the bungalow retaining a lot of original detailing from the period. The recommendation for this property is that it should be retained and that any alterations should reinforce the character of the area.

A site inspection of William Street has revealed that this building is one of the few remaining dwellings of this period in the street and that the majority of dwellings have been constructed in the last 20 year. The character of the street has therefore been substantially altered compared to other more pristine streets within the Claremont Hill Area where the majority of buildings were constructed in the first half of last century.

The administration considers that this building contributes to the Claremont Hill Area, however as the streetscape of William Street has been altered significantly by more recent development it is considered that the demolition of 20 William Street would not have any adverse impact on the streetscape.

CONCLUSION

That demolition approval be granted.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Walsh made a declaration relating to impartiality with respect to knowing the owner of the property as a friend.

11.1.9 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the Demolition of Category 3 Dwelling on the Municipal Inventory at No 20 (Lots 12 & 13) William Street, Cottesloe in accordance with the plans submitted on 2 September, 2003, subject to the following conditions:

- (1) A photographic record of the existing residence being submitted to Council prior to a Building/Demolition Licence being issued.**
- (2) The site being levelled and stabilised to the satisfaction of the Manager Development Services.**

Carried 11/0

11.1.10 NO 9 (LOT 33) WEBB STREET - DEMOLITION APPLICATION

File No: 9 Webb Street
Author: Ms Lilia Palermo
Attachments: Location Plan
Application form to demolish
Correspondence from owner (2)
Municipal Inventory information on 9 Webb Street

Author Disclosure of Interest: Nil
Report Date: 2 October, 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: M & T Kalnenas

Applicant: M & T Kalnenas
Date of Application: 2 October, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 1083m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application to demolish a residence, which is listed as Category 3 under the Town of Cottesloe Municipal Inventory.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The existing dwelling is listed as a category 3 building under the Municipal Inventory. The applicant is of the opinion that the residence is not worthy of retention for the following reasons outlined in the applicant's letter dated 25th September 2003:

1. *The original Character has been eroded over time by unsympathetic and out of character additions*
2. *There are maintenance issues related to the age of the house*
3. *The size and functionality of the rooms add to its awkwardness*
4. *In our Opinion this house is not a noteworthy example of architectural significance in the Cottesloe area*
5. *The lot size is 1082m² and is underutilised and under capitalised.*
6. *The large frontage of this lot will be pleasing to the eye once anew dwelling and extensive landscaping is created and will add to the streetscape in Webb Street.*

STAFF COMMENT

A category 3 building is classified in the Municipal Inventory as:

“3 - Significant as an Individual Building

Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme and cover with development guidelines and incentives such as first areas to receive underground power, rate rebate for registered verges and first consideration of verge maintenance and upgrading by Council.”

The recommendations of the original municipal inventory report have not been undertaken and therefore no statutory controls exist for the control of demolition of buildings listed as category 3.

Council has previously granted approval for the demolition of category 3 buildings as they are not seen to be of state significance or significant to the district.

The individual assessment sheet for this property states that the building was designed by the architect Richard Spanney and constructed in 1939.

Municipal Inventory also contains the following description of the dwelling:

“A large “Art Deco” – “Modern” style house in which the traditional tiled roof softens the “International Cubist” influences. Textured rendered finished walls. The original joinery was wood. The new joinery is in aluminium. Garden wall and pergolas appear later additions.”

The existing residence on 9 Webb is the only dwelling on the street that is entered in the Municipal Inventory. It appears that the majority of the dwellings on the street are modern and were possibly built in the last 20 years.

The administration acknowledges that the existing dwelling on 9 Webb Street is significant as an individual building being classified as a Category 3 building in the Municipal Inventory. The streetscape of Webb Street has been altered significantly by more recent developments and it is considered that the demolition of 9 Webb Street will not have any adverse impact on the streetscape.

CONCLUSION

That the demolition approval be granted.

VOTING

Simple Majority

11.1.10 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the Demolition Application at No 9 (Lot 33) Webb Street, Cottesloe in accordance with the application submitted on 2 October, 2003, subject to the following conditions:

- (1) A photographic record of the existing residence being submitted to Council prior to a Building/Demolition Licence being issued.**
- (2) The site being levelled and stabilised to the satisfaction of the Manager Development Services.**

Carried 11/0

11.1.11 NO 5 (LOT 3) MELVILLE STREET - REMOVAL FROM THE DRAFT CLAREMONT HILL HERITAGE AREA

File No: 5 Melville Street
Author: Mr Daniel Heymans
Attachments: Correspondence from owner
Author Disclosure of Interest: Nil
Report Date: 2 October, 2003
Senior Officer: Mr Stephen Sullivan

SUMMARY

The applicant has requested that No. 5 Melville Street be removed from the draft Claremont Hill Heritage Area. Given the assessment that has been undertaken, the recommendation is to defer the request.

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

The Draft Heritage Report was adopted by Council in principle and implementation of the recommendations of the report had commenced. However, recent decisions have stopped the implementation of the decisions made by Council in 2001 relating to the report.

A report has been prepared on the status of the Municipal Inventory and heritage in Cottesloe. The report seeks to obtain direction from Council in relation to heritage.

The consequences of Council's position in this regard will influence the position to be taken in this request and other similar requests.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The subject property is located on the southern side of Melville Street. The property has been classified as essential to the character of the draft Claremont Hill Heritage Area.

The draft heritage areas report identifies an "essential building" as:

"Essential – properties that are essential to the current character of the Heritage Area. These properties should be retained as places of local heritage significance within the area. The significance of the place (aesthetic, historic and social) is described on the assessment sheet. Any alterations or extensions should reinforce the character of the area."

The individual assessment sheet for this property states that the building is representative of the growth of the area during the early years of the twentieth century. The aesthetic value of this property results from the building having elaborate timberwork and projecting gables. The recommendation for this property is that it should be retained and that any alterations should reinforce the character of the area.

Notwithstanding the above, Council at it's meeting on the 23 June 2003 resolved to not proceed with Amendment No. 33, which proposed to include provisions into the scheme relating to the proposed Heritage Areas.

STAFF COMMENT

A report has been prepared for consideration by Council at its October, 2003 meeting seeking to identify Councils direction in relation to the matter of heritage.

Therefore, it is considered premature to look at the removal of any properties from this list at this stage until a clear direction in relation to heritage is made by Council.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of this request until Council's position on Heritage is determined; and
- (2) Advise Mrs Livingstone of Council's decision.

COMMITTEE COMMENT

Cr Walsh would like Council to have a direction on heritage issues and not to continually make ad-hoc decisions.

Mayor Rowell moved that this property be removed from Claremont Hill heritage area as the house is not in the same style as the surrounding residence.

COMMITTEE RECOMMENDATION

That Council remove No. 5 (Lot 3) Melville Street from the draft Claremont Hill Heritage Area document.

AMENDMENT

Moved Cr Morgan, seconded Cr Walsh

That the Council adopt the Officer Recommendation.

Lost 3/8

The substantive motion was put.

11.1.11 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council remove No. 5 (Lot 3) Melville Street from the draft Claremont Hill Heritage Area document.

Carried 8/3

11.1.12 COTTESLOE BEACH HOTEL - PROPOSED INTERIM LISTING ON THE STATE REGISTER OF HERITAGE PLACES

File No: D3.2
Attachment(s): Covering letter from the Heritage Council and Documentation of Place for Entry in the Register of Heritage Places.
Extract from Heritage Assessment report submitted by Hocking Planning and Architecture on behalf of the owner.
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 16 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The Heritage Council are proposing to consider the Interim listing of the Cottesloe Beach Hotel in the State Register of Heritage Places.

Council can be a voting member of the Heritage Council when this matter is considered.

The purpose of the report is to advise Council that the Heritage Council will be considering this matter and to seek direction from Council in terms of:

- (a) whether Council will exercise its right to attend the Heritage Council meeting to consider this item – with Council's representative being a voting member for discussion and decision making purposes;
- (b) determining its position on whether the building is of sufficient cultural heritage significance to warrant inclusion on the State Register of Heritage Places; and
- (c) determining Council's representative, if Council resolves to exercise its right as outlined in (a) above.

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The façade of the Cottesloe Hotel is listed in Schedule 1 of the Town Planning Scheme. Schedule 1 is a list of Places Of Natural Beauty And Historic Buildings And Objects Of Historical Or Scientific Interest.

The property was identified in the Municipal Inventory as a Category 3 building.

STAFF COMMENT

Council received notification from the Heritage Council on the 15 October, 2003 that it will be meeting in the near future to determine whether the Cottesloe Hotel is of sufficient cultural heritage significance to warrant consideration for entry in the Interim List of the State Register of Heritage Places.

Circulated separately from this agenda is a copy of the letter from the Heritage Council and the assessment report. The assessment report sets out the Statement of Significance of the property in section 10.

The Heritage of Western Australia Act 1990 permits a Local Authority to be invited to become a member of the Heritage Council, when the Heritage Council considers a property that is located within that Local Authorities District.

The Review of the Municipal Inventory 2002 resulted in certain changes being proposed. For the Cottesloe Hotel Site, the consultants recommended that the Category listing on the Municipal Inventory be modified from a Category 3 building to a Category 2.

In response to the request for submissions, the owners of the Hotel submitted the Heritage Assessment for the Cottesloe Hotel, which was prepared by Hocking Planning and Architecture. The report by this firm indicated that the property has cultural heritage significance. A copy of the relevant section is attached separately from the report.

The matter of attending the Heritage Council meeting and Council's position in relation to the proposed listing is submitted for determination by Council. A response to their letter was requested by the 17 November, 2003, which is the day of the November Development Services Committee meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Direction is sought from Council in relation to:

- (1) whether Council will exercise its right to let a Council representative attend the meeting to consider this item – with Council's representative being a voting member for discussion and decision making purposes;
- (2) its position on whether the building is of sufficient cultural heritage significance to warrant inclusion on the State Register of Heritage Places; and
- (3) Council's representative, if Council resolves to send a representative to the Heritage Council meeting.

COMMITTEE COMMENT

The Committee discussed the implications of the listing of the property in the State Register of Heritage Places.

The Committee was advised that the Heritage Council under the Heritage of Western Australia Act 1990, could over-ride Council's Town Planning Scheme. However, there is a process that is set out in the act which the Heritage Council would be required to follow.

Cr Jeanes moved that the hotel building is the only portion of the site that should be listed and opposed the listing of the beer garden, garages and rear toilets. Cr Walsh was of the opinion that the listing should include the beer garden area.

The Committee then decided that the Council should be present at the Heritage Council meeting and the Mayor should be Council's representative.

AMENDMENT 1

Moved Cr Morgan, seconded Cr Walsh

That item (a) *the beer garden* be removed from the Committee Recommendation.

Lost 5/6

AMENDMENT 2

Moved Cr Morgan, seconded Cr Walsh

That item (3) of the Committee Recommendation be amended to read: "Council to be represented by the Chief Executive Officer."

Lost 2/9

The substantive motion was put.

11.1.12 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council advise the Heritage Council that:

- (1) Council is of the opinion that the hotel building is considered to be the only section that is of cultural heritage significance and the following should be excluded from that listing:
 - (a) the beer garden,**
 - (b) garages; and**
 - (c) the rear toilets.****
- (2) Council will exercise its right to attend and vote at the Heritage Council meeting that will consider this meeting; and**
- (3) Council be represented by the Mayor.**

Carried 11/0

11.1.13 NO 15 (LOTS 45 & 13) BARSDEN STREET - BELOWGROUND CONCRETE SWIMMING POOL

File No: 15 Barsden Street
Author: Mr Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 17 October 2003
Senior Officer: Mr Stephen Sullivan

Property Owner: Mr William Bisset

Applicant: A1 Pools
Date of Application: 9 October, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 1922m²
M.R.S. Reservation: N/A

SUMMARY

Council has received an application for a belowground pool at No. 15 Barsden Street. The property is an interim listed building on the State Heritage Register.

STAFF COMMENT

The Heritage Council of Western Australia has given approval for the development to occur.

The owner is replacing the plumbing of the building and as such has had to dig up parts of the rear yard. Whilst this is occurring the owner would also like to install a new pool.

To expedite the process the administration is requesting the Development Services Committee to approve the application so as to avoid the need for the one week delay of the call in process.

VOTING

Simple Majority

COMMITTEE COMMENT

Conditions 8 and 9 were deleted from the recommendation as they were not applicable to this development.

11.1.13 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

The application for planning consent is **GRANTED** by the Development Services Committee acting under Delegated Authority (May 2003 Council Resolution 10.1.12) for the belowground swimming pool at No. 15 (Lots 45 & 13) Barsden Street, Cottesloe, as shown on the plans received on the 9 October 2003, subject to the following conditions:

- (1) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
- (2) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.
- (3) Stormwater runoff from the driveway or any other paved portion of the site is not permitted to be discharged onto the street reserve or adjoining properties. The gutters and downpipes used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings.
- (4) Any pumps and/or filters are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (5) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells;
- (6) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (7) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.

Carried 6/0

This application was approved by the Development Services Committee acting under Delegated Authority from Council.

Carried 11/0

11.2 HEALTH

11.2.1 BEACHES CAFE - OUTDOOR EATING AREA LICENCE

File No: 122 Marine Parade
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to review the extension of the temporary Outdoor Eating Area Licence for Beaches Café. The recommendation is to continue to extend the licence on a monthly basis pending an agreement of the unit owners.

STATUTORY ENVIRONMENT

- (1) Activities on Thoroughfares and Trading in Thoroughfares and Public Places
Local Law – Division 3 – Outdoor eating facilities on public places.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Annual licence fee \$1,800.

BACKGROUND

At the Full Council meeting of May, 2003 it was resolved as follows:

That Council:

- (1) *Withhold further action in relation to the installation of the kitchen exhaust system at Beaches Café pending the decision of the Strata Titles Referee.*
- (2) *Approve the extension of the temporary Outdoor Eating Area Licence on a monthly basis.*
- (3) *Require the Administration to provide a further report to Council on this matter upon receipt of the decision of the Strata Titles Referee.*

The Strata Titles Referee has since ruled against the café and did not support the installation of a kitchen exhaust system. Insurers of the building also advised the strata company that they would not continue to insure the building if the café was permitted to cook on the premises. These decisions left Council with no other option but to advise the proprietor of Beaches Café, Helen Burke, that she may operate as a Class 3 Food Premises only, with no cooking permitted on the premises.

The issue of the Outdoor Eating Area Licence remained outstanding and the Strata Manager was again requested to confirm its position in relation to this matter.

STAFF COMMENT

The matter of the Outdoor Eating Area Licence was scheduled to be discussed at the next meeting of the owners of 122 Marine Parade in September, 2003. The matter was not tabled for discussion and owners were requested to provide their individual written responses directly to the Council.

Responses have been received from all owners and there are three in favour of the Outdoor Eating Area and three against, with one in favour only if certain matters can be satisfactorily resolved between the strata unit owners and the proprietor of the café. It must be pointed out that one of the owners in favour is the owner of the café premises and another is the café proprietor who also is a unit owner.

A number of significant issues have been raised by those against the proposal and are outlined as follows:

- Excessive numbers of patrons permitted in the past (not at present);
- Bikes and dogs causing congestion to the entrance to the building;
- Security compromised as patrons able to access other common areas;
- Patrons vehicles blocking access for owners and tenants;
- Cleanliness and tidiness of common areas (much better now);
- Lack of compensation to owners for use of common areas;
- Poor condition of the verge;
- Impact on quiet amenity of owners and tenants.

It has been emphasised by one of the owners, who is also on the Council of Owners, that recent discussions with the café proprietor have been encouraging and it is likely that an agreement can be reached between the parties in the near future, perhaps November or December, 2003. This being the case, Council may wish to defer their decision once again pending this agreement.

Alternatively, Council is not obliged to make a decision based on the support or opposition from the strata unit owners. Since the initial problem of the excessive numbers of patrons was brought to the attention of the café proprietor in December, 2002, the situation has substantially improved. The number of patrons seated in the café and outside has been checked on numerous occasions and found to be satisfactory.

There is a lot of support for the outdoor eating area from the community. However, there has also been some criticism of the standard of the premises and the outdoor furniture. Council has the option to set conditions on an Outdoor Eating Area Licence specifying the standard of furniture to be used.

As stated, it is likely that the unit owners and the café proprietor will reach an agreement in the near future. It is preferable that a decision is made with the support of the unit owners and therefore it is recommended that Council defer the decision to approve the Outdoor Eating Area Licence and continue to issue a temporary licence on a monthly basis.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of the Outdoor Eating Area Licence for Beaches Café until no later than February, 2004, pending receipt of an agreement between the strata unit owners of 122 Marine Parade, Cottesloe and the proprietor of Beaches café, Helen Burke.
- (2) Instruct the Administration to write to the Strata Manager and strata unit owners of 122 Marine Parade, Cottesloe individually advising of Council's decision.
- (3) Approve the extension of the temporary Outdoor Eating Area Licence for Beaches Café on a monthly basis.

COMMITTEE COMMENT

Mayor Rowell moved that part (3) be amended to read till February 2004 in order to align with part (1).

Cr Strzina left the meeting at 8.53 pm.

AMENDMENT

Moved Cr Morgan, seconded Cr Cunningham

That the following item be added to the motion:

- (4) The temporary licence to include a condition requiring the proprietor of the café to upkeep the grassed verge area being used for outdoor eating.

Carried 7/3

Cr Strzina returned to the meeting at 8.55 pm.

The amended motion was put.

11.2.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) **Defer consideration of the Outdoor Eating Area Licence for Beaches Café until no later than February, 2004, pending receipt of an agreement between the strata unit owners of 122 Marine Parade, Cottesloe and the proprietor of Beaches café, Helen Burke.**

- (2) **Instruct the Administration to write to the Strata Manager and strata unit owners of 122 Marine Parade, Cottesloe individually advising of Council's decision.**
- (3) **Approve the extension of the temporary Outdoor Eating Area Licence for Beaches Café till February 2004.**
- (4) **The temporary license to include a condition requiring the proprietor of the café to upkeep the grassed verge area being used for outdoor eating.**

Carried 11/0

11.2.2 COMMERCIAL WASTE COLLECTION

File No: D15.1
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 15 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to seek support to amend the 'Collection of Waste and Recyclables' Contract to enable the Council to cease the collection of commercial waste only within the municipality. It is recommended that, upon confirmation of legal advice, relevant clauses of the Contract be amended to facilitate this change.

STATUTORY ENVIRONMENT

Contract - The Collection of Waste and Recyclables

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Income is equal to expenditure therefore there is no change to the budget apart from an equal reduction in both of these areas.

BACKGROUND

Council is currently collecting general waste and recyclable materials from commercial premises in Cottesloe. Since the commencement of the new Waste Minimisation Strategy in November, 1998, a number of factors have changed and it is now questionable as to whether Council should continue to provide this service. These factors are:

- The escalating cost of waste collection and disposal has created a highly competitive environment;
- There is an increasing need to provide more sophisticated recording and billing system to accurately track changes;
- Businesses are demanding more flexibility in the type of services offered.

STAFF COMMENT

It was intended that Council provide a commercial waste collection service at the commencement of the Waste Minimisation Strategy in November, 1998. The delivery of this service, as it becomes more competitive with the private sector, requires a considerable amount of time and flexibility in the type of service that can be offered.

It was identified that a more efficient computerised recording and billing system was required. The function of the system was to track changes to services and bill for those services accordingly to recover costs and ultimately produce a profit.

The computer systems that have been initiated to date have been unable to deliver the level of efficiency required or to simplify the complexities that are intrinsic to the commercial waste service. For this reason the billing of commercial waste services has been both time consuming and inefficient in its ability to generate accurate accounts.

With larger accounts, an audit of the businesses requirements is often necessary before a written quotation can be provided. The private sector, operating without the constraints of local government, is able to vary the price structure to secure the account. The Council's charges for waste services are available to the public to view whereas the commercial sector is not required to publicly disclose its prices unless quoting for services. This puts the Council at a disadvantage and as a consequence of this, and the inability to provide some specialised services, several large accounts have been lost.

The cost of providing the commercial waste service annually without administrative overheads is:

Contractors charges	54,000
(for collection of general waste and recyclables)	
Waste disposal cost	53,800
(based on estimated tonnage) Total	<u>\$107,800</u>
Revenue received	<u>\$120,000</u>

Administration costs are conservatively in the vicinity of \$10,000 per annum. The cost of repairs and replacement of bins is a further \$2,000 per annum and there are additional costs for computer programmes and staff time in implementing the systems.

As the figures demonstrate, it is doubtful that the service is achieving a break even situation and therefore it must be questioned whether it is the role of the Council to be providing this service. The only benefits in providing the service are in maintaining some degree of control over the time and frequency of services and not of any monetary consequence.

It is therefore recommended that Council seek legal advice on the appropriate amendment of the existing Contract to release Council of any obligations and liabilities in relation to this service under the Contract and to also release the contractor from similar obligations and liabilities so that it may take over the services or at least be in a position to quote for the services.

It is preferable that Council's existing contractor continue to provide this service directly to the commercial premises, however, it is recognised that it is open to other commercial providers to take advantage of this opportunity.

VOTING

Simple Majority

11.2.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council supports the amendment of The Collection of Waste and Recyclables Contract to cease the collection of commercial waste only within the municipality, upon receipt of legal advice confirming the Council's authority to proceed with this change.

Carried 11/0

11.2.3 OCEAN BEACH HOTEL - PUBLIC BUILDING ASSESSMENT

File No: PB 1 Eric St
Author: Ms R Levett
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of the report is to reconsider the decision of the August, 2003 meeting of Full Council to support an application by the Ocean Beach Hotel to recalculate the number of patrons permitted in the ground floor of the hotel. It is recommended that the application again be supported.

STATUTORY ENVIRONMENT

Health (Public Buildings) Regulations 1992 as amended June, 2002.

7. Maximum number of persons

(1) Subject to this regulation and regulation 9A, the maximum number of persons that may be accommodated in a public building other than large licensed premises* shall be ascertained in accordance with the Table to this subregulation.

TABLE
AREA PER PERSON ACCORDING TO USE

Reg. 7(1)]

	Measurement units where not otherwise specifically mentioned
Type of use	- m² per person
Licensed premises having a floor area of 850m ² or less	0.85
Meeting/conference room	1
Restaurant	1

*The Ocean Beach Hotel does not constitute a large licensed premises.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The following explanation was provided to the August, 2003 meeting and is reproduced with some further clarification:

The Health (Public Buildings) Regulations 1992 were amended in June, 2002 to allow the Accommodation numbers within licensed premises to be recalculated based on the ratio of 0.85m² per person rather than the previous 1 m² per person. Licensed premises having a floor area of 850m² or less may be automatically recalculated without the permission of the local authority. Individual bar areas of the Ocean Beach Hotel are within this definition, however, due to conditions imposed on the hotel's licence by the Director of Liquor licensing, the hotel must make application to the Director for a reassessment of the numbers. A condition imposed by the Director sets a maximum number of patrons in specific areas that is less than the Public Building allocation.

The Environmental Health Officer is required to inspect and assess public buildings for compliance with the legislation. The Ocean Beach Hotel and the Cottesloe Beach Hotel were advised that reassessment of the number of patrons under the Public Building Regulations will require the support of the Council and the approval of the Director of Liquor Licensing.

The effect of the proposed reassessment of the number of patrons for the Ocean Beach Hotel under the Public Building legislation is outlined in the following table:

AREA	CURRENT NUMBER OF PATRONS	PROPOSED NUMBER OF PATRONS
Public Bar	380	355
Garden Bar	523	590
Saloon Bar	340	340
Total	1243	1285

However, Condition 9 of the hotel's Liquor Licence, set by the Director of Liquor Licensing, currently permits a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times. When one bar is closed or where there are few people in one bar and large numbers in the remaining two bars, the maximum numbers in the two busy bars must be those set under the Public Building Regulations.

The overall effect of the change in total numbers is minimal when assessing maximum numbers under the Public Building Regulations. This is also due in part to the change in the way that the measurements are now taken.

STAFF COMMENT

In 1995, the Town of Cottesloe commenced an action against the Ocean Beach Hotel for reasons of anti-social behaviour of patrons in the vicinity of the hotel and the impact of the hotel on the community. In 1996 an agreement was reached between the parties and a number of conditions were imposed on the hotel's Liquor Licence by the Director of Liquor Licensing. Condition 9, that restricts the maximum numbers

of patrons in the Saloon Bar, the Public Bar and the Beer Garden to 1,000 at any one time, is one of these conditions.

Since this time, the hotel has continued to meet with the Council, the Police, the Office of Racing, Gaming & Liquor and residents to minimise the impact of the hotel on the community and to resolve any problems associated with the hotel's operation.

Based on the number of complaints received from the community, an average of three over a summer period, this process has been very successful. Despite recent assertions to the contrary, there is no specific evidence to suggest otherwise.

The hotel has undergone extensive renovations and is now focusing on the service of food and pre arranged functions, as opposed to the previous focus, primarily the service of alcohol. This position was reinforced by the directors of the hotel in a regular hotel meeting on Tuesday, 14 October, 2003.

The purpose of the Public Building Regulations is to ensure that the public health and safety of members of the public who assemble at a particular place or building is protected. The number of people permitted to be accommodated at a particular place or in a building at any time is determined according to its use. The purpose of the maximum accommodation numbers is not intended to control the behaviour of patrons when they leave a venue.

Council's Environmental Health Officer (EHO) is authorised to take action where the number of people in the venue exceeds those permitted under the Regulations. Where numbers are set by the Director of Liquor Licensing, the EHO is unable to enforce those numbers and any action must be taken by the Office of Racing, Gaming & Liquor or the Police. It is unlikely that this would occur given the very limited resources of those departments. Security personnel are also required to track the number of patrons in the venue.

The variation in numbers set by different authorities is causing confusion to all parties who have a role in controlling patron numbers. Despite the best of intentions, the result is that no-one is checking patron numbers unless it is blatantly obvious that there is a safety risk. The purpose of the Public Building Regulations is clearly intended to address public safety. Reducing the number of patrons for other reasons should be addressed by alternative means such as closing bars or physically reducing licensed areas.

Whilst the reason to impose a condition restricting patron numbers in the hotel in 1996 was a response to community concern about noise and anti-social behaviour, based on the history of complaints received since 1996, it is believed that this reason is no longer a valid one.

It is therefore recommended that Council reaffirms its support for the application by the Ocean Beach Hotel to reassess the number of patrons permitted in the ground floor of the hotel and that Council confirms its position in writing to the Director of Liquor Licensing. It is also recommended that Council reaffirms its request that the Director review Condition 9 of the hotel's Liquor Licence and remove the restriction

permitting a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times.

VOTING

Simple Majority if the officer's recommendation is supported.
Absolute Majority if the officer's recommendation is changed.

COMMITTEE COMMENT

Principal Environment Health Officer advised Council that even though the number of patrons is automatically approved under the changes to the Health Act, it still requires support of Council. Council is not the approving authority when it comes to calculating the number of patrons.

Cr Jeanes would like to see Council becoming involved in policing the number of patrons and general behaviour of patrons when leaving the hotel.

Cr Furlong and Cr Walsh stated that the operators of the OBH had been operating the premises in a responsible manner.

OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL MOTION

That Council:

- (1) Reaffirms its support for the application by the Ocean Beach Hotel to recalculate the number of patrons permitted in the ground floor of the hotel based on the ratio of 0.85m² per person, to a total number of 1285 patrons;
- (2) Reconfirms its support for the recalculation of numbers in writing to the Director of Liquor Licensing; and
- (3) Reaffirms its request that the Director of Liquor Licensing review Condition 9 of the Ocean Beach Hotel's Liquor Licence and remove the restriction permitting a maximum number of 1,000 people in the Public Bar, the Garden Bar and Saloon Bar at all times.

Lost 2/9

11.2.3 COUNCIL RESOLUTION

Moved Cr Morgan, seconded Cr Sheppard

That Council write to the Director of Liquor Licensing withdrawing its previous support for the recalculation of numbers.

Carried 9/2

The meeting felt that the limit of 1000 people appeared to have worked well and that the level of public opposition to the proposed increase in numbers should be taken into account.

11.2.4 TENDER - THE COLLECTION OF MISCELLANEOUS (GREEN & BULK) WASTE

File No: D15.4
Author: Ms Ruth Levett
Attachment: Tender documents
Author Disclosure of Interest: Nil
Report Date: 13 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to assess the Tenders for the collection of green and bulk waste and the recommendation is to accept the Tender submitted by B & N Waste.

STATUTORY ENVIRONMENT

There is a requirement to publicly invite tenders in accordance with the following provisions:

- (1) The Local Government Act 1995 (Section 3.57) provides that where a Local Government intends to tender for another party to supply goods or services, it is required to invite tenders before entering into a contract.
- (2) The Local Government (Functions and General) Regulations 1996 (Section 11) provide that tenders are to be publicly invited before entering into a contract for the supply of goods and services if it is anticipated that service will be worth more than \$50,000.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Waste Minimisation Strategy 2002.

The strategy promotes the reuse of green and organic waste on site and encourages the development of systems to divert organic waste from landfill. The kerbside collection of green waste and the mulching service are consistent with the strategy.

FINANCIAL IMPLICATIONS

Current budget allocation of \$60,000 for Verge Green and Bulk Waste Collection.

BACKGROUND

At the July, 2003 meeting of Full Council, Council considered the verge Green and Bulk Waste Collection service for the two years commencing January, 2004 and resolved as follows:

That Council:

- (1) *Provide a Green and Bulk Waste Verge Collection Service to residential properties for 2004/2005 consisting of:*
 - (a) *four (4) green waste collections conducted two monthly;*
 - (b) *two (2) bulk waste collections conducted simultaneously with the green waste collection for two services;*

- (2) Supports the division of the district into three (3) areas as shown on the attached map.
 (3) Invite tenders for the Green and Bulk Waste Collection Service to commence in January, 2004 for a period of two years to 30 December, 2005.

The Tender for this service was advertised in August, 2003 and Tenders closed on 26 September, 2003. The following is a list of the total of two (2) Tenders received.

No.	Tenderer's Name & Address	Total Price
1	Western Maze Pty Ltd T/A WA Recycling Services PO Box 650 GOSNELLS WA 6990	Green Waste \$71.50 inc GST per tonne Bulk Waste \$80.00 inc GST per tonne Hourly Rate \$82.50 p/h inc. GST For additional hours Leaflet Distribution \$0.11c per leaflet
2	B & N Waste Pty Ltd 66 Wheatstone Drive MORLEY WA 6062	Green Waste \$9,720.00 + GST per collection Green and Bulk Waste \$19,440.00 + GST per collection Total Services \$59,520.00 + GST per annum Hourly Rate \$80.00 p/h + GST For additional hours Leaflet Distribution \$1,200 + GST per annum.

Summary of Tender Cost over 2 year Contract Period

Tender No.	Name of Tenderer	Cost 2 years	GST	Additional Costs	Total Cost 2 years
1.	Western Group T/A WA Recycling Services	\$117,800 refer below	Included	Call Back \$82.50 p/h Leaflet dist. \$\$3,080	\$120,880
2.	B & N Waste Pty Ltd	\$119,040	\$11,904	Call Back \$80.00 p/h Leaflet dist. \$2,400	\$133,344

WA Recycling Services submitted a price per tonne based on the tonnages collected for the past twelve month period from July, 2002 to June, 2003. The Tenderer has also submitted an interpretation of the rates and costs as shown in Appendix *. This interpretation has been assessed and amended by the Administration to more accurately reflect potential tonnages as outlined below.

Current tonnages - Green waste	490	
- Bulk waste	170	
Green Waste Collection Only		
150 tonne @\$71.50 = \$10,725 x 2		\$21,450
Green and Bulk Waste Collection Only		
150 tonne @\$71.50 = \$10,725 x 2 = 21,450		
100 tonne @ \$80.00 = \$8,000 x 2 = 16,000		<u>\$37,450</u>
Total Cost 1 year		\$58,900
Total cost 2 years		<u>\$117,800</u>

STAFF COMMENT

The following other criteria have been considered in addition to the cost of the green and bulk waste collection service:

Equipment

Each tenderer has demonstrated that they currently have the equipment necessary to undertake the works outlined in the Contract Document.

Western Maze Pty Ltd T/A WA Recycling Services use a mini-loader with grab attachments to collect material from the verge. There is the potential for verge and sprinkler damage using this equipment. Some items such as Green waste bags will be collected manually as they must be emptied and returned to the property. They propose to use rear load compactor vehicles for the green and bulk waste and a tray back for recyclable white goods.

B & N Waste collects all material manually by hand and operates side loading vehicles to reduce the hazards associated with working on the road. Whilst manual collection eliminates the damage sometimes caused to lawns and sprinklers by mechanical equipment, it is an occupational safety and health consideration. The company has not had any injuries throughout their 22 years of operation as a result of this method of operation.

Occupational Safety and Health and Insurance

Both Tenderers have a good safety record. There have not been any accidents, workers' compensation claims, or prosecutions or fines under the Occupational Safety and Health Act.

The Tenderers have provided, or are willing to provide, Certificates of Currency for Worker's Compensation and Public Liability Insurance.

References

Nominated referees or organisations serviced by the Tenderers have been contacted for those Tenderers that the administration has no previous history of. There were no unfavourable comments received that would suggest either Tenderer is unworthy of consideration.

In the case of the Western Maze Pty Ltd T/A WA Recycling Services this service is a new business function. References in relation to other services provided by the company were complimentary.

Further Evaluation

Based on prices tendered, there is little to separate the two Tenderers. Western Maze Pty Ltd T/A WA Recycling Services is the lowest tenderer being \$6,232.00 lower per annum.

The only major factors to consider in relation to the Tender submitted by Western Maze Pty Ltd T/A WA Recycling Services are;

- **New business function**
Based on references obtained, whilst this service is a new function for this company, there is sufficient indication that they have the capability to provide a satisfactory level of service.
- **Use of mechanical equipment to collect material**
This is undoubtedly the most critical issue and one that Council has experienced in the past. The use of mechanical equipment to collect from verges in Cottesloe is a particular problem where most residents have installed reticulation on the verge. This results in a softer surface which consequently marks very easily when driven on. Sprinkler heads are often damaged and as previously experienced, the matter often ends in dispute over what extent of damage, if any, was caused by the contractor. There are clauses in the contract to ensure that any damage caused is the contractor's responsibility. However, disputes inevitably take considerable staff time to resolve and more significantly, the resident is dissatisfied.

B & N Waste Pty Ltd is the Council's current contractor for this service. Feedback from the community has been very positive for the service provided by this contractor over the past two years. The contractor has returned free of charge for additional late collections after completing the service. The only problem experienced has been the inability to complete an area within the specified time. This has been addressed by changing the areas from two to three to ensure the area can be collected satisfactorily within one week.

The single justification for selecting Western Maze Pty Ltd T/A WA Recycling Services is that their price is the lowest. It would appear that they have the capability to conduct the service. On the other hand there is concern over the potential for verge and sprinkler damage to occur due to the use of a mini-loader. It is therefore recommended that Council does not select the lowest tender in this instance. B & N Waste Pty Ltd have provided a good service for two years and there is insufficient reason to change to another contractor who is unfamiliar with Cottesloe. The preferred contractor is therefore B. & N. Waste Pty Ltd.

VOTING

Simple majority

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Accept the Tender submitted by B. & N. Waste Pty Ltd for the Collection of Miscellaneous (Green and Bulk) Waste for a period of two years commencing 1 January, 2004, to 31 December, 2005; and
- (2) Authorise the Chief Executive Officer to sign the formal Instrument of Contract upon satisfactory completion of all documentation, as required by the Contract.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That the acceptance of the Tender submitted by B & N Waste Pty Ltd be deferred until discussions have been held with the lowest tenderer in relation to risk management plan for potential sprinkler damage.

Lost 3/8

The substantive motion was put.

11.2.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) Accept the Tender submitted by B. & N. Waste Pty Ltd for the Collection of Miscellaneous (Green and Bulk) Waste for a period of two years commencing 1 January, 2004, to 31 December, 2005; and**
- (2) Authorise the Chief Executive Officer to sign the formal Instrument of Contract upon satisfactory completion of all documentation, as required by the Contract.**

Carried 10/1

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 21 OCTOBER 2003

12.1 ADMINISTRATION

12.1.1 COTTESLOE BEACH - USAGE FOR ORGANISED SPORT

File No: C2.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council three applications for organised sporting activities to be conducted at Cottesloe Beach.

STATUTORY ENVIRONMENT

The beach is on a reserve under the care control and management of Council. Council's Beaches and Beach Reserves Local Law has application. Part 5 of the Local Law is headed *Quiet Amenity* and provides for a number of measures to protect the quiet and amenity of the area. The Law applies to the area which includes the sea adjoining the district for a distance of 200 metres seaward from low water mark and beach reserves. Part 5 sets out a number of things that are prohibited and the following clauses have application:

- "5.1 Play sport or games in such a way as to cause inconvenience or annoyance to other persons except in areas which Council may designate from time to time.*
- 5.7 Operate any musical instrument, radio, record, cassette or compact disc player, enhancing or amplifying electronic device at such volume as in the opinion of an authorised person, is likely to cause a nuisance or annoyance to other persons in or near the locality except in the course of a function or activities approved in writing by Council."*

POLICY IMPLICATIONS

Council has three policies relating to beaches. One (the *Application for Events to be Held on Beachfront* policy), deals with significant events and describes them as being events which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas). It further clarifies the definition by giving examples of significant events as including the Seadragon Festival and the Cottesloe to Rottnest Swim, and provides that small gatherings (less than 50 people) of a social nature, or small wedding ceremonies, are excluded from this policy and requests for these will be handled administratively. This policy empowers the CEO to approve one such function per month.

The second policy deals with *Commercial Activities* on the beach.

The third, Council's *Beach* policy, is extensive and deals with a range of matters.

Attention is drawn to section 6 (c) and (g) of the Beach policy which deal with the active and passive use of the beach and a recognition of the residential nature of the Town. Also to section 13 (v) headed "Organised Sport" which provides that:

"Organised sport on the beachfront must be arranged with and approved by the Council and will be beach - related and occasional in nature. Priority will be given to the resident Surf Clubs' activities."

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Applications have been received from the Western Australian Volleyball Association, TouchWest, and the Cottesloe Surf Life saving Club to conduct activities on the beach (and in the case of the latter, in the water) on a number of occasions over the summer season. In the past, such applications have been dealt with administratively and generally approved with a number of standard conditions, except where there is a clash of bookings.

A number of complaints have been received regarding organised sports being conducted at Cottesloe Beach, particularly the beach volleyball events which entailed use of up to nine courts at a time, were played on a fixture basis over a number of weekends, and entailed the use of amplified sounds and advertising. The Western Australian Volleyball Association has since modified its usage and reduced the number of courts in use, the amount of beach space used, and the number of fixture dates.

The current applications are as follows:

Western Australian Volleyball Association

The initial application was for Sunday 21 December 2003, Monday 26 January 2004, Saturday 13 March 2004 and Sunday 14 March 2004. The beach usage is from 2.00am to 6.00pm each day (courts are set up at night) and the proposal is to use a small number of courts (there are three court structures permanently in place on the beach and the application suggests that they will need use a similar number of courts). The application has since been modified to 13 and 14 March 2004 in an effort to retain usage of Cottesloe Beach as part of its annual fixtures.

TouchWest

The application is to use Cottesloe Beach for beach touch football competitions during January and February over four to five weeks with events being conducted between 5.00pm and 7.30pm on Friday evenings. The application suggests that other venues are being looked at and that each venue may be used so that play at Cottesloe may not be a weekly occurrence. Three to four fields are required for each competition evening.

Cottesloe Surf Life Saving Club

The Club seeks to hold events at Cottesloe Beach on Saturday 20 December 2003, Saturday 10 January 2004 and Monday 26 January 2004.

CONSULTATION

Western Australian Volleyball Association has been consulted.

STAFF COMMENT

Cottesloe Beach is a very popular Perth beach that is relatively small. Its raised grass banks, proximity to shops and hotels, and popularity make it an ideal location for a range of organised sporting activities. Its prominence must be attractive to sponsors of events.

The Western Australian Volleyball Association has conducted events at Cottesloe Beach annually since 1988 and has been very accommodating in reducing the impact of its events at the beach by reducing the number of courts used and the number of event dates. It suggests that Cottesloe Beach has the reputation as one of the best beach volleyball beaches in Australia and has been used by prominent athletes such as Kerri Pottharst and Julien Prosser. The association noted the prominence of Cottesloe Beach in its history and its notoriety.

TouchWest is looking at a number of possible locations for its planned fundraising events.

Cottesloe Surf Life Saving Club's proposal is for three one-day fundraising events that entail "on beach" and "in the water" activities. This is a local club that really has no other logical place to conduct its events other than at Cottesloe Beach. It provides the community with a very valued service at weekends and on public holidays during the beach-going season.

Because of its popularity, the beach area at Cottesloe is often used to near capacity in summer months by beach goers and so the impact of organised activities, with beach space being taken up for exclusive use, and the potential for players and balls to come in contact with beach goers, along with unwelcome amplified sounds and advertising displays, can have a significant effect on other users of the beach. Parking is always a problem both for visitors to the Town and its residents. Complaints from residents about noise, errant parking practices and vandalism are a regular occurrence. Events at the beach compound these problems.

Council has a number of alternatives in dealing with the three applications including the following, to resolve to not approve all or any of them. Another alternative is to approve all or some. A third is to allow the CEO to deal with them in terms of Councils *Application for Events to be Held on Beachfront* policy, and another is a variation on this in that the Cottesloe Surf Life Saving Club's events be dealt with by the CEO without the constraints of that policy.

In looking to apply Council's policies relating to beaches it is noted that whilst the number of players and organisers of events such as the beach volleyball, and the touch football, may not exceed 50 people, and have in the past been dealt with as small events under the *Application for Events to be Held on Beachfront* policy, it is apparent that once the attending crowd numbers are added the total number of people probably exceeds 50.

Additionally, such events involve the erection of structures on the beach and so, on reflection, are more correctly captured by the *Application for Events to be Held on Beachfront* policy and so should be limited by its provisions to one such event per month. In looking at the policies, it is also noted that they are due for review and so it is recommended that the review be conducted with a view to putting a draft combined policy to Council for consideration in February 2004. In the interim, it is proposed that the beach volleyball and touch football applications be handled under the policy. It is noted that significant events are planned by the Cottesloe Surf Life Saving Club for December and January and as it is proposed that these be approved, there could be no other significant events in those months without specific Council approval. There is no approved significant event in March and so the Volleyball Association's application for 13 and 14 March 2004 could be approved by the CEO under the policy.

It is noted that the resident Surf Clubs, and other locally based clubs such as the long board and boarders, are to a large extent tied to holding their activities in Cottesloe.

Many events, such as the surf events, are held outside of the beach going season and away from popular swimming beaches. Also, the Surf Clubs provide a very valuable service to the community with their patrols and so, it is suggested that the CEO be empowered to approve any appropriate local club events, especially Cottesloe and North Cottesloe Surf Life Saving Club events, and not be constrained by the *Application for Events to be Held on Beachfront* policy provisions (i.e. one event per month). As an interim arrangement till Council has revisited the relevant policies, it will be recommended that this exemption apply to the two Surf Clubs.

VOTING

Simple Majority.

DECLARATIONS OF IMPARTIALITY

Crs Furlong, Utting and Robertson made declarations of impartiality with respect to their being members of the Cottesloe Surf Lifesaving Club.

12.1.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Review the following policies at its February 2004 meeting and that Administration prepare an appropriate report and recommendation for Council's consideration;**
 - (a) Application for Events to be Held on Beachfront**
-

- (b) **Commercial Use of Beach**
- (c) **Beach;**
- (2) **Empower the CEO to approve Cottesloe and North Cottesloe Surf Life Saving Club events as appropriate and without constraint by the Application for Events to be Held on Beachfront policy as an interim measure till Council reviews the foregoing policies; and**
- (3) **Note that the applications from the Western Australian Volley Ball Association and TouchWest be handled administratively under Council's *Beach Policy and Application for Events to be Held on Beach Front* policy.**

Carried 11/0

12.1.2 COTTESLOE TENNIS CLUB - COMMUNITY SPORTING AND RECREATION FACILITIES FUND GRANT APPLICATION

File No: C9.4
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to place before Council applications to the Department of Sport and Recreation for Community Sporting and Recreation Facilities Funding (CSRFF) grants received for ranking and recommending to the Department.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The application includes a Council contribution toward the project of \$7,700 (cash and in kind) and there is no provision in the current budget for this. It is recommended that the budget be amended to include a provision for this purpose and amount.

BACKGROUND

Each year the Department of Sport and Recreation calls for applications for grants under its CSRFF program. Applications are forwarded to the relevant local authority for assessment and ranking before they are passed to the Department. All sporting bodies were forwarded information on the grants and one application was received by the closing date of 30 September, 2003. Council now has to deal with this application and lodge it with the Department no later than the last working day in October.

The only application received was from the Cottesloe Tennis Club for grant funding to assist with its proposed works at its clubhouse. The application is for a grant of \$135,000 with the applicant contributing \$180,000 and borrowing \$77,480. The project also includes an allowance of \$6,000 for voluntary labour and a contribution from Council of \$ 7,700. Council's contribution is cash and "in-kind" and is the estimated cost of building licence related fees (building licence, BCTIF levy, footpath deposit and the like) and sewerage connection.

At its last meeting Council considered that matter of a contribution toward this project and was advised that the estimated cost of building licence related fees was \$1,886. Council passed the following resolution:

"That Council advise the Cottesloe Tennis Club Inc. that it will waive statutory local government fees and that when construction costs and the outcome of grant application are known, may consider other forms of assistance."

Council dealt with a development application from the Club for alterations to the clubhouse at its August 2003 meeting and approved the application subject to some conditions. One of the conditions required connection to the sewer (the premises is currently connected to septic tanks).

CONSULTATION

The application was discussed with the Club's Chairperson of House and Grounds Committee.

STAFF COMMENT

The process calls for Council to rank in priority all applications received and so as this is the only application the recommendation will be for it to be ranked number one. It also calls for the project to be assessed in terms of justification, planned approach, community input, management planning, access and opportunity, design, financial viability, co-ordination and potential to increase physical activity. These areas are assessed as either satisfactory, unsatisfactory or not relevant. This part of the process is usually completed by Council staff and the intention is to assess all areas as satisfactory. The project also has to be rated by ticking the box against the most appropriate description of the project from the following options;

- A *Well planned and needed by the municipality*
- B *Well planned and needed by the applicant*
- C *Needed by the municipality, more planning required*
- D *Needed by the applicant, more planning required*
- E *Idea has merit, more preliminary work needed*
- F *Not recommended*

A is applicable as the Club does fulfil a very important function in the community and improvements to its facilities should enhance its ability to meet the communities' needs.

A letter of commitment from Council regarding the \$7,700 (including GST) contribution is required to be included with the application when it is forwarded to the Department. It is suggested that this amount could equate to the cost of building licence related fees and plus the cost of connecting to the sewer (it is understood that the latter is expected to cost in the order of \$5,000).

The lease between the Club and Council for the portion of reserve occupied by the Club does not appear to specifically determine which party should be responsible for connecting to the sewer. The lease does provide for the lessee to pay *"all rates taxes assessments impositions and outgoings of whatsoever nature payable or*

hereafter to become payable or imposed upon the demised premises or the owner or occupier thereof as and when the same fall due.”

It could be argued that the foregoing applies in relation the sewer connection and so that the Club is liable for this cost. If Council then pays for the connection this would represent a contribution toward the project.

Whilst Council was yet to determine its level of contribution toward this project it is suggested that confirming a commitment to the \$7,700 would enable the grant application to progress at this time and not limit any further assistance that Council may wish to provide. The recommendation will include a commitment to this amount and if Council agrees to this part of the recommendation then the motion will have to be carried by an absolute majority because there is no provision in the current budget and so a budget amendment is required. It will be noted that the recommended amendment is for \$7,000 and that the recommended commitment is for \$7,700. The former is net of GST, which is paid to the supplier (the Club in this case) and netted off against any taxes payable in the next business activity statement.

VOTING

Absolute majority.

DECLARATION OF IMPARTIALITY

Cr Furlong made a declaration of impartiality with respect to being a member of the Cottesloe Tennis Club.

12.1.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That:

- (1) Council recommend the Cottesloe Tennis Club's application to the Department of Sport and Recreation for funding under its Community Sporting and Recreation Facilities Funding program for the Club's clubhouse project;
- (2) It be ranked number one with the description "*Well planned and needed by the municipality*" being selected as being the most appropriate description of the project;
- (3) The 2003/04 Budget be amended by increasing the provision for Donations and Contributions in the area of Other Sport and Recreation (account number 1130.160.543) by \$7,000 to \$47,000; and
- (4) Council commit to a cash and "in-kind" contribution of \$7,700, including GST, toward the Club's clubhouse project.

Carried 11/0

12.1.3 STAFFING - COMMUNITY DEVELOPMENT OFFICER

File No: X9.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

In October 2002 Council agreed to the contract employment of a Sustainable Development Officer at the Town of Cottesloe. The contract was subject to the position being reviewed at the contract expiry date - which effectively became the 17th March 2004.

Peta Varvell, the current incumbent of the position, has recently resigned the position some seven months into the one-year contract.

Rather than just simply offer a temporary five-month contract to her replacement, a recommendation is made to appoint a permanent replacement.

A further recommendation is made to rename the position to that of Community Development Officer.

STATUTORY ENVIRONMENT

Section 5.36.(1) of the Local Government provides that:

A local government is to employ —

- (a) a person to be the CEO of the local government; and*
- (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Meets Council's Local MINUTES 21 requirements and is aligned with many of the district development objectives in the Town of Cottesloe's strategic plan 2000-2010.

FINANCIAL IMPLICATIONS

No provision has been made in the 2003/04 budget for the employment of a Sustainable Development Officer beyond 17th March 2004.

The original appointment was made subsequent to the position of Civic Centre Coordinator being made redundant.

BACKGROUND

The Sustainable Development Officer was employed to perform the following tasks:

- Implement sustainable development initiatives within Council's strategic plan and provide leadership/support to the organisation in this regard.

- Modify and improve the implementation of sustainable development initiatives such as “The Greenhouse Action Plan” by monitoring and recording information to gauge whether meaningful results are being achieved.
- Develop new sustainable development initiatives to further the Council's commitment to an over-arching framework that recognises economic, social and environmental considerations in decision-making.
- Provide administrative and technical support to the Care for Cottesloe Committee, the Cottesloe Coastcare Association Inc. and the Cottesloe Reef Fish Habitat Protection Area Working Group.
- Liaise and provide support for emergent community groups involved in protecting and enhancing the Town of Cottesloe's community and environment.
- Actively locate funding sources and write applications for grants.
- Liaise with external stakeholders to coordinate and implement regional initiatives such as the “Perth Biodiversity Project”, National Heritage Trust initiatives and the State Sustainability Strategy.

Benefits to Council were identified as follows:

- The tangible demonstration of Council's ongoing commitment to sustainable strategies as encapsulated in its Mission Statement.
- Economic savings for the community and the Town of Cottesloe as, and when, sustainable development initiatives are properly implemented.
- Greater community awareness and understanding of the principles of sustainable development.
- More interaction with community groups and increased volunteer involvement in sustainable development initiatives.
- Increased external funding for sustainable development projects that are aligned with Council's strategic plan.
- The development of indicators and measures of progress that will strengthen sustainable development initiatives.

CONSULTATION

Nil

STAFF COMMENT

In the seven months that Peta Varvell has been employed by the Town of Cottesloe, the following achievements have been made.

1. Cities for Climate Protection Programme

- 1.1 Achievement of Milestone 4 which included
 - Determining all actions undertaken by Council to reduce greenhouse gas.
 - Acquiring and learning CCP software necessary to calculate all how much greenhouse gas was reduced by these emissions.
 - Preparing all documentation to be submitted to ICLEI to achieve Milestone 4.
 - Verifying all calculations with ICLEI
 - Promoting the achievement of Milestone 4

- Attending the award function.
- 1.2 Prepared a Council-endorsed list of achievable CCP actions for implementation in 2002-2003.
- 1.3 Completed a report to Council on the feasibility of using renewable energy to power the Civic Centre. Documentation dispatched. Awaiting switch-over date.
- 1.4 Documented all actions (both qualitative and quantitative) undertaken by the Council to date in an auditable fashion ensuring all invoices and copies of the documents were together in one file and the results of all assessment of various options.
- 1.5 Completed requirements of the grant from the Australian Greenhouse Office to conduct an energy audit of the Civic Centre and complete Milestone 4. All reports, receipts and variations were approved by the AGO and our requirements for the grant were successfully met.
- 1.6 Promotion of the achievements of the Town of Cottesloe in the Cities for Climate Protection Programme in the Civic Centre news, on staff notice board and through information reports to Council.
- 1.7 Liaised with Western Power about the possibilities of reducing cost and power consumption through streetlights.
- 1.8 Examined the timing of the outdoor lights to see if we could save any money with them. The matter has been addressed in the energy audit for the Civic Centre.
- 1.9 Project manager for SEDO Grant "Light and Aqualoc Fittings Rebate Scheme" coordinating consultants and suppliers.

2. Care for Cottesloe Committee

- 2.1 Finalisation of the Sustainable Development Plan:
 - Connected all sections and reviewed the document with various members to ensure the most up to date sections were in the plan.
 - Wrote the introduction and acknowledgements which the Committee endorsed and as such was included in the plan.
 - Formatted and performed the final edit of the plan.
 - Prepared Council report for adoption of the plan.
 - Promotion of the plan in the Civic Centre News.
- 2.2 Reviewed the procurement policy to ensure that sustainability is considered when purchasing products.
- 2.3 Reviewed data from Cott CAT Bus and other relevant studies from Victoria Park and the City of Melville on their shuttle bus services.

This was put on hold when WESROC commissioned a Transport Feasibility Survey. Investigated alternative sources of funding for the shuttle bus and submitted an application to Cool Communities for the bus. Spoke to DPI & Police Department about Crime levels etc. to no avail. Contacted OBH, Blue Duck and Barchetta about possibly sponsorship this year.

- 2.4 Sent thank you letters to all people involved in the 2002 workshop.
- 2.5 Prepared a formal Terms of Reference for the Care for Cottesloe Committee which was adopted by the Committee and by Council.
- 2.6 Advertised in the Post and sent letters to all Community Organisations for Expressions of Interest to join the Care for Cottesloe Committee. Received 14 nominations, 12 of whom were elected by Council onto the Care for Cottesloe Committee for the next 2 years.
- 2.7 Re-formatted the meeting agendas and minutes to bring the committee in line with the other Council Advisory Committees. Prepared reports and agendas for the Committee.
- 2.8 Prepared submission for the Heart Foundation Awards in conjunction with TravelSmart and Jan Walker on the Walking School Bus which won the award in the Category "Project by Community Organisation".
- 2.9 Helped co-ordinate the promotion for the first year anniversary of the Walking School Bus including an article in the Sunday Times and local newspapers.
- 2.10 Prepared submission to the 2003 WA Environment Awards of which we are now a finalist with winners to be announced in October.
- 2.11 Co-ordinated subcommittees to prepare a series of workshops on sustainable living in Cottesloe. Received quotes from various organisations that are able to conduct the workshops.
- 2.12 Contacted Cottesloe Beach Pool Action Group and introduced their work to the Care for Cottesloe Committee.
- 2.13 Prepared a draft work plan and budget for the Care for Cottesloe Committee.
- 2.14. Initiated plans for another Seadragon Festival in Autumn 2004.
- 2.15 Set up and attended all full committee and subcommittee meetings. Liaised with members on a monthly basis to help prepare agendas and minutes.
- 2.16 Facilitated communication between committee members.

3. Cottesloe Coastcare Association (CCA)

- 3.1 Obtained several insurance quotes for the CCA after insurance premiums rose and financiers changed. Liaised with many other community groups for leads and to determine what other community groups had done.
- 3.2 Prepared winning submission for 2003 Landcare Awards which included a prize of \$1,000 and a trophy.
- 3.3 Submitted 2004 Envirofund funding application for \$10,000 funding. Recipients announced in the later part of the year.
- 3.4 Was awarded a \$1,000 grant from Coastwest/Coastcare Community grants for the purchase and design of 250 calico bags for the association to give away as thank you presents and to stop the amount of plastic entering the sea.
- 3.5 Organised weed specialist to remove black flag from Mudurup Rocks (handed over to Coastcare Officer).
- 3.6 Attended several meetings on behalf of the Association to relay information back to the Association and take pressure off the volunteers.

4. Cottesloe Volunteer Earthcarers

- 4.1 Attended meetings, prepared minutes on some occasions and volunteered at promotion days.

5. Other

- 5.1 Contacted all community organisations to update our Community Organisations database. Collated records and modified records accordingly.
- 5.2 Co-ordinated the funding granted through the Perth Biodiversity Project for weed mapping and eradication in the Cottesloe Native Garden. Liaised with Dallas Hickman regarding the project and Rainbow Lorikeets.
- 5.3 Worked with Terra Consulting on the WESROC Regional Environmental Initiatives Project providing all information required and reviewing documents and attending meetings.
- 5.4 Organised Birds Australia to conduct free bird surveys of South Cottesloe Foreshore and the Cottesloe Native Garden.

- 5.5 Contacted other Councils and Government Agencies about the management of Rainbow Lorikeets. Was going to include as an agenda item at the Care for Cottesloe Committee.
- 5.6 Obtained reports and pollutant information and drew up some running costs for the vehicle fleet.
- 5.7 Submitted a funding application for *Thank A Volunteer Day* celebrations - results 20th October.
- 5.8 Submitted a funding application for the Cool Communities Round 2 funding – results end of October.

The following immediate activities/tasks attached to the position remain outstanding.

- Provision of secretarial and executive support to the Care for Cottesloe Committee.
- Liaise with the Heart Foundation in organising a local ceremony to present the Town of Cottesloe with the award won in the *2003 National Heart Foundation Kelloggs Local Government Awards*.
- Follow up on a funding application submitted to *Cool Communities* for funding assistance with the Cott CAT, Seadragon Festival and a series of workshops the Care for Cottesloe Committee is looking to implement next year.
- Implement action from the last Care for Cottesloe Committee meeting to organise the meeting of a Seadragon Festival subcommittee and invite others to join the subcommittee.
- Draw up a species list to be used for the revegetation of the Cottesloe Native Garden based on *Greenskills* report, species list recorded in 1983 and lists of available species from Apace. Order Species from nursery (after liaison with the Cottesloe Coastcare Association) and arrange hand weeding as given in quote from Greenskills.
- Assist in the organisation of several thematic workshops to be held over the next several months under the auspices of the Care for Cottesloe Committee.
- Liaise with *Greenskills* in acquitting the SEDO grant for energy saving light fittings and shower heads.
- Apply to the Australian Greenhouse Office for a \$4000 grant to assist with the attainment of Milestone 5 of the *Cities for Climate Protection* program. Applications close on the 31st December 2003.
- Make recommendations on Western Power Energy Audit with respect to costings and payback periods for various projects using Council's sustainable development budget where appropriate.
- Arrange publicity with changeover from Western Power to Perth Energy.
- Arrange publication of Cottesloe calendar in association with Earth Carers.
- Arrange *Thank A Volunteer Day* subject to successful grant application.

As can be seen, there is still a fair amount of work that remains to be completed without undertaking any new projects.

The allocation of human resources in this area is particularly important in terms of accessing grants, gaining recognition for community development initiatives and

ensuring good community support in furtherance of the Town of Cottesloe's strategic objectives.

While the position's title is that of Sustainable Development Officer, the community's perception of just what exactly the title means is doubtful.

In order to bring a greater appreciation for the breadth and depth of the position, it is recommended that the position's title be changed to that of Community Development Officer.

All other local governments in the Western Suburbs have a Community Development Officer in one form or another.

A permanent appointment is advocated so that we can be sure of attracting the best field of candidates possible.

VOTING

Absolute majority.

AMENDMENT

Moved Cr Jeanes, seconded Cr Miller

That the matter of the appointment be referred back to the Works & Corporate Services Committee.

Lost 3/8

12.1.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council support the appointment of a permanent Community Development Officer.

Carried by Absolute Majority 10/1

12.1.4 WESTCOAST COMMUNITY CENTRE - DONATION REQUEST

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to support the Westcoast Community Centre's request for a donation (\$500) before Council for consideration.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's *Donations* Policy does not apply in this instance as the amount requested exceeds \$50.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No provision was made in the 2003/04 budget for a donation to this group. Of the \$3850 budget provision for Donations to Welfare Groups, \$750 remains unspent and has not been earmarked for any particular group and so could be applied to this request.

BACKGROUND

The Westcoast Community Centre Inc. wrote to the Mayor seeking a contribution toward its celebratory function to recognise its ten years of operation.

The applicant suggests that the Centre is one of the most important and effective examples of regional cooperation by local Governments and that the Towns of Cottesloe, Claremont, Mosman Park and the Shire of Peppermint Grove can take pride in this achievement. The Centre notes that over the past ten years, many hundreds of residents from the four Councils have enjoyed learning new skills, making new friends and have gained enormous benefit from activities of its community centre. Apart from assistance from all four Councils in providing photocopying of the Centre's term newsletters, the Centre receives no recurrent funding and is run by many hardworking volunteers who reside in the area.

The Centre proposes to mark the ten year milestone with a cocktail party in the Cottesloe War memorial Hall 11 November 2003 and seeks funding assistance from the four Councils to cover the cost of the function. They estimate the total expenditure will be approximately \$2000 and seek a donation of \$500 from Cottesloe.

CONSULTATION

Nil

STAFF COMMENT

It is understood that each of the other Councils is considering a similar request and so it is recommended that Council agree to the donation request conditional on the other three Councils also making a donation of a similar amount.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council agree to the Westcoast Community Centre's request for a donation of \$500 provided the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove also make a donation of a similar amount.

12.1.4 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council agree to the Westcoast Community Centre's request for a donation of \$500.

Carried 11/0

12.2 ENGINEERING

12.2.1 DUAL USE PATH -NORTH COTTESLOE

File No: E2.6
Author: Mr Malcolm Doig
Author Disclosure of Interest: Nil
Report Date: 10 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

To consider a recommendation for the development of an optional dual use path on the east side of the buildings at North Cottesloe Surf Life Saving Club, Blue Duck and Barchetta. The proposal is based on the further recommendations of the Department for Planning and Infrastructure.

STATUTORY ENVIRONMENT

Local Government Act.
Austroads Guide to Traffic Engineering Practice, Part 14.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$5000.

BACKGROUND

In May Council was advised of the longstanding concern about the potential conflict between pedestrian and fast moving cyclists where the dual use path crosses the steps to the beach. While pedestrians do have right of way, there have been repeated reports of cyclists crossing the steps at speed, with the potential for a serious crash. Some residents have canvassed support for changes that would reduce the risk and lessen the risk of a public liability claim against Council, particularly as the section of the Austroads Guide relating to cycleways stipulate that cross intersections which allow high speed conflicts should not be provided.

When the dual use path was originally built in 1984, the path officially ended each side of the North Cottesloe Surf Life Saving Club and the North Cott Café. This required riders to dismount or use the road carriageway. In about 1988 a connecting loop was added on the west side of the café developments. The connecting path originally had pipe barriers to force riders to slow down in order to protect pedestrians using the steps. The barriers were removed some years later in response to changing legislation and the potential risk to riders who may fail to see them. The change has never been satisfactory and has been reviewed by staff and Bikewest on a number of occasions.

In May Council's consulting engineers suggested various changes and Council resolved:

"That Council:

- (1) Resolve to modify the section of dual use path adjacent to the North Cottesloe Beach steps in order to eliminate the potential for high-speed conflict;*
- (2) Advise the Department of Planning and Infrastructure ("Bikewest"), Bicycle Users Group and North Cottesloe Surf Lifesaving Club, Blue Duck and Barchetta of the proposal and invite comment on the concept proposed."*

Written advice was sent to each of the nominated organisations plus the Cyclists Action Group. Replies were received from Mr Kim Gamble and the DPI in July.

A site meeting was held on 12 August with the DPI Bikewest Manager in an attempt to find more satisfactory solutions to the various issues. Confirmation of the DPI position has now been received.

CONSULTATION

The adjacent commercial tenants and cycling interest groups have been advised of the original proposals and were invited to comment

STAFF COMMENT

Council is now in a position to put in place the safety measures at the steps and changes are now being arranged:

- Relocation of existing caution signs
- Painting a Zebra Crossing on the step landing
- Installation of Shared Path, Keep Left
- Improved on pavement marking
- Control of encroaching dune vegetation

The recommended changes at the Marine Parade level are slightly more complex and will have to be staged as issues are resolved.

The advantages of the plan identified include:

- Provision of a much more attractive option for people with disabilities than the existing shared path
- Reduce the number of cyclists that use the current shared path
- Eliminate the need cycle up and down the gradient
- Provide a better-aligned direct route

Council has already budgeted to reconstruct the 100-metre section footpath immediately north of the North Cottesloe Surf Life Saving Club and the contractors are expected to complete the works during October.

The section of paving in front of the between the North Cottesloe Surf Life Saving Club and Blue Duck is more complex as access is very confined at the moment.

Care would need to be taken to provide sufficient pavement width to allow the doors of parked car to be opened without impeding pedestrians or cyclists. One option would be to utilise the road pavement, which would eliminate 9 parking bays. The second is to reorganise the pavement in front of the NCSLSC and remove the planter box to provide an easier passage of pedestrians and cyclists.

The whole area adjacent to the NCSLSC is a jumble of levels and paving materials that are the remnants of previous developments. There is also a planter box on the road reserve with olive tree planted to screen the service entry to the Blue Duck kitchen. It is recommended that the planter box be removed as the option of splitting northbound and southbound pedestrian traffic either side of the planter box is not favoured.

In the past levels in front of the NCSLSC were critical because of the volume of storm water discharged from Eric Street. The 1999 diversion of storm water from Eric Street to the basin opposite the OBH drainage has significantly reduced the risk of flooding and will allow the correction pavement of levels east of the NCSLSC. Therefore there is a new opportunity to improve the amenity for pedestrians and appearance of the whole pavement area to the east of surf lifesaving club and restaurant.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That the correspondence from the Department for Planning and Infrastructure and The Blue Duck restaurant be received and that Council:

- (1) Advise the proprietors of the Blue Duck restaurant that the planter box on the adjacent road reserve is to be removed by Council to improve pedestrian access;
- (2) Arrange the removal of existing slab and asphalt pavement at the entry to the North Cottesloe Surf Life Saving Club;
- (3) Engage a contractor to reshape the public area east of the NCSLSC and lay brick paving in accordance with the specifications detailed in the Cottesloe Streetscape Collection; and
- (4) Arrange the relocation of the public telephone box to a more favourable position.

12.2.1 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That the correspondence from the Department for Planning and Infrastructure and The Blue Duck restaurant be received and that Council:

- (1) Advise the proprietors of the Blue Duck restaurant that the planter box on the adjacent road reserve is to be removed by Council to improve pedestrian access;**
- (2) Arrange the removal of existing slab and asphalt pavement at the entry to the North Cottesloe Surf Life Saving Club;**
- (3) Engage a contractor to reshape the public area east of the NCSLSC and lay brick paving in accordance with the specifications detailed in the Cottesloe Streetscape Collection;**
- (4) Arrange the relocation of the public telephone box to a more favourable position; and**
- (5) Requires Administration to present final plans to Council prior to the commencement of works.**

Carried 11/0

12.3 FINANCE

12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2003

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 September 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 September 2003, 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

As reported last month, income in Administration is substantially higher than predicted due to the sustainability project being conducted by Cottesloe on behalf of WESROC. Council has also received rebates from WALGA for advertising of around \$4,800 and a credit adjustment from Municipal Workcare of around \$5,700, which could not have been forecast. Income in General Purpose is down by around \$15,000 that has been caused by new software enhancements, which have restricted Council from sending out interim rates in the first couple of months of the financial year. This situation should be remedied during November 2003. Income in Recreation and Culture is less than anticipated by around \$10,000 due to the late posting of the Indiana rental invoice. However, income in this area is expected to more than exceed predictions, as there have been more monies received by the Coast Care project than was budgeted, including a \$5,000 donation from Chevron Texaco Australia.

The operating expenditure and revenues for the organisation as a whole are both within two percent of forecast, with revenue ahead by around \$67,000 and expenditure below by around \$25,000.

The Balance Sheet, on page 4, shows a significant liability of around \$486,000 for Emergency Services Levies charged with this year rates. These monies will be paid over to FESA throughout the year as and when monies are received from ratepayers.

The Capital Works report, on page 24, shows that aside from the new Councillor laptops, most of the planned expenditure has yet to commence.

Members may note that a new set of graphs have been introduced, as requested, to show actual income and expenditure in grouped areas of activity against estimates. These graphs are located on pages 38 to 42 of the Financial Statements.

VOTING

Simple majority.

12.3.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 September 2003, as submitted to the October 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2003

File No: C7.14
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 September, 2003, 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

As will be noted from the Schedule of investments on page 36 of the September Financial Statements, \$3,183,258.54 was invested as at 30 September 2003. Of this \$514,974.61 was reserved and so constituted restricted funds. Of total funds invested, 76.39% was invested with the National Bank, 17.06% with Home Building Society and 6.56% with Bankwest.

VOTING

Simple Majority.

12.3.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 September, 2003, as submitted to the October 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2003

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 September, 2003, 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 are as follows:

- \$10,138.19 and \$10,414.59 to WA Local Government Superannuation Plan for employee superannuation contributions.
- \$10,593.10 to Western Power for street lighting and electricity consumption at various sites in Cottesloe.
- \$19,406.84 to the Australian Taxation Office for tax payable on the Business Activity Statement for August 2003.
- \$29815.50 to Municipal Insurance Broking Services for the second and final fifty per cent instalment of Council's property insurance for the year 2003 – 2004.
- \$34,361.40 to Wasteless for commercial and residential rubbish collections for the period of September 2003.
- \$45,201.51 and \$48,845.78 for August 2003 payroll.

VOTING

Simple Majority

12.3.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the List of Accounts for the period ending 30 September, 2003, as submitted to the October 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 SEPTEMBER, 2003**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 September, 2003, 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 30 to 34 of the September 2003 Financial Statements shows a balance of \$63,737.16 as at 30 September 2003. Of this, \$45,162.68 relates to September.

VOTING

Simple Majority.

12.3.4 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 September, 2003; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 September, 2003.**

Carried 11/0

12.4 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12.4.1 NOTICE OF MOTION - ANTI - SOCIAL BEHAVIOUR**

File No: D12.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 October, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

Cr Jeanes has given notice that he intends to move the following motions at the next Full Council meeting "...in view of the constant vandalism, property damage and anti-social behaviour between Cottesloe and North Cottesloe beaches and Curtin Avenue, particularly at weekend nights..."

- (1) The Mayor speak to the local police sergeant and the Commissioner or Deputy Commissioner of Police seeking a police presence around the hotels on Thursday, Friday, Saturday and particularly Sunday nights.
- (2) Zero tolerance to street drinking be enforced.
- (3) The hotels be approached about increasing security patrols around their premises.
- (4) The Council investigate the cost of providing patrols on Saturday and Sunday nights.
- (5) The Council regularly advertise phone numbers to call when incidents occur.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's strategic vision for the Town of Cottesloe is for "A safe, clean and attractive Town."

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Cr Jeanes has provided the following notes in support of a notice of motion.

“As was shown at the last Council meeting, residents’ tempers can run hot over behaviour near our two hotels and on the routes taken by drinkers when they depart at the end of the night.

Despite there being only three complaints in the past year against the Ocean Beach Hotel, it is obvious from the reaction to Council’s resolution for increased numbers that residents tolerate the bad behaviour but do not condone it.

It also shows that residents are reluctant to report incidents or don’t know how to do so. And that for every report there are probably 10 incidents that go unreported.

This was also demonstrated a few Sundays ago when a group of youths went down John Street spraying graffiti on cars (denting at least two) and the John Street Café. There were only two reports.

With the Cottesloe Beach Hotel there have been 43 complaints in the past year. Of these 21 relate to property damage, six to smashed bottles and the others to unruly mob behaviour and urinating in public. Based on the ten-fold formula there have been 430 incidents.

If you don’t live in the target zones it may be difficult to understand the psychological effect on residents. On Sundays residents prepare for the night ahead. Gates are locked, items that may become weapons or missiles are removed, where possible cars are taken from the street and outside lights are left on. During the night residents are on standby alert for trouble.

During the 16 months we have been living in John Street (at the farthest end from the hotel) we have had three incidents of vandalism. The fuses from the meter box were stolen at night, our fence was knocked over and my car was written on and dented. We have also experienced (but not reported) the intimidating behaviour of mobs of youths shouting and swearing as they make their way down the street.

I do not blame the hotels. The CBH provides numerous security guards around its premises. But the fact is there are 1800 drinkers at the Cott, 1000 at the OBH and an unknown number at the beach and car parks. The problems start once people are out of the radar of the hotel security guards. The CBH provides a patrol, but I have never seen it actually on patrol. And that is what I believe is required...constant patrols around the hotels particularly on Sunday nights so that trouble makers know they are being watched.

The patrols could be provided by the police, the hotels or the Council, or a combination of the three.

To activate the police I believe the Mayor should speak to the local sergeant and the Commissioner or Deputy Commissioner seeking police assistance.

The Council should speak to the hotels about beefing up their patrols. And the Council should look to providing patrols. I notice two rangers are rostered to work on New Year’s Eve.”

CONSULTATION

Nil

STAFF COMMENT

Cr Jeanes sought the thoughts and comments of the CEO on the matter and was advised as follows:

“Firstly security patrols and Council rangers cannot undertake a law enforcement role other than in a very limited sense.

The rangers that will be on duty on New Year's Eve will be joined with police patrols (for the protection of the rangers) and will be there only to facilitate compliance with the local laws where it supports the higher police objective of orderly behaviour i.e. the enforcement of parking and littering controls will be a means unto an end.

The assertion "...that for every report there are probably 10 incidents that go unreported..." is probably open to challenge and you might want to consider backing it up with some evidence - if only because it seems that your entire case has been built around it.

In terms of the individual recommendations:

- (1) Ordinarily one would speak to the local police O.I.C. before tackling the Deputy Commissioner or Commissioner of Police. There are a number of reasons for this. Also going over the top of the local O.I.C can backfire - particularly if you don't have the facts and are trying to win the support of the local O.I.C. in the long run. Far better to meet the O.I.C., glean the facts, request a response and commitment to action and then kick the matter upstairs if nothing happens.*
- (2) No comment other than that police can no longer confiscate alcohol from adults (it constitutes theft) but reportedly it is now easier for police to prosecute street drinking in the courts (no longer required to actually sight alcohol being consumed - an opened container is now sufficient.)*
- (3) We have a hotels meeting coming up prior to the October Council meeting and we can certainly ask that patrols be increased. ... I understand that the patronage of the CBH has increased dramatically in recent times as a result of the Multiplex proposal and fears that this will be the last summer for the CBH as we know it. You might want to work this angle into your notice of motion.

No worries but can you indicate what the brief for the security patrols should be?*
- (4) Is once a month in the Cottesloe Council News sufficient?"*

Cr Jeanes subsequently responded as follows:

"I appreciate that rangers and staff working for security firms do not have the power of arrest and are not trained to deal with mobs. But they can observe and can call the police. The problem as I see it is that once people leave the beach or pubs they believe, and effectively are, out of sight. They can act with impunity. I would like that situation to change. So that the message gets out people are being observed

My thoughts are that we go to the local police first and then go higher to reinforce the message. My belief is that the police have played lip service to the problem.

The tenfold comes from the acts of vandalism down John Street one Sunday about six months ago where many cars were graffitied and at least two dented yet there were only two reports. Also, the reaction to our OBH decision.

Once a month advertising is probably not enough. I notice this week we had a story in Cott News but it gave no phone number or email address. Perhaps a letterbox is needed."

VOTING

Simple Majority

COUNCILLOR RECOMMENDATIONS

That:

- (1) The Mayor speak to the local police sergeant and the Commissioner or Deputy Commissioner of Police seeking a police presence around the hotels on Thursday, Friday, Saturday and particularly Sunday nights.
- (2) Zero tolerance to street drinking be enforced.
- (3) The hotels be approached about increasing security patrols around their premises.
- (4) The Council investigate the cost of providing patrols on Saturday and Sunday nights.
- (5) The Council regularly advertise phone numbers to call when incidents occur.

OFFICER & COMMITTEE RECOMMENDATIONS

That:

- (1) The Mayor speak to the local police sergeant seeking an increased police presence around the hotels on Thursday, Friday, Saturday and particularly Sunday nights.
- (2) The Mayor request the local police sergeant to enforce a zero tolerance policy to street drinking.
- (3) An investigation be made of the cost of providing private security patrols on Saturday and Sunday nights between the hours of 9.00 pm and one hour after closing time.
- (4) That Council "letterbox" all Cottesloe residents with the phone numbers to be called when instances of anti-social behaviour occur.

AMENDMENT

Moved Cr Sheppard, seconded Cr Strzina

That the following item be added to the motion:

- (5) That Council invite the Police to respond formally with solutions, addressing the community needs survey that indicated that 24% of Cottesloe residents were dissatisfied or very dissatisfied with community safety and security.

Carried 7/4

The amended motion was put.

12.4.1 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That:

- (1) The Mayor speak to the local police sergeant seeking an increased police presence around the hotels on Thursday, Friday, Saturday and particularly Sunday nights.**
- (2) The Mayor request the local police sergeant to enforce a zero tolerance policy to street drinking.**
- (3) An investigation be made of the cost of providing private security patrols on Saturday and Sunday nights between the hours of 9.00 pm and one hour after closing time.**
- (4) That Council “letterbox” all Cottesloe residents with the phone numbers to be called when instances of anti-social behaviour occur.**
- (5) That Council invite the Police to respond formally with solutions, addressing the community needs survey that indicated that 24% of Cottesloe residents were dissatisfied or very dissatisfied with community safety and security.**

Carried 8/3

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

Nil.

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

Nil.

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.42 pm.

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