

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 27 SEPTEMBER, 2004**

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.....	4
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
8	PUBLIC STATEMENT TIME.....	5
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	8
10	REPORTS OF COMMITTEES AND OFFICERS.....	9
11	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 20 SEPTEMBER 2004.....	9
11.1	PLANNING	9
11.1.1	NO 7 (LOT 7) LOMA STREET - ADDITIONS/ALTERATIONS TO EXISTING SINGLE RESIDENCE	9
11.1.2	NO 18 (LOT 28) PERTH STREET - SECOND STOREY ADDITION TO EXISTING SINGLE HOUSE	17
11.1.3	NO. 6 (LOT 216) STANHOPE STREET - PROPOSED TWO STOREY SINGLE HOUSE AND BASEMENT	25
11.1.4	NO 6 (LOT 58) GRANT STREET - TWO STOREY SINGLE HOUSE PLUS BASEMENT	32
11.1.5	NO 1 (LOT 4) EILEEN STREET – THREE TWO STOREY GROUPED DWELLINGS PLUS BASEMENT	42

11.1.6	NO 197 CURTIN AVENUE (LOT 40) – REQUEST FOR REMOVAL FROM PROPOSED HERITAGE LIST IN TOWN PLANNING SCHEME NO. 3	51
11.1.7	NO 14 (LOTS 50 & 51) EDWARD STREET - DEMOLITION OF CHURCH - LISTED ON TOWN PLANNING SCHEME POLICY NO. 12	54
11.1.8	NO 16 & 16A BEACH STREET – PROPOSED FRONT FENCE AND GATE HOUSES	62
11.1.9	SHOP 1, NO 30 (PT LOT 13) JARRAD STREET – MECHANICAL OPERABLE LOUVRES TO FRONT WINDOWS OF SHOP 1	66
11.1.10	NO 52 (LOT 69) BRIGHTON STREET - ADDITIONS/ALTERATION TO EXISTING SINGLE HOUSE	69
11.1.11	REQUEST FOR DENSITY INCREASE – NO 291 CURTIN AVENUE	75
11.1.12	DELEGATION OF WESTERN AUSTRALIAN PLANNING COMMISSION FUNCTIONS TO THE LOCAL AUTHORITY	79
12	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 21 SEPTEMBER 2004.....	87
12.1	ADMINISTRATION.....	87
12.1.1	SEA VIEW GOLF CLUB - DRAFT LEASE AGREEMENT	87
12.1.2	SEA VIEW GOLF CLUB - DRAFT MANAGEMENT PLAN - VER 1.5	95
12.1.3	VOLLEYBALL WA - BEACH VOLLEYBALL COTTESLOE BEACH	136
12.1.4	COTTESLOE PRIMARY SCHOOL P&C - DONATION	138
12.1.5	CONSTABLE CARE CHILD SAFETY PROJECT - DONATION REQUEST	141
12.2	ENGINEERING.....	143
12.2.1	CONDITION OF COTTESLOE BEACH GROUYNE	143
12.2.2	RESIDENTIAL VERGE POLICY	146
12.2.3	TENDER - CAST IN SITU CONCRETE FOOTPATH CONSTRUCTION - THREE YEAR PERIOD	150

12.2.4	TENDER - PURCHASE OF VACUUM TRASH - LITTER COLLECTOR	154
12.2.5	AUTHORISATION FROM MAIN ROADS WA - ROADWORKS SIGNS	159
12.2.6	MAIN ROADS WA - HEAVY VEHICLE ACCESS PROJECT	161
12.3	FINANCE.....	163
12.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST 2004	163
12.3.2	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 AUGUST, 2004	165
12.3.3	ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST 2004 FOR THE PERIOD ENDING 31 AUGUST, 2004	167
12.3.4	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 AUGUST 2004	169
12.3.5	WRITE OFF SUNDRY DEBTORS	171
13	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	173
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	173
15	MEETING CLOSURE.....	173

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00pm.

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

Mayor Robert Rowell (Chairperson)
Cr Daniel Cunningham arrived 7.04pm
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Kevin Morgan
Cr William Robertson
Cr Anthony Sheppard arrived 7.05pm
Cr Victor Strzina

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Stephen Sullivan	Manager Development Services
Mrs Jodie Peers	Executive Assistant

Apologies

Cr Jack Walsh
Cr John Utting
Mr Alan Lamb Manager Corporate Services

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At a special meeting of the Town of Cottesloe, held on 6 September, 2004 Mr M Huston asked a number of questions that were taken on notice.

The following answers were tabled in response to those questions.

Question 1: How can Council accept the Committee Recommendations in each of the reports in the agenda when many are in direct conflict with each other, eg Item 2.1.2 recommendation to change from R50 to R60 the lots not fronting onto Marine Parade that are already R50 contradicts the recommendation Item 3.1.5 be changed from Foreshore Centre Zone to Residential which will take away many development rights contrary to what is stated in the top paragraph.

Answer: The two reports referred to represent different matters. The first report relates to residential densities and the second relates to zones and reserves.

Item 2.1.2 refers to those lots not fronting onto Marine Parade where it is intended to change multiple dwelling lot sizes from 200m² to 166 m² in order to more adequately reflect that which currently exists and that which is felt to be appropriate for future developments in this location – subject to further public consultation and the development of the local planning strategy.

Item 3.1.5 also refers to those lots not fronting onto Marine Parade. It is proposed to change these from Foreshore Centre Zone to Residential Zone. Again the proposed change is intended to reflect that which currently exists. The change will reduce the potential adverse impact from the types of uses and scale of development currently permitted in the Foreshore Centre Zone. The intention is to ensure that the amenity of the area is maintained while encouraging future development that is appropriate to the area and the streetscape.

Question 2: Item 1.1 page 2, paragraph 3 of agenda: Was the draft Town Planning Scheme No. 3 and Design Guidelines mentioned therein released for community comment? If so when? Is the Town Planning Scheme No. 3 and Design Guidelines now available for public release?

Answer: The text of draft Town Planning Scheme No. 3 and associated design guidelines have not been released for public comment as they are not fully developed. Community consultation on the draft scheme map is proposed for November and December, 2004. Until we have community feedback on the map and broad proposals it is not possible or desirable to finalise the draft Town Planning Scheme text and design guidelines.

Question 3: Item 1.1 page 3, paragraph 2 of agenda: Why does Council consider to undertake precinct based community consultation in November and December as this is the busiest time of the year? Will Council have a follow up community consultation for further changes to the draft Town Planning Scheme No. 3 before submitting it to the Western Australian Planning Commission?

Answer: The community consultation proposed in November and December, 2004 is in addition to the statutory consultation process. It is proposed to circulate documentation to every household in Cottesloe, which will be followed up with precinct based community consultation.

The draft scheme map and a summary of relevant issues will be presented to the community and changes to the draft scheme text will/may be made based on any feedback received. Some additional consultation may be undertaken prior to the adoption of the draft scheme map – depending on the extent of changes required.

A further three month formal consultation process will be undertaken after the draft has been assessed by the WA Planning Commission and Council receives consent to advertise.

Question 4: In preparing the recommendations were the guiding principles that of 'walkable suburb' and of 'work, shop and business at ground floor, play in front, live above or behind'?

Answer: The over-riding principles of 'Liveable Neighbourhoods' were considered in preparing the recommendations. Most of the detail that reflects these principles will be contained in development controls and design guidelines to be developed with the scheme documents.

Question 5: Bearing in mind the above guiding principles has Council given proper consideration to rezoning with higher density coding of selected corner lots and/or those with sufficiently wide rear right of way access?

Answer: No consideration was given to increased densities for selected residential lots. It is the opinion of staff that it is not good planning practice to single out individual residential lots for special treatment.

Stirling Highway has a dual code that supports increased development potential where access can be gained from the rear. However, it is not proposed to change the densities here at present as the properties are located in the road reserve that comes under the jurisdiction of WA Planning Commission.

Question 6: Has any study been undertaken of the likely development pressures the proposed Town Planning Scheme No. 3 will have? If not will such an assessment be undertaken and released for public information and comment?

Answer: The proposed changes to residential densities are not likely to create development pressures as they provide minimal opportunity for subdivision. The necessary assessment was undertaken by staff and the rationale presented to the committee for consideration. It was decided to introduce a restricted use for all non-conforming use sites that will ensure the retention of the existing use if redevelopment is proposed.

Question 7: Request Council not to permit building heights greater than 2 to 3 storey along the side streets of Marine Parade and no height on the site to be above 3 storey measured at the highest point of Gadsden Street.

Answer: The purpose of the model presented to Council for the OBH site was to determine indicative heights only. Dependent on advice from Council, it is intended that more work will be undertaken and the matter represented to Council for further consideration.

It is proposed to keep building heights on most of Gadsden and Eileen Streets at two storeys in order to reduce potential adverse impacts on residential development in these streets.

No decision has been made in relation to the proposed height controls for the OBH site and it will be considered by the Committee and Council at a later date.

4 PUBLIC QUESTION TIME

Cr K Morgan, 2/1 Pearse Street – Ocean Beach Hotel Development

Cr Morgan addressed his questions to the Mayor.

1. Have you had any discussion with proponents of the OBH development to which other members of Council were not privy? If so did you:
 - (a) make clear that you were only acting in your personal capacity and not on behalf of Council?
 - (b) keep a record of such discussions?
(bearing in mind the recommendations to that effect, with which you are no doubt familiar, from the Wanneroo Royal Commission and other inquiries).

The Mayor advised that he and the CEO have met with the proponents, however he did not make any commitments and no minutes were taken.

2. Did you discuss with the OBH proponents their proposed inclusion of the words “Community Survey, Town of Cottesloe” as a heading on the comments form to be issued to residents in relation to the OBH development? If so, did you:
 - (a) agree to that wording?
 - (b) make clear you were only acting in your personal capacity and not on behalf of Council?
 - (c) keep a record of the discussion?

The Mayor replied that he did not give the proponents permission to use “Town of Cottesloe” on the heading of the community survey.

3. Mr Steens of Multiplex is quoted in the Post Newspaper as saying – “It was decided that we should ask people to send their comments to the Council office”. Did you have any such discussion with Mr Steens or any other representative of the development proponents as to such comments being sent to the Council? If so, did you:
 - (a) agree to such comments being sent to the Council office?
 - (b) make clear that you were only acting in your personal capacity and not on behalf of Council?
 - (c) keep a record of such discussions?

The Mayor replied that he did not make any comment that it was appropriate for the surveys to be returned to the Council office.

Cr Cunningham arrived at 7.04pm.

The CEO noted that the proponents were advised that some form of community consultation would be appropriate, however no suggestions were given on how it should be conducted.

Cr Sheppard arrived at 7.05pm.

4. Did you discuss with the development proponents that the residents' comments "will be summarised by a professional auditor on behalf of the Council and this will be made available to the community"? If so, did you:
- (a) agree to this being done?
 - (b) make clear that you were only acting in your personal capacity and not on behalf of Council?
 - (c) keep a record of such discussions?

The Mayor replied that the matter was discussed, however he did not give any undertaking on behalf of the Town of Cottesloe.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Morgan, seconded Cr Strzina

That Cr Cunningham's request for leave of absence from 12 October to 6 November, 2004 be granted.

Carried 8/0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Cunningham, seconded Cr Strzina

The Minutes of the Ordinary Meeting of Council held on Monday, 23 August, 2004 be confirmed.

Carried 9/0

The Minutes of the Special Meeting of Council held on Monday, 6 September, 2004 to be confirmed.

Carried 9/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8 PUBLIC STATEMENT TIME

Mr C Wiggins, 50 John Street – SOS Coastal Planning Meeting

Mr Wiggins advised Council of the intended speakers at the Coastal Planning Committee Meeting: Mr C Barnett, Ms A McTiernan, Ms L McLaren, Mr D Woods, Ms S Harrington. Mr Wiggins encouraged attendance at the meeting.

Ms M Taylor, 9 Andrews Place – Cottesloe Beach's Future

The priceless view from Marmion Street over Cottesloe Beach and beyond belongs to all earthlings – not just to Cottesloe residents – not just to West Australian's or Australian's but to people from all over the world – tourists. Nothing should be allowed to interfere with this.

The land on the east side of Marmion Street should be “developed” only to accommodate those who visit the area to swim, to surf, to enjoy the beach and/or the spectacular views of the ocean, the ships, of Rottnest and the sunsets. The views provide entertainment in themselves but when put together with easy socialising in hotel public and saloon bars and restaurants their value is unsurpassable with room to move and happy music. At present more space is needed for this, and if any increase in height is contemplated it should benefit the many visitors to Cottesloe Beach – not the relatively few wealthy people who can afford to take the space by the purchase of high rise apartments.

Life today has become so hectic that very few people (young or old) have the time to entertain and socialise at home and Marine Parade can offer so much with the opportunities for sharing company on the beach, at the local hotels', public and saloon bars, at restaurants (licensed or otherwise), at fish and chip shops or with burgers, kebabs and other take-aways, soft drinks and icecreams from delicatessens. Another attraction of value to visitors to Cottesloe Beach is the surf shop with its bright, colourful presentation of swimwear, beach footwear, hats and sunblocks.

Perhaps a certain amount of high rise for the hotels is necessary to accommodate tourists but not high rise apartments to accommodate them or local citizens. Of course the Council would need high rates to maintain Marmion Avenue and the beachfront and I believe the cost of this should be shared by the State Government which shares the benefits from our tourism.

As for the latest design for Cottesloe Hotel's “renovation” on which we've been asked to give opinion as far as I'm concerned the new four storeys on top of the present building will ruin its appearance. Why not maintain the building's present design and architecture in a couple more storeys and keep the building's great class? And why have those beach umbrellas spoiling the views from the ground storey or occupying the much needed road space – whether it be for cars or buses?

Mr T Kyle, 35/42 Terrace Road, East Perth – Item 11.1.7, No 14 (Lots 50 & 51) Edward Street - Demolition of Church - Listed on Town Planning Scheme Policy No. 12

Following the August Council meeting an article appeared in the Post newspaper that the Church would likely close down and that the Town of Cottesloe had refused an application for demolition. Mr Kyle stated that not a single letter sent to the Post, in relation to this article, was from Cottesloe residents. This should be taken into consideration when Council makes a further determination on the matter.

Mr J Davis, 91 Broome Street – Items 12.1.1 & 12.1.2, Sea View Golf Club Draft Lease & Draft Management Plan

Mr Davis was in attendance at the Works & Corporate Services Committee Meeting held on 21 September, 2004 where the motions relating to the Sea View Golf Club Lease and Management Plan were approved by a unanimous vote. Mr Davis wished the Sea View Golf Club success in the long term management of the golf club.

Mr G Boland, 70 Napier Street – Item 12.1.1, Sea View Golf Club Draft Lease

Mr Boland stated that Council is making a move that will be negative for Cottesloe residents. There are numerous reasons why the lease shouldn't be approved by Council, including the bias of Council members and many features of lease are objectionable. Leasing out of a private asset for a long term to a private club is the greatest fault of this lease. A fundamental flaw is that the land is non-rateable land and the Council could have set a rent equivalent to rates.

Mr P Robinson, 254 Marmion Street – Item 12.1.1 & 12.1.2, Sea View Golf Club Draft Lease and Draft Management Plan

Mr Robinson addressed the Committee as President of the Sea View Golf Club. He is pleased that both documents have been finalised. Sea View Golf Club accepts the responsibilities detailed in the management plan and will undertake these responsibilities in a systematic approach. The club would like to be allowed to get on with providing the service of an excellent golf club. Mr Robinson asked Council to vote in favour of the Lease and Management Plan.

Mr D Bibby, 5 Rosser Street – Item 12.1.1 & 12.1.2, Sea View golf Club Draft Lease and Draft Management Plan

Mr Bibby addressed Council as Chairman of the Jarrad Street "Class Reserves Review Group". At the Works and Corporate Services Meeting held last Tuesday he stated that now that the Lease and the Management Plan are to be signed off, we are pleased that the golf club can get into action to fulfil its obligations under the Lease and the Management Plan. The Review Group is also of the view that both the Lease and the Management Plan could have been improved if there was more time. No thanks is expected but the Review Group believes the final documents are better than the first drafts, due to their efforts.

Council has never explained why a Lease which expires in June 2005 had to be finalised nine months in advance but nobody has denied my statement that the reason is because the golf club must have a new long term lease (15 years would have been enough) before December so that it can recruit new members and require nomination fees, fix its 2005 subscriptions and arrange finance for as yet undisclosed capital works. Without a Lease the club might not be able to continue. We did not want to cause that.

There are a few matters I would like to record:

1. The Review Group has never promoted the closure of the golf club. In 1985 when closing the road became a hot number three people who became the founding members of the incorporated body in December

2000 published a statement titled "Keep Jarrad Street Open and Keep the Golf Club Open". We have maintained that attitude throughout.

2. There have been comments that the Review Group is responsible for the long time taken to reach a conclusion. That is not correct. Council received the first draft of the Lease in November 2002, but it was not made available to the public until November 2003. In the intervening time Sea View and the CEO negotiated the first draft Lease.
3. Delay has been due to the cumbersome method of so called "consultation". The first meeting to bring the Review Group and the Golf Club together to discuss the matters in dispute was held at the beginning of this month on 1 September. If a working party had been set up in the middle of 2003 instead of staggering from Council meeting to Council meeting at monthly intervals with views being exchanged by submissions to Council there would have been a much speedier resolution. In adopting that process I think the Council has compromised its standing in the community as regards public consultation.
4. Many people, not only Review Group members, are of the view that Councillors who are members of the Golf Club should not have voted on matters related to the Lease. There is no suggestion that there is any pecuniary benefit to Councillors but a conflict of interest is perceived by many people. It is not seen as a "legal" matter but an "ethical" one.

Personally I wonder why these Councillors think they have to declare their impartiality at every meeting where Sea View matters are under discussion. All Councillors everywhere are required to be impartial on everything.

Our committee, always knowing that the voting power of the Golf Club Councillors would carry the day, now look forward to the Club living up to its responsibilities and acknowledging the privilege it has in being able to Lease the public reserves at a nominal rent with so few restrictions on its operations.

Ms S Owen, 11 Curtin Avenue – Item 12.1.4, Cottesloe Primary School P&C Donation

Ms Owen addressed the meeting as President of the Cottesloe Primary School P&C, and reiterated her statements to the Works and Corporate Services Committee meeting, in relation to the application for donation towards the refurbishment of an area of the school grounds. To date all work has been undertaken pro-bono. The work is a community effort, including support from the Shire of Peppermint Grove and Town of Mosman Park providing works and in-kind to a value of \$15,000. The P&C have raised \$30,000 towards the project. Ms Owen would like the Town of Cottesloe to be a part of this local community project and requested that Council consider the request favourably.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 20 SEPTEMBER 2004****11.1 PLANNING****11.1.1 NO 7 (LOT 7) LOMA STREET - ADDITIONS/ALTERATIONS TO EXISTING SINGLE RESIDENCE**

File No:	No 7 (Lot 7) Loma Street
Author:	Ms Lilia Palermo
Attachments:	Location plan Correspondence from Applicant Submissions (2) Plans
Author Disclosure of Interest:	Nil
Report Date:	15 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	M & S McGowan
Applicant:	Odden Rodrigues Architects
Date of Application:	15 September, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	502m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in a receipt of an application for additions/alterations to the existing single –storey residence and construction of a carport at the rear of the site.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

- State Register of Heritage Places N/A

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

The adjoining property at No 5 Loma Street is:

- listed in Schedule 1 of the Town Planning Scheme Text;
- listed as a Category 2 building on the Municipal Inventory (MI); and
- recorded in the Register of the National Trust (WA)

There are several other properties in the vicinity of the subject site that either on Schedule 1 to the Town planning Scheme Text or listed on the Municipal Inventory.

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1	6.0m wall height	6.6m

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Eastern Upper wall – 1.6m	1.2m	Clause 3.3.1 – P1
No 5 – Access and Car parking Requirements	6.0m manoeuvring depth	5.0m	Clause 3.5.3 – P3

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

- Other

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

9 Loma Street

- *How shiny will the zincalume metal cladding be on the eastern side of the building?*
- *Is it possible to have a very dull finish cladding on the entire eastern wall;*
- *It would be absolutely blinding to have a really shiny surface on that proposed upper storey;*
- *I have windows all along my western upper storey;*
- *I would request that there be no air-conditioning units...on the eastern boundary*

5 Loma Street

The owner of 5 Loma Street advised that he was in Sydney and could not view the advertised plans by the due date. The applicant was requested to post a set of plans to the owner of No 5 Loma. There is no additional correspondence received from the owner of No 5 Loma Street and therefore, it is considered that there were no objections to the proposal.

BACKGROUND

An approval letter for the proposed additions/alterations plans was posted in error on 23 August 2004 to the owner of the property.

The owner of the property and the applicant were subsequently advised that the letter dated 23 August 2004 was not a legitimate approval to commence development and the letter was sent in error. The letter was dated the 23 August, which was before the close of the submission period and the receipt of two letters.

STAFF COMMENT

The application is for renovations/alterations of the existing ground floor, new carport at the rear and a second storey addition.

Height Requirements

The proposal would exceed the statutory height restrictions for wall height of 6.0m under the Town Planning Scheme No 2 (TPS 2) by 0.6m due to the design of the roof.

Council may permit variations to the statutory height limits under the TPS2 in cases of extensions to the existing buildings under the Clause 5.1.1 (c) of the TPS2.

The proposed second storey additions do not cause any privacy issues for adjoining properties as the proposed windows on the upper eastern and western walls are highlight windows with a sill height of 1.65m above the floor level.

The Council did not receive any objections from the adjoining property owners to the proposed development, except for concerns raised by the owner of the eastern side regarding zincalume cladding and location of air-conditioning equipment.

The proposal was discussed by the Design Advisory Panel members, who made comments regarding the impact the bulk and scale of the proposed second storey addition on the existing streetscape.

It is recommended to require the applicant to comply with the statutory height limits by lowering the level of the top of the roof by 0.6m, which would reduce the bulk of the front aspect of the building.

Boundary Setbacks

The proposed setbacks of the upper western wall comply with the acceptable development standards of the Design Element 3 – Boundary Setback Requirements of the R-Codes.

The setback of the upper eastern wall is considered to comply with the relevant performance criteria of the R-Codes, as the proposed second storey additions would not affect the adjoining property by overshadowing, overlooking or building bulk.

The applicant also stated that the proposed upper storey additions would have the same side boundary setbacks as per existing lower level.

General Amenity Provisions of the TPS2

There are is a number of properties in Loma Street in close proximity to the subject property which are listed on the Council's Municipal Inventory and the Schedule 1 of the TPS2.

The applicant is proposing to use zincalume metal cladding for the eastern and western walls and roof. It is also proposed to use metal cladding for the front wall above the upper bedroom 1 windows.

The proposal was discussed at the Design Advisory Panel meeting on 13th September 2004.

The following comments were made by the Panel:

- *The proposed design is not sympathetic to the architecture of the existing buildings in the locality;*
- *The scale and bulk of the proposed additions are excessive in comparison with the scale of the adjoining residences.*

Council does not have any design guidelines for specific areas in Cottesloe.

The general amenity Clause 5.1.2 states:

"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) ...
- b) ...
- c) *the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally."*

If Council is of the opinion that the proposed metal cladding would affect the local character and general amenity of the area, Council may request the applicant to change the finishes or materials for the proposed extensions.

The concerns expressed by the owner of 9 Loma Street can be addressed by placing standard conditions of planning consent relating to glare, positioning of the pool pump and air-conditioning equipment.

Proposed Carport

The applicant is also proposing a carport at the rear of the property with the vehicle access from the ROW.

It is a requirement of the R-Codes manoeuvring depth of 6m from the carport opening to the nearest impediment be provided.

The distance from the carport door to the northern boundary is 2.4m. The ROW width is 2.72m, which would result in the total manoeuvring depth of approximately 5.1m.

The rear of the proposed carport abuts the existing wall of the house. There is no scope to increase the manoeuvring depth to comply with the R-Codes requirement.

It is recommended to increase the width of the carport door up to 5.5m minimum, which would help improve access into the carport opening with a reduced manoeuvring depth.

CONCLUSION

It is recommended that the application for additions/alterations to the residence be approved as Council does not have any design guidelines for any areas in Cottesloe.

It is recommended that the applicant be requested to lower the level of the top of the roof by 0.6m, which would bring the wall height into compliance with the statutory height limits under the TPS2. Lowering of the front aspect of the building would reduce the impact of the building bulk on the existing streetscape and adjoining properties.

It is recommended that specific conditions be imposed requiring:

- an increase of the carport door width to improve access into the carport opening;
- modifications to the front fence design; and
- relocation of the pool store room from the front setback area.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee resolved to remove condition (g)(iv) from officers recommendation because the height is already reduced by not having a pitched roof.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Additions/Alterations to Existing Single Residence at No 7 (Lot7) Loma Street, Cottesloe in accordance with the plans submitted on 15 September, 2004, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager, Engineering Services, details of the proposed works being submitted in accordance

with Council guidelines and approved prior to the commencement of works.

- (g) Revised plans being submitted for approval by the Manager, Development Services, showing the:
 - (i) relocation of the proposed pool store from the front setback area;
 - (ii) front boundary fence to the site being modified to provide an "Open Aspect Fence"; and
 - (iii) garage door width being increased to 5.5m minimum or a demonstration being provided by the applicant showing that the proposed manoeuvring depth of 5.0m is sufficient to allow access into the proposed carport door opening.
 - (iv) height of the top of the roof being lowered by 0.6m to a level of 17.7RL

- (2) Advise the submitters of this decision.

AMENDMENT

Moved Cr Furlong, seconded Cr Miller

That (d) be amended to include *and wall cladding* after the words 'The roof.

Carried 9/0

11.1.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) **GRANT its Approval to Commence Development for the Additions/Alterations to Existing Single Residence at No 7 (Lot7) Loma Street, Cottesloe in accordance with the plans submitted on 15 September, 2004, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface and wall cladding being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**

- (e) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager, Engineering Services, details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (g) Revised plans being submitted for approval by the Manager, Development Services, showing the:
 - (i) relocation of the proposed pool store from the front setback area;
 - (ii) front boundary fence to the site being modified to provide an "Open Aspect Fence"; and
 - (iii) garage door width being increased to 5.5m minimum or a demonstration being provided by the applicant showing that the proposed manoeuvring depth of 5.0m is sufficient to allow access into the proposed carport door opening.
- (2) Advise the submitters of this decision.

Carried 9/0

11.1.2 NO 18 (LOT 28) PERTH STREET - SECOND STOREY ADDITION TO EXISTING SINGLE HOUSE

File No:	No 18 Perth Street
Author:	Ms Lilia Palermo
Attachments:	Location plan Correspondence from owner Submissions (4) Plans
Author Disclosure of Interest:	Nil
Report Date:	10 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Mr & Ms Newman
Applicant:	Ms Newman
Date of Application:	10 September, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	279m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a second storey addition to the existing residence on the subject property.

Given the assessment that has been undertaken, the recommendation is to approve the application with 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 | 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
No8 – Privacy Requirements	Bedroom – 4.5m setback	New Bedroom Upper west facing window – 3.1m; New Bedroom Upper North facing window – 4.2m; Small Bedroom West facing window – 2.2m	Clause 3.8.1 – P1
No 3 – Boundary Setbacks	Upper western wall – side boundary setback of 2.8m	1.2m – 3.1m	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

16 Perth Street (owners)

- *Our main concerns relate specifically to the issue of maintaining our residential amenity, particularly as it relates to our right for privacy;*
- *The standard block size in Perth Street is 280m²;*
- *No 18 Perth is a metre or so higher than No 16;*
- *All upper level windows and doors which overlook our property must be appropriately screened to preserve the privacy of our only outdoor space, as well as any future uses to which it may be put;*

Simon Rodrigues (on behalf of 16 Perth Street owners)

- *The degree of overlooking is in contravention of the particular provisions of the Residential Design Codes which regulates this element of amenity;*
- *The area of the property which overlooked is the primary outdoor living space for the dwelling;*
- *It faces north and is used for most of the year;*
- *The owner of 18 Perth could do the following: removal of the west facing window... ; the raising of the sill height of the high window... to the level of 1.65m above the floor level and the inclusion of the vertical sight screens to limit cones of vision in respect to the north facing windows.*

STAFF COMMENT

Boundary Setbacks

The western upper wall of the proposed development does not comply with the Acceptable Development Standards of the Design Element 3 – “Boundary Setbacks”.

The above non-compliance is required to be considered under the relevant Performance criteria, which are:

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 in ameliorating the impact of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties*

The proposal complies with the acceptable development standards of the R-Codes under the Design Element – Design for Climate, as the shadow cast from the residence on 18 Perth Street on the winter solstice would fall mainly on the subject property itself.

The adjoining property owners were notified of the proposal and their submission did not state building bulk was an issue. It is considered that the proposal would not affect the amenity of the adjoining properties due to the increase in building bulk.

The proposed second storey additions have large windows to habitable rooms. The proposed windows do not comply with the acceptable standards of the R-Codes for privacy setbacks and would cause overlooking into the adjoining property to the west.

The affected property owners (16 Perth Street) objected to the proposal as submitted and requested that the privacy issues be addressed by the applicant.

It is considered that the proposal does not comply with the Performance Criteria of the Design Element 3 – Boundary Setbacks due to the impact of the reduced setbacks to the western upper wall with major openings on the privacy of the adjoining property to the west.

Privacy Setbacks

The required privacy setback for bedrooms under the Clause 3.8.1 A1 (i) of the R-Codes is 4.5m.

The proposed development does not comply with the acceptable development standards of the R-Codes Design Element – “Privacy Requirements” for the following windows:

- Upper level north facing Small Bedroom window; (45° cone of vision setback – 2.2m)
- Upper level west facing window to New Bedroom; (privacy setback 3.14m)
- Upper level north facing window to New Bedroom (45° cone of vision setback – 4.3m)

The proposal is required to be considered under the Performance Criteria of the Clause 3.8.1 P1, which are:

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

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

The windows on the upper level to the proposed habitable rooms will cause overlooking of the outdoor living area on the adjoining property to the west. The

applicant provided a response to the neighbours' objection, which included a letter and horizontal and vertical cone of vision diagrams (see attachments).

The cones of vision from the three windows named above will partially fall within the outdoor living area of the adjoining property, which is located adjacent to the roofed patio. As stated by the owners of the affected property, the outdoor living area is regularly used throughout the year.

The applicant states in the letter dated received on 23 August that the existing mature Jacaranda tree would provide effective screening for the windows in question.

During the site inspection carried out by the author of the report it was noted that the deciduous tree referred to by the applicant does not achieve screening of the outdoor living area on 18 Perth Street. The outdoor living area is not visible from the street and as was mentioned previously is being regularly used by the owners.

It is considered that proposal does not satisfy the above Performance Criteria.

The Town of Cottesloe TPS2 Clause 5.1.2 states the following:

"Notwithstanding the specific provisions of the Scheme is considering a proposed development, Council shall have regard to and may impose conditions relating to the following:

(a)

(b) ...

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

In this case it is considered that the impact of the proposed large windows on the upper level on the subject property will be detrimental for the privacy enjoyed by the owners of the adjoining property to the west. Due to the small size of the affected property and the finished ground level difference between the 18 Perth Street and 16 Perth Street the impact of overlooking is further exacerbated.

The applicant has provided an interpretation of the R-Codes Advice note Part 3 – Element 8 "Privacy" (September 2003). This interpretation is not supported by staff.

It also should be noted that it is a requirement of the R-Codes that in areas coded R20 an outdoor living area of 30m², 2/3 uncovered with a minimum dimension is provided. The area under the patio on 16 Perth Street would not be suitable to comply with the requirement of the R-Codes as it is an area that if located fully under the impermeable roof cover. The terraced paved area adjacent to the existing patio is the only area on the lot that can be used as an outdoor living area. There is no scope to move this area somewhere else on the lot due to the small size of the property.

It is recommended that Council require that applicant to amend the plans to achieve an acceptable level of privacy for the adjoining property (See officer recommendation for the recommended specific conditions (e)(i) & (e)(ii)).

CONCLUSION

The proposed second storey additions do not comply with the acceptable development standards of the Design Element 8 – “Privacy Requirements”. It is also considered that the proposal does not satisfy the Performance Criteria of the Design Element 8 – “Privacy Requirements”.

The proposal was also considered in light of the General Amenity provisions of the Town of Cottesloe TPS 2 under the Clause 5.1.2 general. Clause 5.1.2 requires Council to have regard to certain amenity aspects of any development proposals which includes privacy for adjoining properties, and impose conditions if necessary.

It is recommended that Council approve the proposal with specific conditions relating to the windows on the upper level aimed at achieving an acceptable level of privacy for the adjoining property to the west.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee moved to add an additional condition as per the correspondence tabled at the meeting from the neighbours at No. 16 Perth Street.

The following condition (1)(e)(iii) to be added to the recommendation:

(iii) the north facing window to the large upper floor bedroom being modified to provide a fixed louvred screening or alternatively be realigned to the centre of the north wall to prevent overlooking into the adjoining property.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Second Storey Addition to existing dwelling at No 18 (Lot 28) Perth Street, Cottesloe in accordance with the plans submitted on 5 July 2004, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the north facing window to the small upper floor bedroom being modified to have a sill height of 1.65m from the floor level or to be provided with fixed obscure glazing up to the height of 1.65m from the floor level or alternatively being provided with a fixed louvred screening to prevent overlooking into the adjoining property;
 - (ii) the west facing window to the new upper floor bedroom being modified to have a sill height of 1.65m from the floor level or to be provided with fixed obscure glazing up to the height of 1.65m from the floor level;
- (2) Advise the submitters of this decision.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) GRANT its Approval to Commence Development for the Second Storey Addition to existing dwelling at No 18 (Lot 28) Perth Street, Cottesloe in accordance with the plans submitted on 5 July 2004, subject to the following conditions:**
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**

- (e) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the north facing window to the small upper floor bedroom being modified to have a sill height of 1.65m from the floor level or to be provided with fixed obscure glazing up to the height of 1.65m from the floor level or alternatively being provided with a fixed louvred screening to prevent overlooking into the adjoining property;
 - (ii) the west facing window to the new upper floor bedroom being modified to have a sill height of 1.65m from the floor level or to be provided with fixed obscure glazing up to the height of 1.65m from the floor level;
 - (iii) the north facing window to the large upper floor bedroom being modified to provide a fixed louvred screening or alternatively be realigned to the centre of the north wall to prevent overlooking into the adjoining property.
- (2) Advise the submitters of this decision.

Carried 9/0

11.1.3 NO. 6 (LOT 216) STANHOPE STREET - PROPOSED TWO STOREY SINGLE HOUSE AND BASEMENT

File No: No. 6 Stanhope Street
Author: Mrs Lilia Palermo
Author Disclosure of Interest: Nil
Report Date: 17 September, 2004
Senior Officer: Mr Stephen Tindale

Property Owner: K Aitken

Applicant: Paul Meschiati and Associates
Date of Application: 17 September, 2004

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 759m²
M.R.S. Reservation: N/A

SUMMARY

Approval was previously granted under delegated authority for the development of a two storey house and basement on the site.

The applicant has requested re-consideration of that decision by submitting two alternative proposals.

Due to staff sickness and consultation with the adjoining property owners and the applicant, the report has not been able to be completed in time for it to be included in the agenda.

CONCLUSION

A report is still in the process of being completed and will be circulated separately from this agenda.

OFFICER RECOMMENDATION

A covering memo and report will be circulated separately on the two alternative options presented by the applicant.

MEMO CIRCULATED TO COUNCILLORS

SUMMARY

Council is in receipt of an application for a two storey single residence on the subject property. The applicant submitted two options of the proposed development.

Given the assessment that has been undertaken, the recommendation is to refuse the Option A application and to defer the Option B application.

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
Clause 5.1.1 (c)- Measurement of Building Height	Wall height – 6.0m (26.4 RL)	Wall Height – (26.73 RL)

Town Planning Scheme Policy/Policies

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

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letters to Adjoining Property Owners

Submissions

There were 5 letters sent out. There was 1 submission received, which was an objection. Details of the submission received are set out below:

8 Stanhope Street

"Further to our conversation this morning, I write regarding the proposed development at the above address.

We do not really support either option as we believe they will both have a significant negative impact on our property. (See earlier correspondence). However, if we had to select either of the two options then we would reluctantly agree with Option A on the basis of reducing the height to the eastern wall of the house next to our western boundary and moving the pool pump from our boundary to the middle of their northern boundary.

In addition we request that the development approval has a provision in it which requires the owners to undertake and work with ourselves to install screening once the impact of this can be determined, ie. on or near completion of the house."

STAFF COMMENT

There was a Planning Approval granted for a two storey residence on the subject property on 14 May 2004, which contained the following specific conditions:

Revised plans being submitted to the Manager Development Services showing:

- The wall height being reduced to a height of RL 26.4:*
- The roof ridge level being reduced to a height of RL 28.9*

The applicant subsequently submitted an application proposing the following two amended options, due to a difficulty in achieving the required driveway gradient:

- **Option A:** increasing the wall and roof ridge height of the building above the statutory height limits specified by the Planning Approval conditions;
- **Option B:** complying with the statutory height limits for wall and roof ridge height and moving the building back 4.0m.

The proposals were readvertised to the adjoining property owners. There was an objection received from the owners of the adjoining property 8 Stanhope Street.

Increasing the height of the proposal would make it overheight for statutory wall and roof ridge height requirements under the scheme and therefore this option (Option A) is recommended to be refused.

The Option B was not supported by the adjoining property owners due to the impact on the amenity of their property due to the overlooking of sensitive areas and the impact of building bulk.

After the negotiations between the applicants and the objectors there was an additional proposal submitted to Council on the 15th September 2004, which incorporated the following:

- Lowering the wall height of the building on the eastern side by 330mm, this would make it comply with the statutory wall height requirement of 24.4RL;
- Seeking a variation to the wall height for the rest of the building, which would remain at 26.73 RL (330mm over the TPS 2 requirement);

Clause 5.1.1 (c) states:

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

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

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

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

The Natural Ground Level (NGL) at the centre of the site was determined by the Planning Department to be 20.4 RL, which would determine the following requirements for wall and roof ridge height.

	Required	Proposed
Wall height	26.40	26.73
Roof height	28.90	28.90

The applicant is seeking a variation to the height controls on the basis that it is warranted due to the topography of the site.

The applicant stated the following in the letter dated 15 September 2004:

“We appreciate that your previous approved height was based on the established NGL of 20.4 and we seek council’s consideration that this be

reviewed due to the site sloping to the East and irregular nature of the centre of the lot.”

Clause 5.1.1 (c) quoted above gives Council discretion to allow variations to the statutory wall and roof height limits if Council determines that the topography of the land warrants a variation, provided that the amenity of neighbouring areas is not unreasonably diminished.

It is not considered that the topography of the site warrants a variation to the heights limits under the TPS2.

As was advised by the Council’s Building Surveyor, 2.4m is an acceptable floor to ceiling height for habitable rooms. The applicant indicated that their client does not wish to reduce the proposed 3.0m floor to ceiling height of the ground level, which could achieve compliance of the proposal with the height requirements.

The adjoining owners of 8 Stanhope Street reluctantly agreed to accept the latest amended proposal, which included lowering of the wall height on the eastern side. Notwithstanding that, the owners of 8 Stanhope are still of the opinion that the amenity of their property would be affected.

It is recommended that the current Option A amended proposal (plans dated 13th September 2004) be refused and applicant explore other options and modify the design in order to achieve the acceptable driveway gradient and comply with the statutory height limits under the TPS 2.

There was not enough information supplied by the applicant regarding the proposed Option B to enable a full assessment of the proposal. As the Option B proposed to move the building back 4.0m, this would change the assessment of the side boundary setbacks, any potential overlooking and assessment of the impact on the adjoining properties.

It is recommended that the Option B proposal be deferred subject to the applicant submitting all the necessary information as per the Planning Department’s Residential checklist.

CONCLUSION

It is recommended that the Option A amended application (plans dated 13th September 2004) be refused as the proposal does not comply with the statutory height limit for wall height under the TPS 2 Clause 5.1.1 (c).

It is considered that the topography of the site does not warrant a variation to the statutory height limits under the Scheme. The amenity of the adjoining property would be affected due to the increased building scale and bulk.

It is recommended that the Option B application (plans dated 2nd August 2004), which proposed to move the building back by 4.0m, be deferred subject to the applicant submitting all the information required as per the Residential Checklist.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council; in relation to:

(1) OPTION A

- (a) Determines the natural ground level at the centre of the site to be 20.4 RL for the purposes of Clause 5.1.1 of the Town Planning Scheme text.
- (b) REFUSES its Approval to Commence Development for a two storey single house at No. 6 (Lot 216) Stanhope Street, in accordance with the application submitted on the 2nd August 2004 and additional plans received on the 13th September 2004 as the proposed development exceeds the maximum wall height permitted under Clause 5.1.1(c) of the Town Planning Scheme text;
- (c) Advise the submitters of Council's decision.

(2) OPTION B

That Council:

- (a) Defer consideration of the application for Approval to Commence Development submitted by Paul Meschiati and Associates for a two storey single house at No. 6 (Lot 216) Stanhope Street, in accordance with the application submitted on the 2nd August 2004; and
- (b) Request that the applicant submit additional information as per the Planning Departments Residential checklist to enable a full assessment of the application.
- (c) Advise the submitters of Council's decision.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager of Development Services declared an interest in the following item as a member of his family had previously been treated by the owner of the development site.

Concern was expressed by members of the Committee in terms of the potential adverse impact that the proposed development would have on the adjoining property to the east.

Committee resolved to defer the matter to the October round of meetings.

OFFICER RECOMMENDATION

That Council; in relation to:

(1) OPTION A

- (a) Determines the natural ground level at the centre of the site to be 20.4 RL for the purposes of Clause 5.1.1 of the Town Planning Scheme text.

- (b) REFUSES its Approval to Commence Development for a two storey single house at No. 6 (Lot 216) Stanhope Street, in accordance with the application submitted on the 2nd August 2004 and additional plans received on the 13th September 2004 as the proposed development exceeds the maximum wall height permitted under Clause 5.1.1(c) of the Town Planning Scheme text;
 - (c) Advise the submitters of Council's decision.
- (2) OPTION B
- That Council:
- (a) Defer consideration of the application for Approval to Commence Development submitted by Paul Meschiati and Associates for a two storey single house at No. 6 (Lot 216) Stanhope Street, in accordance with the application submitted on the 2nd August 2004; and
 - (b) Request that the applicant submit additional information as per the Planning Departments Residential checklist to enable a full assessment of the application.
 - (c) Advise the submitters of Council's decision.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council Defer consideration of the application for Approval to Commence Development submitted on 2 August 2004 for No. 6 Stanhope Street to the October 2004 round of meetings.

Carried 9/0

11.1.4 NO 6 (LOT 58) GRANT STREET - TWO STOREY SINGLE HOUSE PLUS BASEMENT

File No:	No 6 (Lot 58) Grant Street
Author:	Mr Stephen Sullivan
Attachments:	Location plan Correspondence from applicant Submissions (3) Plans
Author Disclosure of Interest:	Nil
Report Date:	13 September, 2004
Senior Officer:	Mr Stephen Tindale
Property Owner:	Gregory Dodds
Applicant:	Overman & Zuideveld Architects
Date of Application:	13 September, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	443m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two storey single residence plus basement.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 (c) – based on NGL of 8.51	Wall height – 6.0m	6.79m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Building Heights-005	6.0m	6.79m – 7.0m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No3 – Boundary Setbacks			
Basement North Whole	1.5	Nil-4.5	Clause 3.3.1 – P1 Clause 3.3.2 – P2
Basement East whole	1.5	Nil	Clause 3.3.2 – P2
Basement West Garage , Motor Room	1.5	Nil	Clause 3.3.2 – P2
Basement West Laundry, garage	1.5	Nil	Clause 3.3.2 – P2
East Lower Dining	4.8	2.7	Clause 3.3.1 – P1
East Lower Bath, Bed 3	1.0	Nil - 1.5	Clause 3.3.1 – P1 Clause 3.3.2 – P2
West Lower Study, Entry	1.1	Nil – 1.5	Clause 3.3.1 – P1 Clause 3.3.2 – P2
West Upper Balcony, Bed 1	3.5	4.5	Clause 3.3.1 – P1
West Upper Ensuite, WC, Lift	6.4	1.5	Clause 3.3.1 – P1
East Upper Bed 2, Dressing, Room, Bed1	1.9	1.5	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

4 Grant Street

Concerns were raised with the possibility of flooding due to the building built up to both side boundaries on the subject lot.

8 Grant Street

A letter of no objection to the proposal

BACKGROUND

In August, 2001, Council granted its Planning Consent for a two storey dwelling, which was never acted upon.

An assessment of the natural ground level at that time resulted in a level of RL8.0. The report considered other options including the average of the four corners of the site, which would have resulted in an average ground level of 9.01

Council supported the applicants level of RL8.51 and approved the development without any condition requiring change to the proposed heights.

STAFF COMMENTBuilding Heights

The proposed two-storey residence does not comply with the statutory height restrictions for wall and roof height under the Town of Cottesloe Town Planning Scheme No 2 (TPS2). Clause 5.1.1 (c) states:

"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	6.0metres
Two Storey	Wall height	6.0metres
	Roof Height	8.5metres
Subsequent Storeys	Wall Height	6.0 metres plus; 3.0 metres per storey
	Roof Height	8.5 metres plus; 3.0 metres per storey

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

The Natural Ground Level (NGL) at the centre of the site was determined by the Planning Department to be 8.0 RL, which would determine the following requirements for wall and roof ridge height.

	Required	Proposed
Wall height	14.0	15.8
Roof height	16.5	17.0

However, Council in 2001 determined that the natural ground level for the site would be RL8.51.

Based on the Council 2001 decision, a comparison of the levels for the previously approved development and the current development is shown below:

Development Application	Floor level	Wall Level	Ridge Level
August 2001	9.356	14.5	16.856
September 2004	9.9	15.3	16.9
Based on 2001 NGL decision		14.51	17.01

The applicant is seeking a variation to the height controls on the basis that it is warranted due to the topography of the site. It is stated in the letter dated 30 July 2004 that *in this instance the site falls sharply away from the street and the level at the centre of the site is some 2 metres below the footpath level.*

Clause 5.1.1 (c) also states:

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

The above clause gives Council discretion to allow variations to the statutory wall and roof height limits if Council determines that the topography of the land warrants a variation.

In this instance the applicant provided letters of no objections from the adjoining property owners to the east and west, which would indicate that the directly adjoining neighbours are of the opinion that the proposal does not affect the amenity of their properties.

There was a subsequent letter received from the owner of No. 4 Grant Street expressing concerns relating to the level of the front garden and the effect of the proposal on the stormwater drainage. Verbal comments by the neighbour to staff expressed some concern with the proposed nil setbacks to both side boundaries and its effect on the free flow of stormwater.

These concerns can be addressed by specific conditions of approval.

The level of the middle at the front boundary is 9.9RL. A contour of 8.0 RL runs through the centre of the site, which is approximately 2.0m lower than the front of the property. The level at the rear of the lot is 8.7RL in the north western corner and 7.9 RL in the north-eastern corner.

The topography of the site is such that the centre of the site is lower than the front and the rear of the property.

The proposal also does not comply with the height requirements under the Planning Policy 005 – Building Heights. The proposed dwelling would appear as a three storey building from the rear of the site.

Council has previously accepted the natural ground level of the site to be RL8.51. Based on the acceptance of this level, the wall height of the development would be in excess of the statutory provisions of the Town Planning Scheme.

The proposed development is more dominant and bulkier than the previously approved development. Compliance with the natural ground level determined by Council in 2001 will lower the overall height and impact of the proposed development on the adjoining properties.

It is recommended that Council impose a condition requiring the applicant to lower the wall height of the development to comply with the wall heights based on a natural ground level of RL8.51.

Boundary Setbacks

The following side boundary setbacks for the lower and upper level don't comply with the acceptable development standards of the R-Codes and would be required to be assessed under the relevant performance criteria.

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Basement North	Whole	2.0	12.0	No	1.5	Nil-4.5
Basement East	Whole	1.5	30.0	No	1.5	Nil
Basement West	Garage, Motor room	0.5	17.0	No	1.5	Nil
Basement West	Laundry, garage	2.0	8.8	No	1.5	Nil
East Lower	Dining	4.5	20.5	Yes	4.8	2.7
East Lower	Bath, Bed 3	3.5	8.5	No	1.0	Nil - 1.5
West Lower	Study, Entry	4.0	8.3	No	1.1	Nil – 1.5
West Upper	Balcony, Bed 1	7.5	4.5	Yes	3.5	4.5
West Upper	Ensuite, WC, WC, Lift	7.0	25.0	Yes	6.4	1.5

East Upper	Bed 2, Dressing Room, Bed 1	7.5	12.4	No	1.9	1.5
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The proposed boundary walls would not comply with the acceptable development standards of the Design Element 3 – Boundary Setbacks as the proposal incorporates a nil setback to more than one boundary.

The above setback variations will be assessed under the following Performance Criteria:

Clause 3.3.1 – Buildings Set Back from the Boundary

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 in ameliorating the impact of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties*

Clause 3.3.2 – Buildings on Boundary

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 affect on the amenity of the adjoining property and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of the adjoining properties is not restricted.*

The proposal complies with the acceptable development standards of the Design Element 9 – Design for Climate. The property is north-south orientated and therefore overshadowing would mainly fall on the subject property itself and onto the street.

It is considered that the proposed reduced setbacks would not affect privacy of the adjoining properties. Council did not receive any objections from the adjoining property owners. The cone of vision diagrams submitted by the applicant indicated that there would be minor overlooking into the property to the west from the rear balcony and the front balcony.

The overlooking from the front balcony is not considered an issue as it only affects the area of the front garden that is also visible from the street.

The cone of vision from the rear balcony will fall within the back garden area in the north-western corner of 8 Grant Street. The applicant marked this area as non-sensitive. The adjoining neighbours supported the proposal.

There will also be some overlooking into the rear of 4 Grant Street, which contains a swimming pool. Again there was no objection from the adjoining owner.

It is considered that the amenity of the adjoining properties would not be affected by the building bulk. The design incorporates courtyards on the eastern and western side, where the building wall is setback 3.6 to the western boundary and 2.7 from the eastern boundary. These courtyards would break up the building line from the neighbours' perspective, which would reduce the effect of building bulk.

There are a number of structures proposed to be built on the side boundaries. The height of these structures (boundary walls and retaining/fencing) are higher than normal requirements.

Having regard to the non-compliance with the wall height controls and the recommendation to lower the building, the extent of these non-compliances would be reduced thereby lessening the impact on the adjoining properties. The reduction in impact would relate to the:

- height of the boundary wall on the lower western boundary (proposed to be 3.3m); and
- height of the boundary wall 3.5m to 3.8m on the eastern side and retaining fencing of 2.6-3.7m.

CONCLUSION

The proposed development does not comply with the statutory wall height restrictions under the TPS2 based on a natural ground level of RL8.51. Therefore, a condition of approval should be imposed to reduce the overall wall height of the development. The effect of such a reduction of the structures on the boundary would lessen the impact on the adjoining properties.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager of Development Services advised that the proposed residence will be tall at the rear of the property only and would fit in with the streetscape.

The Committee did not have any concerns regarding the height of the building and having regard to the ground levels, varied the height control calculations.

The Committee also acknowledged the comments from the neighbours regarding the drainage problems and resolved to add an additional part to the officers recommendation requesting Council's Manager, Engineering Services write a report for consideration at the full Council meeting on the issues of stormwater runoff in this area.

The Committee resolved to delete condition (2)(g) and add the following additional part to the recommendation:

- (4) Council's Manager, Engineering Services be requested to prepare a report for consideration by Council at its September 2004 meeting, on the issues of stormwater runoff in this area.

OFFICER RECOMMENDATION

That Council:

- (1) Determines the natural ground level at the centre of the site to be RL8.51 for the purposes of Clause 5.1.1 of the Town Planning Scheme text.
- (2) GRANTS its Approval to Commence Development for a two storey single house and basement at No. 6 (Lot 58) Grant Street, in accordance with the application submitted on the 2 August 2004, and additional plans received on the 12th August 2004 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (f) the existing Grant Street crossover being removed and the verge being reinstated to the satisfaction of the Manager of engineering Services.
 - (g) the wall height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text, based on the natural ground level determined in (1) above;
- (3) The submitters be advised of Council's decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) Determines the natural ground level at the centre of the site to be RL8.51 for the purposes of Clause 5.1.1 of the Town Planning Scheme text.
- (2) GRANTS its Approval to Commence Development for a two storey single house and basement at No. 6 (Lot 58) Grant Street, in accordance with the

application submitted on the 2 August 2004, and additional plans received on the 12th August 2004 subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (f) The existing Grant Street crossover being removed and the verge being reinstated to the satisfaction of the Manager of engineering Services.
- (3) The submitters be advised of Council's decision.
 - (4) Council's Manager Engineering Services be requested to prepare a report for consideration by Council at its September 2004 meeting, on the issues of stormwater runoff in this area.

COUNCIL COMMENT

The Manager Engineering Services provided to Council a report on the issues of stormwater runoff in this area, as requested in the Committee Recommendation.

11.1.4 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) Determines the natural ground level at the centre of the site to be RL8.51 for the purposes of Clause 5.1.1 of the Town Planning Scheme text.**
- (2) GRANTS its Approval to Commence Development for a two storey single house and basement at No. 6 (Lot 58) Grant Street, in accordance with the application submitted on the 2 August 2004, and additional plans received on the 12th August 2004 subject to the following conditions:**

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (f) The existing Grant Street crossover being removed and the verge being reinstated to the satisfaction of the Manager of engineering Services.
- (3) The submitters be advised of Council's decision.

Carried 9/0

11.1.5 NO 1 (LOT 4) EILEEN STREET – THREE TWO STOREY GROUPED DWELLINGS PLUS BASEMENT

File No:	1 Eileen Street
Author:	Mr Daniel Heymans
Attachments:	Location plan Correspondence from applicant Plans
Author Disclosure of Interest:	Nil
Report Date:	15 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Mr J Schuch
Applicant:	Overman & Zuideveld Pty Ltd
Date of Application:	1 July 2004
Zoning:	Foreshore Centre
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R50
Lot Area:	759m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is applying for the approval of 3 new grouped dwellings on the subject site.

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

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 – HOUSE 1

Town of Cottesloe Town Planning Scheme No 2 – Text – House 1

Clause	Required	Provided
5.1.1 – Building Height	23.6m	24.0m

Town Planning Scheme Policy/Policies – House 1

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

Residential Design Codes – House 1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3 – Boundary Setbacks	Setback to Eastern Boundary from Basement Garage of 1.5m	Nil	Clause 3.2.1
	Setback to Southern Boundary from Basement Garage of 1.5m	Nil	Clause 3.2.1
	Setback to Southern Boundary from Ground Floor Bed 3 & Study of 1.5m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Ground Floor Lounge of 1.5m	Nil	Clause 3.2.1
	Setback to Southern Boundary from Upper Floor of 2.8m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Upper Floor of 1.9m	1.2m – 2.4m	Clause 3.2.1
4 – Open Space	2/3 of outdoor living area to be without permanent roof cover	All Covered	Clause 3.4.1
8 – Visual Privacy	Setback from Upper Floor Bed 2 to Eastern Boundary of 4.5m	2.3m	Clause 3.8.1
	Setback from Upper Front Balcony to Western Boundary of 7.5m	6.8m	Clause 3.8.1

AREAS OF NON-COMPLIANCE – HOUSE 2

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

Clause	Required	Provided
5.1.1 – Building Height	23.5m	24.0m

Town Planning Scheme Policy/Policies – House 2

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

Residential Design Codes – House 2

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3 – Boundary Setbacks	Setback to Western Boundary from Basement Garage of 1.0m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Basement Garage of 1.0m	Nil	Clause 3.2.1
	Setback to Northern Boundary from Basement Garage of 1.0m	Nil	Clause 3.2.1
	Setback to Northern Boundary from Ground Floor of 1.5m	Nil	Clause 3.2.1
	Setback to Western Boundary from Ground Floor Lounge of 1.7m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Ground Floor Bed 3, Lounge and Kitchen of 1.0m	Nil	Clause 3.2.1
	Setback to Northern Boundary from Upper Floor of 2.8m	Nil	Clause 3.2.1
	Setback to Western Boundary from Upper Floor of 2.4m	Nil	Clause 3.2.1
8 – Visual Privacy	Setback from Upper Rear Balcony to Southern Boundary of 7.5m	1.5m	Clause 3.8.1

AREAS OF NON-COMPLIANCE – HOUSE 3

Town of Cottesloe Town Planning Scheme No 2 – Text – House 3

Clause	Required	Provided
5.1.1 – Building Height	23.5m	24.0m

Town Planning Scheme Policy/Policies – House 3

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

Residential Design Codes – House 3

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
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Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3 – Boundary Setbacks	Setback to Eastern Boundary from Basement Garage of 1.5m	Nil	Clause 3.2.1
	Setback to Western Boundary from Basement Garage of 1.5m	Nil	Clause 3.2.1
	Setback to Northern Boundary from Ground Floor 1.0m	Nil	Clause 3.2.1
	Setback to Western Boundary from Ground Floor Lounge of 1.0m	Nil	Clause 3.2.1
	Setback to Western Boundary from Ground Floor Bed 2, Bath & Kitchen of 1.5m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Ground Floor of 1.5m	Nil	Clause 3.2.1
	Setback to Eastern Boundary from Upper Floor of 2.8m	Nil	Clause 3.2.1
4 – Open Space	2/3 of outdoor living area to be without permanent roof cover	2/3 Covered	Clause 3.4.1
8 – Visual Privacy	Setback from Upper Rear Balcony to Southern Boundary of 7.5m	2.5m	Clause 3.8.1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 17 letters sent out. No submissions were received.

BACKGROUND

The site is located on the southern side of Eileen Street and the Napier Street Reserve abuts the southern boundary of the site.

A previous application for 3 multiple dwellings was refused by Council on the 24 May 2004 as the building was considered to be overheight and excessively bulky. Objections were received from some of the property owners to the west.

Subsequently the applicant lodged a new plan for 3 grouped dwellings which was advertised but was later replaced by another set of plans which handed the entire development and this is now the subject of this report.

STAFF COMMENT

Wall Height

Calculation of the wall height of the 3 houses has indicated that the development does not comply with the statutory wall height limit of 6.0m.

The 2 proposed houses at the rear of the site are 500mm over the wall height limit and the front house is 400mm over the wall height limit.

The wall height limit is a statutory limit and Council does not have any discretion to change this height.

Council does have discretion to vary the natural ground level at the centre of the site if the natural ground levels warrant a variation and the amenity of the adjoining properties is not unreasonably diminished.

Assessment of the proposal indicates that there is room to modify the design by 500mm by either reducing floor to ceiling heights and / or reducing the finished floor level of the development.

Therefore it is recommended that the wall heights be reduced to comply with Clause 5.1.1 and suitable conditions imposed.

Setbacks

The applicant is seeking numerous variations to the acceptable development standards for setbacks.

The majority of these setback variations are a result of having to calculate setbacks between the 3 proposed houses. Under the Residential Design Codes, each dwelling is to be treated as if it was on its own lot. As these variations impact on all new houses equally, they have been assessed and considered to comply with the relevant performance criteria of the Codes.

In relation to the setback variations to the two adjoining properties, the applicant is only seeking variations along the eastern boundary, which have been assessed and considered to comply with the relevant performance criteria. There were no objections received from adjoining property owners to the revised proposal.

Therefore it is recommended that the various setback variations be approved by Council.

Visual Privacy

The applicant is requesting variations to the acceptable development standards for visual privacy. One of these variations relate to the upper floor balcony at the front which overlooks a portion of No. 134 Marine Parade, however this is along the Eileen Street frontage and does not impact on the amenity of the adjoining owners.

The other variation relates to the upper floor balcony at the rear that partly overlooks the rear of 134 Marine Parade. Both of these variations have been deemed to comply with the relevant performance criteria.

Front & Rear Fences

The owner of 3 Eileen Street has previously requested that the front and rear fences of the proposed development be of clear glass so as to not obstruct the views from No. 3 Eileen Street.

The applicant has previously complied with the request and a condition of approval requiring this is to be imposed.

CONCLUSION

That the proposed 3 grouped dwellings be approved subject to conditions relating to wall heights and front and rear fences remaining open aspect.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Arthur Furlong declared a proximity interest in Item 11.1.5 and left the room 7.30pm and was not involved in the discussion and voting of this item.

COMMITTEE COMMENT

Committee requested and additional condition be added regarding wall heights:

- (2) Manager, Development Services re-read the codes in regards to the definition of wall height and discuss the matter with the applicant and address the full Council meeting

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Three Grouped Dwellings at No 1 (Lot 4) Eileen Street, Cottesloe in accordance with the plans submitted on 23 August 2004, 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) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (7) Any front or rear boundary fencing on the eastern side being of a "clear glass" design.
- (8) Any other front boundary fencing not mentioned in condition No. 7 being of an "Open Aspect" design in accordance with Council's local law and the subject of a separate application to Council.
- (9) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The wall height of House 2 & 3 being reduced to R.L. 23.5m to comply with clause 5.1.1; and
 - (ii) The wall height of house 1 being reduced to R.L. 23.6m to comply with clause 5.1.1.

COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Miller

- (1) That Council GRANT its Approval to Commence Development for the Three Grouped Dwellings at No 1 (Lot 4) Eileen Street, Cottesloe in accordance with the plans submitted on 23 August 2004, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, 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.

- (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (f) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) Any front or rear boundary fencing on the eastern side being of a "clear glass" design.
 - (h) Any other front boundary fencing not mentioned in condition No. 7 being of an "Open Aspect" design in accordance with Council's local law and the subject of a separate application to Council.
 - (i) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - i. The wall height of House 2 & 3 being reduced to R.L. 23.5m to comply with clause 5.1.1; and
 - ii. The wall height of house 1 being reduced to R.L. 23.6m to comply with clause 5.1.1.
- (2) The Manager of Development Services be requested to review the calculation of the wall and ridge height of the development prior to the September meeting of Council.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That (1) (i) be removed from the resolution.

Carried 8/0

11.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the Three Grouped Dwellings at No 1 (Lot 4) Eileen Street, Cottesloe in accordance with the plans submitted on 23 August 2004, 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.

Carried 8/0

Cr Furlong returned to the meeting.

Note:

Council received the report from the Manager of Development Services and removed part (2) of the Committee Recommendation. The Council was satisfied that the topography of the site warranted a variation to the height controls under clause 5.1.1(c) of the Town Planning Scheme text. Condition (1)(i) was deleted and the recommendation was renumbered accordingly.

11.1.6 NO 197 CURTIN AVENUE (LOT 40) – REQUEST FOR REMOVAL FROM PROPOSED HERITAGE LIST IN TOWN PLANNING SCHEME NO. 3

File No:	197 Curtin Avenue
Author:	Mr Daniel Heymans
Attachments:	Location plan Correspondence from owner Information from Municipal Inventory
Author Disclosure of Interest:	Nil
Report Date:	15 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Mrs Dawn Dukes
Applicant:	Mrs Dawn Dukes
Date of Application:	6 September, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1019m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant has written to Council requesting that the subject property be removed from the proposed heritage list for Town Planning Scheme No. 3

The recommendation is to defer the request.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Heritage of Western Australia Act 1990

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 2 |
| • National Trust | N/A |

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

The application was not required to be advertised.

BACKGROUND

The applicants received a survey strata approval from the Western Australian Planning Commission on the 12 January 2001 allowing the retention of the existing house. That approval has now expired. Council supported this application on the basis that the original house would be preserved.

As a part of this survey strata application the applicant has had to comply with a number of conditions relating to the provision of parking and storerooms for the original dwelling. The applicants currently have an application in for a new storeroom to comply with the condition of the survey strata approval.

In addition to this survey strata application, the applicants have also lodged a planning application for the demolition of the front dwelling in May 2004.

This application was considered by Council on the 28 June 2004 and resolved as follows:

"That Council defers consideration of the request for removal of No. 197 Curtin Avenue from the Municipal Inventory until Council finalises its position in relation to heritage matters."

This was recommended on the basis that Council was still deciding upon a number of issues relating to heritage in Cottesloe, including the process of removing properties from the different lists.

This issue has still not been resolved and the administration is currently proceeding to review those 27 properties that were proposed to be included in the schedule of Town Planning Scheme No. 3 and proposed new policy that are not already included in the current Schedule No. 1 and Town Planning Scheme Policy No. 12.

This property is one of those 27 that require a further review to determine whether or not it should be included on the proposed lists.

STAFF COMMENT

The property at No. 197 Curtin Avenue is classified as a Category 2 building under the Town of Cottesloe Municipal Inventory. Category 2 is summarised as:

"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. For example being the first areas to receive underground power, rate rebate for registered verges and first consideration in verge maintenance and upgrading by Council. Partial rates rebate to

maintain the building and individual negotiation of other incentives under Town Planning Scheme.”

The Municipal Inventory describes the building as:

“An imposing house set on the rise in an authentic garden. The walls and garden walls are of red brick and render as is the sweeping front stair. The roof is tiled with many hips with a feature gable facing Curtin Avenue, half timbered windows are in clusters of three with leadlights under sunhoods. The verandahs have a masonry balustrade with square moulded balusters.”

The Historical Significance is:

“An impressive interwar dwelling given great prominence by its setting high on the lot with authentic landscaping and enhanced by its association with its neighbour at 199.”

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

In light of the fact that the administration is proceeding to undertake a review of those 27 properties outlined above it is believed that the most appropriate course of action is to again defer consideration of the request for removal from the proposed heritage lists as no independent assessment of these properties has taken place and staff members are not qualified to comment on the appropriateness of listing individual buildings on a heritage list.

CONCLUSION

That the request for removal from the draft heritage list be deferred until Council finalises the review of the subject property.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee were of the opinion that it was unfair on the owners to impose strict policy on this particular property and agreed that it should be removed from the draft heritage list under the proposed No. 3 Town Planning Scheme.

OFFICER RECOMMENDATION

That Council defer the request to remove No 197 Curtin Avenue (Lot 40), Cottesloe from the proposed draft Town Planning Scheme No. 3 Heritage List until an independent review of this property is undertaken.

11.1.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to remove No 197 Curtin Avenue (Lot 40), Cottesloe from the proposed draft Town Planning Scheme No. 3 Heritage List.

Carried 5/4

11.1.7 NO 14 (LOTS 50 & 51) EDWARD STREET - DEMOLITION OF CHURCH - LISTED ON TOWN PLANNING SCHEME POLICY NO. 12

File No:	14 Edward Street
Author:	Mr Daniel Heymans
Attachments:	Location plan Correspondence from applicant Information from Municipal Inventory
Author Disclosure of Interest:	Nil
Report Date:	14 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	Cottesloe Christian Church Inc
Applicant:	Cottesloe Christian Church Inc
Date of Application:	2 September 2004
Zoning:	Places of Public Assembly
Use:	P - A use that is permitted under this Scheme
Lot Area:	1416m²
M.R.S. Reservation:	N/A

SUMMARY

The applicants have applied for demolition approval of all buildings on this site. The Hardey Memorial Church building is listed as a category 2 building on the Town of Cottesloe Municipal Heritage Inventory and also listed on Town Planning Scheme Policy No. 12 – Places of Cultural Heritage Significance.

The site is zoned Place of Public Assembly. This zoning permits limited uses and buildings that can be developed in the zone. Residential uses are not permitted within this zone.

A Town Planning Scheme amendment is required if Council supports other uses for the site.

The only building that has been identified as having any local cultural heritage significance is the Hardey Memorial Church building.

Given the assessment that has been undertaken, the recommendation is to defer the application for demolition subject to the appointment of a heritage consultant to review the significance of the church.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Local Government Act 1995

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

STRATEGIC IMPLICATIONS

N/A.

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 applicant previously requested that Council remove No. 14 Edward Street from the Town of Cottesloe Municipal Inventory.

However at Council's meeting on the 28 June 2004, Council resolved:

"That Council Defers consideration of the request for removal of No. 14 Edward Street, Cottesloe from the Municipal Inventory until Council determines its position on heritage matters."

On the 6 September 2004 a report dealing with heritage and heritage lists under the proposed Town Planning Scheme was submitted to Council for consideration. This recommendation was lost and no replacement resolution was adopted.

The comments on the change to the resolution indicated that the recommendation was lost on the basis that a review of the 27 Category - 2 properties on the Municipal Inventory needed to be reviewed prior to their listing on a statutory list.

The subject property is not one of the 27 that require further assessment as it is already listed on Town Planning Scheme Policy No. 12.

STAFF COMMENTCurrent Use

The subject property is located on the corner of Gordon Street and Edward Street in Cottesloe and is zoned as "Places of Public Assembly". The buildings are currently used for the Cottesloe Christian Church and the church buildings and church grounds are also being utilised as a daytime kindergarten for the local community.

The Hardey Memorial Church is listed in the Municipal Inventory and the Town Planning Scheme Policy No. 12, with the remainder of the buildings not considered as significant as the church building.

Zoning provisions

The Place of Public Worship Zone only permits the following uses:

- Public assembly;
- Public worship;

The zone allows these uses at Council's discretion:

- caretakers house;
- civic buildings;
- educational establishments;

All other uses are prohibited. Should council wish to permit the land to be used for other purposes, a Town Planning Scheme amendment is required. Depending upon the complexity of the amendment and the process followed, the amendment to the existing Town Planning Scheme could take between 6 and 9 months.

Heritage Significance

The Hardey Memorial Church is listed as a category 2 building under the Town of Cottesloe Municipal Inventory. Category 2 is summarised as:

"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. For example being the first areas to receive underground power, rate rebate for registered verges and first consideration in verge maintenance and upgrading by Council. Partial rates rebate to maintain the building and individual negotiation of other incentives under Town Planning Scheme."

The Municipal Inventory describes the building as:

*"Hardey Memorial Church - Cottesloe Christian Church
Gothic Revival style with a parapetted gable and decorative pinnacles. The tuckpointed brick facade using English and stretcher bond has been painted. 'Pressed and run' stucco mouldings, quoining and architraves decorate the facade. The other walls are 'cut and struck' jointed brickwork. The nave walls are buttressed. Simplified lunette windows with a quatrefoil window to the main facade are leadlight with stained glass floral patterns. The roof is a replacement of corrugated asbestos."*

The Historical Significance is:

"This building is of historical and architectural significance. The name of Hardey has been connected with Methodism in WA as far back as the beginning of the Colony. The two English brothers John and Joseph Hardey landed at Fremantle in 1830 stepping ashore from their chartered ship 'Tranby'. The building was built by Mr C. Turville, Cottesloe builder, on land donated by Hardey descendants Richard and Robert Hardey.

The foundation stone was laid in 1904. The inscription reads "Laid to the Glory of God in memory of John and Joseph Hardey, pioneers of Methodism in this state.

First service was on March 5 1905. The foundation stone for the church hall was laid in 1920. The original organ had been rescued from the old Orient liner Oriziba. For many years the old Tranby Bell was used at the church. It is now in a courtyard at Wesley College, South Perth. Marchant James p 54."
The Reverend WR Lang was minister in 1924-27."

The listing on the Municipal Inventory is merely a historical record and does not in impinge on development potential.

The Hardey Memorial Church is also listed in Town Planning Scheme Policy No. 12, the objectives of Town Planning Scheme Policy No. 12 state:

- "2.1 To protect existing places of cultural heritage significance, and to maintain the character, amenity and 'sense of place' of the suburb.*
- 2.2 To ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building."*

The policy has the following statements:

- "3.1 The Council considers that those properties described in Clause 6. are "buildings of architectural and historical interest" for the purpose of Clause 5.1.2(b) of Town Planning Scheme No. 2.*
- 3.2 Demolition of places covered by this 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.*
- 3.3 Where discretion exists in relation to the provisions of the Town Planning Scheme and Residential Planning Codes, Council may be sympathetic to a request for the exercise of that discretion, if the conservation of heritage places covered by this policy are deemed to be sympathetic to the original place by Council or the Heritage Council of Western Australia."*

Town Planning Scheme Policy No. 12 provides Council with statutory power to refuse demolition of any building on Policy No. 12 unless it is demonstrated to Council that the building is not of local cultural heritage significance.

The Church was constructed in 1904 and has a close association with Cottesloe and the Methodist Church in Western Australia. It is believed that this building has a high level of local cultural heritage significance due to the fact that this church played a pivotal role in the development and congregation of Cottesloe. This is highlighted in the book "Heritage of Pines - a History of Cottesloe" which states that the church established a cricket club, band, boys and girls clubs and a Sunday school during its early development.

Applicant's comments

The applicant has made the following points in their written submission to Council:

- *“The Church will cease to function after 31 December 2004;*
- *The property on Lots 50 and 51 Edward Street will now have to be sold and we are seeking approval to demolish all buildings on the site, including the Cottesloe Christian Church;*
- *Under the Constitution all the Church assets are owned by the Church membership. Once the membership has disbanded there will be no owners of the property and no funds to maintain it;*
- *White ants have been a chronic problem as has vandalism, we have had to replace windows and repair the main stained glass windows;*
- *The Church has changed and deteriorated over the years;*
- *We have recently been asked to carry out certain works under Public Building requirements, however, in view of the imminent closure of the church these are no longer relevant;*
- *If the original Church building can't be demolished any new development on the remaining land would involve removal of the bitumen car park, demolition of the large hall and portions of the additions to the rear of the Church. This would remove all of the off street parking and, we presume, would severely limit the ongoing use of the church as a public meeting place. In other words, it is likely it would remain empty as in the case of other old churches;*
- *Your photograph indicates the Church currently encroaches the adjoining Lot 51. If the Church were to be retained would this pose a problem for the sale of the remaining land?;*
- *Interested purchasers would face the financial burden of maintaining an asset which, of itself, could not be put to any significant practical use;*
- *We believe that retention of the Church could decimate the commercial value of the remaining land because:*
 - (a) *The Church occupies a prominent position on the corner of Edward and Gordon Streets and its presence would, we believe, greatly reduce the aesthetic appeal of any new development;*
 - (b) *Interested purchasers would face the financial burden of maintaining an asset which, of itself, could not be put to any significant practical use.”*

In response to some of the issues raised by the applicant the following points are made:

- The Architectural significance is not the only issue relating to the preservation of this building it also includes the local cultural significance to the community;
- The Hardey Memorial Church is the only building that is considered of importance on this site;
- A visual inspection of the Hardey Memorial Church building by Council's Principal Building Surveyor has revealed that the building appears to be in good structural condition;
- There is potential for development on the carparking areas, once rezoning of the site has occurred;
- The church appears to be wholly located on its own lot from Council's GIS system, however this needs to be clarified by a licenced surveyor;
- The value of land and affect of heritage buildings in close proximity to other residential areas is not a planning matter and no comment can be made;
- Any residential development on the site will require a scheme amendment and will take at least 9 months to gazettal;

- There are many churches in the western suburbs that have been retained, even though their uses have changed, there are examples of churches being used as offices, wedding halls and residential apartments;
- There is possibility for the building to be retrofitted for residential purposes as was the case with the old flour mill.

Town Planning Scheme Amendment – No. 2 Town Planning Scheme

As stated above, it is believed that this building is of local cultural heritage significance as well as historical and architectural significance. Therefore, demolition should not be supported. However, Council could investigate further development opportunities for the site.

If Council is of the opinion that the site could be used for other purposes, such as residential, then a re-zoning could be considered. Conditions for the change in re-zoning could include the retention of the existing church building provided that a check on the structural condition of the building is carried out.

The development would be similar to the re-cycling of the Cottesloe flour mill building.

Draft No 3 Town Planning Scheme

Council resolved at its special meeting held on the 6 September to retain the Place of Public Assembly Zone under the draft Town Planning Scheme, for those sites that currently have that zoning under the existing Town Planning Scheme.

CONCLUSION

The timeframe for the disbanding of the church group creates a problem in terms of responding to the demolition request.

If the heritage listing is removed, the current zoning still creates a problem for any future users of the site due to the restricted range of uses.

If Council has concerns in relation to the cultural heritage significance of the premises, in particular the existing church building, then an independent review of the building should occur.

If Council supports a scheme amendment, then the timeframe for the investigation into the framework for the amendment and the amendment process will be well outside of the timeframe of the church group.

Council is required to deal with the application for demolition before it. It is considered that the building has local cultural heritage significance based on the available information. If this is in dispute, then Council should engage the services of a heritage consultant to review the information and provide an assessment of the cultural heritage significance of the property. Council will then be in a position to decide whether it will support demolition of some or all of the buildings.

Council can then decide whether it wants to commence with a scheme amendment process to change the zoning of the site and whether there are any conditions that would be attached to the rezoning of the site.

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of the Committee supported approval for demolition of the church and the surrounding buildings as the church congregation will be dissolving as at 31 December 2004 and no one will be responsible for the maintenance of the building.

OFFICER RECOMMENDATION

That Council:

- (1) Defers consideration of the application for demolition of the buildings on No. 14 Edward Street to the October meeting of Council; and
- (2) Engage the services of a heritage consultant to advise Council at its October 2004 meeting of the cultural heritage significance of the property at No. 14 Edwards Street. The assessment is to include the review of existing documentation and the any other relevant information.
- (3) The applicants be advised of Council's decision.

COUNCIL COMMENT

General discussion was held on the issue of allowing the buildings to be demolished prior to a heritage study being undertaken on the importance of the building to Cottesloe.

Councillors were reminded that the congregation will resolve on 31 December, 2004 and therefore it is important that this issue be resolved.

COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Miller

That Council GRANT its Approval to Commence Development for the demolition of the buildings at No 14 (Lots 50 & 51) Edward Street, Cottesloe, subject to the following conditions:

- (1) A photographic record of the existing buildings 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.

Lost 5/4

AMENDMENT

Moved Cr Cunningham, seconded Cr Miller

That the Officer Recommendation be put.

11.1.7 COUNCIL RESOLUTION

That Council:

- (1) Defers consideration of the application for demolition of the buildings on No. 14 Edward Street to the October meeting of Council; and

- (2) Engage the services of a heritage consultant to advise Council at its October 2004 meeting of the cultural heritage significance of the property at No. 14 Edwards Street. The assessment is to include the review of existing documentation and the any other relevant information.**
- (3) The applicants be advised of Council's decision.**

Carried 9/0

11.1.8 NO 16 & 16A BEACH STREET – PROPOSED FRONT FENCE AND GATEHOUSES

File No:	No 16 Beach Street
Author:	Ms Lilia Palermo
Attachments:	Location Plan Correspondence from applicant (2) Submissions (2) Plans
Author Disclosure of Interest:	Nil
Report Date:	10 September, 2004
Senior Officer:	Mr Stephen Sullivan
Property Owner:	R & L Argus
Applicant:	Sharpe & Van Rhyn Architects
Date of Application:	10 September, 2004
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	306m² each
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a front boundary fence, which incorporates patio/gatehouse structures over the front pedestrian access gates on the western side of No. 16 Beach Street and eastern side of No. 16A Beach Street.

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 7 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

Unit 1, 18 Beach Street

- *The Plans do not follow the normal Council's requirements*
- *The gates and the side boxes will present a visual "Block" to the streetscape*

Unit 6 and Unit 2, 18 Beach Street

- *Exceeding council height by 400mm ...;*
- *Not visually appealing with 2 X 2 garage door and 2 gate doors on street frontage;*
- *Will spoil the openness of the street with concrete construction;*
- *Would cause blind spot for cars and pedestrians ...*

STAFF COMMENT

The applicant is proposing to construct the front fence on 16 & 16A Beach Street, which would incorporate the following:

- 600mm wide pillars on 16 and 16A abutting each other with gas/electric meters;
- Single auto remote swinging gates to garage driveways;
- Solid rendered brickwork section of wall 1.2m in width between the auto gates and pedestrian gates;
- Pedestrian access gates 1.0m in width;
- Concrete roofs over the pedestrian accesses extending from the existing side boundary fences on the eastern and western side boundaries (which would be raised by 450mm)

If the height of the side boundary fences is raised it would result in having a 2.5m high fence facing the front boundary, which exceeds the permitted 2.1m for front fence pillars under the Council's Fencing Local Law.

The proposed patio roofs extending from the side boundary fences would be classified as structures within the front setback area. Construction of any buildings or structures other than carports, which are in compliance with the relevant Council's Planning Policy, are not supported to be located within the front setback area.

The solid section of the wall between the pedestrian access gate and the auto swinging gate exceeds the requirement of the Fencing Local Law as it is 1.2m in width. It is recommended to require the applicant to reduce the width of these solid portions of wall on 16 & 16A beach Street to 600mm in width.

It is considered that the front fence as proposed would affect the amenity of the streetscape and therefore should be brought into compliance with the Council's fencing Local Law.

CONCLUSION

It is recommended that the application for the front fence be approved by the Development Services Committee under delegated authority subject to conditions requiring the applicant to bring the proposed fence into compliance with the Council's Fencing Local Law.

It is recommended that the proposed patio/gatehouse structures be removed.

VOTING

Simple majority

COMMITTEE COMMENT

The Committee were of the opinion that the proposed changes would not adversely affect the streetscape of the adjoining properties and therefore supported the plans as submitted.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Front Fence at No 16 (Lot 4) Beach Street, Cottesloe in accordance with the plans submitted on 21 July 2004, subject to revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the proposed concrete patio/gatehouse rooves being deleted and the side boundary fence on the eastern and western boundaries being left as per existing; and
 - (ii) the solid section of the fence between the steel gate and the pedestrian access gate being reduced in width to 600mm in accordance with the Council's Fencing Local Law.
- (2) Advise the submitters of this decision.

11.1.8 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) **GRANT its Approval to Commence Development for the Front Fence at No 6 (Lot 4) Beach Street, Cottesloe in accordance with the plans submitted on 21 July 2004.**
- (2) Advise the submitters of this decision.

Carried 6/3

11.1.9 SHOP 1, NO 30 (PT LOT 13) JARRAD STREET – MECHANICAL OPERABLE LOUVRES TO FRONT WINDOWS OF SHOP 1

File No: Shop 1, No 30 (Pt Lot 13) Jarrad Street
Author: Ms Lilia Palermo
Attachment(s): Location plan
 Correspondence from owner & photos
 Plans
Author Disclosure of Interest: Nil
Report Date: 15 September, 2004
Senior Officer: Mr Stephen Sullivan

Property Owner: Ms Kathrine Kalaf

Applicant: Ms Kathrine Kalaf
Date of Application: 15 September, 2004

Zoning: Town Centre
Use: P - A use that is permitted under this Scheme
Density: R100
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application to install mechanical operable louvers to shop front windows facing Railway Street of Shop 1 on the subject lot.

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

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

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

- Other

The proposal was referred to the Design Advisory Panel for comments.

STAFF COMMENT

The applicant is proposing to install horizontal mechanical louvers to the shop front windows facing Railway Street.

The subject property is located within the Town Centre Zone.

The proposal was referred to the Design Advisory Panel for comment. The following comments were provided by the Panel:

- *The proposed louvers would undermine the visual interaction between the street and the building;*
- *Visual transparency of the shop front must be maintained;*
- *Other methods could be used if screening from the sun is the purpose of the proposed louvers;*
- *Installation of the louvers will set a precedent for similar applications in the area;*
- *Vertical fixed louver could be a better option and it would express the verticality of the entry door;*
- *If the proposed louvers are shut at 3pm in the afternoon it would make the shop front look like a "back alley";*
- *An awning for sun and bollards for security could be placed instead;*

- *The applicant should draw sun movements and explore other options for sun screening, which would retain the visual transparency of the shop front.*

The author of the report has spoken to the applicant on 15th September 2004 in order to clarify the purpose of the proposal. The applicant advised that the main purpose of the proposed louvers is for protection from the afternoon sun as the windows face west.

The applicant was made aware of the advice by the Design Advisory Panel. The applicant was going to submit additional information regarding possible alternatives for sun screening of the shop front. The Development Services Committee will be notified of any additional information received prior to the meeting.

CONCLUSION

It is recommended that the application be deferred and the applicant be requested to provide an alternative proposal, which would maintain the openness of the shop front.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee acknowledge the applicants concerns with regards to the sun and glare problem with the is west facing shop however felt that the proposed shutters would give the feeling of the shop being locked up and would prefer the applicant to pursue alternative solutions.

11.1.9 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Ms Kathrine Kalaf for the shutters to front windows at Shop 1, No 30 (Lot) Jarrad Street, Cottesloe to its October 2004 meetings; and**
- (2) Request that the applicant submit revised plans with an alternative proposal maintaining an open nature of the shop front.**

Carried 9/0

11.1.10 NO 52 (LOT 69) BRIGHTON STREET - ADDITIONS/ALTERATION TO EXISTING SINGLE HOUSE

File No: No 52 (Lot 69) Brighton Street
Author: Ms Lilia Palermo
Attachments: Location plan
 Correspondence from applicant
 Plans
Author Disclosure of Interest: Nil
Report Date: 13 September, 2004
Senior Officer: Mr Stephen Sullivan

Property Owner: J & K Annear

Applicant: The Design Mill
Date of Application: 13 September, 2004

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 646m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a construction of a garage within the front setback area and minor alterations of the ground floor and a second storey addition.

Given the assessment that has been undertaken, the recommendation is to approve the application with 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 | 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)	6.0m – wall height (14.8 RL) 8.5m – roof height (17.57RL)	15.4 RL 17.57 RL

Town Planning Scheme Policy/Policies

Policy	Required	Provided
003 – “Garages and Carport in the front setback area”	6.0m	4.2

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 2 – Streetscape Requirements	4.5m front setback for a garage	4.2m	Clause 3.2.3 – A 3.5

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. No submissions were received. The applicant submitted letters of no objection from the adjoining property owners to the south (54 Brighton Street) and north (50 Brighton Street).

STAFF COMMENT

Proposed lower and upper storey additions

The applicant is proposing to do minor additions to the existing residence on the lower level, which comply with the acceptable development standards of the R-Codes in regards to the required setbacks. It is proposed to demolish the existing verandah and construct a porch and a pergola with a 7.0m front setback (setback of the existing verandah).

It is also proposed to add a second storey to the existing single storey residence. The proposed setbacks of the upper storey additions largely comply with the acceptable development standards of the R-Codes.

The applicant provided a cone of vision diagrams showing some minor overlooking of the adjoining properties to the north and south. The affected adjoining owners signed letters of no objection to the proposed development.

It was determined that the wall height and roof ridge height of the proposed second storey additions are above the statutory height limits under the Clause 5.1.1 (c) of the Town of CottesloeTPS2, which states:

“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	6.0metres
Two Storey	Wall height	6.0metres
	Roof Height	8.5metres
Subsequent Storeys	Wall Height	6.0 metres plus; 3.0 metres per storey
	Roof Height	8.5 metres plus; 3.0 metres per storey

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

The Natural Ground Level (NGL) at the centre of the site was determined by the Planning Department to be 8.8 RL, which would determine the following requirements for wall and roof ridge height.

	Required	Proposed
Wall height	14.8	15.4
Roof height	17.3	17.57

Clause 5.1.1(c) quoted above allows Council to permit variations to the statutory height restrictions in case of additions to existing dwellings. The proposal was advertised to all the adjoining property owners, there were no objections received.

The proposed floor to ceiling height of the upper storey is 2.4m, which is a minimum requirement under the Building Code of Australia for habitable rooms other than a kitchen. The proposed extensions have the roof design in keeping with the existing single storey section.

It is recommended that Council approve the variation to wall and roof height as proposed as there were no objections from the adjoining neighbours and due to the difficulty to comply with the required heights while designing the extensions to match the existing house.

Proposed Garage

The applicant is proposing to construct a garage within the front setback area. Currently there is a carport at the front of the property with a front setback of 1.5m. It is proposed to demolish the existing carport and a portion of the verandah behind the carport and construct a garage with a setback of 4.2m from the front boundary.

The subject property is located in the R20 density area. The required front setback under the R-Codes in R20 density is 6.0m with averaging.

The proposal does not comply with the acceptable development standards under the Clause 3.2.3 – Setback of garages and Carports.

The performance criteria P3 under the Clause 3.2.3 states:

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

Council also has an adopted Planning Policy – “Garages & Carports in Front Setback Area”, which states in regards to garages in particular that Council may allow a 4.5m front setback for garages if the following criteria are complied with:

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

Further the location of the building:

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

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

- (a) the objectives set out in Clause 1.2 of the Residential Codes;*
- (b) the effect of such variation on the amenity of any adjoining lot;*
- (c) the existing and potential future use and development of any adjoining lots;*
- (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment”*

The applicant stated in the letter dated 7th August that the garage was designed to “blend aesthetically with the proposed additions”.

The proposed garage with a 4.2m front setback would affect the view lines of the adjoining property to the north, which has a setback of approximately 8.5m from the front boundary.

Notwithstanding the potential impact on the adjoining property to the north, Council received letters from the affected property owner and the adjoining property owner to the south expressing no objections to the proposal.

It is considered that the proposal would satisfy the criteria regarding manoeuvring space for egress and ingress of vehicles. The applicant is proposing to widen the existing driveway. There was no objection received from Council's engineering services to the proposal.

The width of the crossover complies with the R-Codes Clause 3.5.4 A4.2 requirement for a single driveway to be not wider than 6.0m.

The proposed garage with a front setback of 4.2m would not affect the future use of any adjoining properties.

The majority of existing residences on the eastern side of Brighton Street do not have any vehicle parking structures located in the front setback area. Allowing a garage with a reduced setback on the subject property might create a precedent in the area.

There is a ROW at the rear of the property, which is 3.66m wide. If a garage was required to be provided from the ROW a setback of 2.3m would be required in order to achieve a 6.0m turning circle in accordance with the R-Codes requirements.

If a garage is constructed with a ROW access, it would take up the majority of the area currently used by the owners as an outdoor entertaining area.

The proposed setback to the new porch and Patio at the front is 6.54m. The area of incursion of the proposed garage into the 6.0m setback line would be compensated by the unbuilt areas behind the 6.0m setback in accordance with the R-Codes averaging. Having open structures like a porch and patio at the front with the house setback a further 2.0m from the front boundary would reduce the impact on the streetscape.

The internal length of the garage is approximately 6.15m, whereas the minimum length is 5.5m. It is possible to reduce the internal length of the garage to achieve a 4.5m setback. A length of 4.5m is considered acceptable for a second car in tandem formation. This provides sufficient length so as to reduce the potential for the rear of a car to partly project across or block the footpath.

It is recommended that the setback to the garage be increased to 4.5m in accordance with the acceptable development standards of the R-Codes and Council's Planning Policy.

The applicant would also be required to ensure that the front fencing is of an open nature in accordance with Council's Fencing Local Law.

CONCLUSION

It is recommended that the application be approved by the Development Services Committee under Delegated Authority subject to the standard conditions and a specific conditions requiring the setback to the garage to be increased to 4.5m and the front fence to comply with the Council's fencing Local Law.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

11.1.10 OFFICER & COMMITTEE RESOLUTION

That Development Services Committee **GRANT** its Approval under Delegated Authority to Commence Development for the Additions/Alteration to existing residence at No 52 (Lot 69) Brighton Street, Cottesloe in accordance with the plans submitted on 19 July 2004, 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) Revised plans being submitted for approval by the Manager, Development Services, showing
 - (a) The proposed front boundary fence to the site being in compliance with the Council's Fencing Local Law; and
 - (b) The front setback to the garage being 4.5m.

11.1.11 REQUEST FOR DENSITY INCREASE – NO 291 CURTIN AVENUE

File No: 291 Curtin Avenue
Author: Mr Stephen Sullivan
Attachments: Location plan
Correspondence from owner
Author Disclosure of Interest: Nil
Report Date: 10 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has recently received a written request for a density increase under the existing Town Planning Scheme since it commenced the review process.

Direction is sought in relation to Council's position in relation to the current request and any future requests for density increases under the existing Town Planning Scheme.

It is considered that the current and future requests for density increase under the existing Town Planning Scheme should not be supported on the basis that:

- it becomes an ad hoc approach to planning;
- staff resources should be focussed on progressing the draft Town Planning Scheme rather than seeking to amend the existing Town Planning Scheme; and
- Council will be carrying out a community consultation process where they can provide input into the proposed Town Planning Scheme.

Therefore, it is recommended:

That Council:

- (1) Not support the current request for a density increase under the existing Town Planning Scheme and the applicant be advised:
 - (a) of Council's decision; and
 - (b) that he will be able to make a submission during the community consultation process on the draft No. 3 Town Planning Scheme;
- (2) Authorises the Manager of Development Services, subject to consultation with the Chairperson of the Development Services Committee first, to:
 - (a) advise the author:
 - (i) of any future requests for density increases or zoning changes under the existing Town Planning Scheme, that their request for change should be submitted as a submission during the community consultation process on the draft Town Planning Scheme;
 - (ii) Council is not prepared to support changes to the current Town Planning Scheme; and
 - (b) refer those requests that are considered to be major requests for change to Council for consideration.

STATUTORY ENVIRONMENT

Town Planning and Development Act

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Strategic Plan identifies the development and implementation of the draft No. 3 Town Planning Scheme as a primary goal.

A Town Planning Scheme amendment can take between 6 to 12 months to complete depending upon the complexity of the amendment.

FINANCIAL IMPLICATIONS

Costs are associated with a Scheme Amendment. If Council agrees to an amendment, then the applicant is responsible for the costs associated with the amendment. A fee of approximately \$1500 is charged to carry out the amendment.

Whilst a fee is paid to address costs in the process, it still requires staff time to be diverted from normal work to progress the amendment.

BACKGROUND

The owner of the property, Mr T Pell has requested that the density coding of the site be increased to R50. The letter requesting the density increase is an attachment to the report.

The site is currently zoned Residential and has a density coding of R20. It has a land area of 845m² and is suitable for a single house only. It is located between Grant Street and Claremont Crescent. There is a slip road that has been developed from Curtin Avenue to serve Nos. 283 to 293 Curtin Avenue as a consequence of the Servetus Street (Western Suburbs Highway) development.

If the proposed R50 density coding was agreed to, this would increase the development potential of the site to either 4 singles houses, 4 grouped dwellings or 4 multiple dwellings.

The existing land uses within this are either single houses or two grouped dwellings.

STAFF COMMENT

The applicant is requesting a spot change to the density coding of his site. An assessment of the merits of the request has not been carried out, however this approach (spot changes) is not supported and any request should be considered on a street block basis.

Council is in the process of compiling the draft No. 3 Scheme Map and is about to embark on a community consultation process to seek feedback on the proposed Scheme Map. One of the consequences of this process will be the formulation of a Zoning and Density map that has been the subject of community review and input.

The applicant would be able to provide input into this process and enable his opinion, in conjunction with the opinion of adjoining and other property owners in this area, to be considered.

It should be noted that at the special meeting of Council held on Monday 6 September, 2004, Council resolved to retain the existing density coding of R20 of the street block bounded by Curtin Avenue/Balfour Street/Salisbury Street. The applicant's property is located within this street block.

It is considered that Council's energies should be focussed on the draft Town Planning Scheme rather than amending the existing Scheme. Whilst the applicants are required to pay fees for an amendment, it still requires staff resources to process these amendments.

It is also anticipated that Council may continue to receive further requests for density increases as a consequence of the process that has been undertaken to-date. In order to maintain the focus on the draft Town Planning Scheme and subject to consultation with the Chairperson of the Development Services Committee, it is considered that the author of any future requests received for a density increase or zoning change under the existing Town Planning Scheme should be advised:

- that Council is not prepared to consider the request at present;
- of the current process and be requested to provide feedback during the No. 3 Scheme review process.

Where in the opinion of the Manager of Development Services or the Chairperson of the Development Services Committee, a written request has been received that warrants consideration by Council, the request will be referred to the next appropriate meeting of Council for consideration.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee felt that the matter should be referred to the Strategic Planning Committee to consider under the new Town Planning Scheme.

OFFICER RECOMMENDATION

That Council:

- (1) Not support the current request for a density increase under the existing Town Planning Scheme and the applicant be advised:
 - (a) of Council's decision; and
 - (b) that he will be able to make a submission during the community consultation process on the draft No. 3 Town Planning Scheme;
- (2) Authorises the Manager of Development Services, subject to consultation with the Chairperson of the Development Services Committee first, to:

- (c) advise the author:
 - (i) of any future requests for density increases or zoning changes under the existing Town Planning Scheme, that their request for change should be submitted as a submission during the community consultation process on the draft Town Planning Scheme;
 - (ii) Council is not prepared to support changes to the current Town Planning Scheme; and
- (d) refer those requests that are considered to be major requests for change to Council for consideration.

11.1.11 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) Refer the request for increased density to Strategic Planning Committee for further consideration in the proposed Town Planning Scheme No. 3; and**
- (2) Advise the applicant of Council's decision.**

Carried 6/3

11.1.12 DELEGATION OF WESTERN AUSTRALIAN PLANNING COMMISSION FUNCTIONS TO THE LOCAL AUTHORITY

File No: D2.7
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 10 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

When dealing with development in the Urban Zone covered by the Metropolitan Region Scheme Act, there are two decisions that are required to be made. One decision is made under the local authorities Town Planning Scheme and the second decision is made by the Western Australian Planning Commission under the Metropolitan Region Scheme.

The Western Australian Planning Commission has delegated some of its functions under the Metropolitan Region Scheme to local authorities. This means that Council becomes the decision making body in both instances.

The exercise of that delegation is subject to certain exceptions and conditions.

The delegation also allows Council to refer an application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme, if it considers the development to be of State or regional significance or in the public interest.

The Commission can also resolve that a particular development may be of state or regional significance or in the public interest, and call that application in so it becomes the determining authority. Council will then be left to make its determination under its own Town Planning Scheme.

Council is about to receive and consider a development application for the Cottesloe Hotel. The development abuts a Metropolitan Region Scheme Park and Recreation Reserve. Council is required to refer the application to the Department for Planning and Infrastructure for its comments on the proposal. The Department can either provide those comments to Council or request the Western Australian Planning Commission to call the application in.

Council direction is sought as to whether it believes that the development application for the Cottesloe Beach Hotel site is of State or regional interest or in the public interest. If it believes this is the case, then a resolution to that effect is required and staff will forward the application to the Commission for its determination when it is received. Otherwise, the application will be forwarded to the Department for Planning and Infrastructure for its comments.

It is recommended that Council resolve that:

- the development application for the Cottesloe Hotel site should be determined by the Western Australian Planning Commission under the Metropolitan Region Scheme on the grounds that it would be in the public interest, due to the likely impact the development may have on a regional tourist and recreational facility;
- advise the Western Australian Planning Commission of Council's resolution; and
- refer the application to the Western Australian Planning Commission for determination when it is received.

STATUTORY ENVIRONMENT

- Metropolitan Region Scheme
- Town of Cottesloe Town Planning Scheme No. 2
- Western Australian Planning Commission Act 1985

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In November 1997, the necessary resolutions were gazetted to allow the Commission to call in development applications that were to be submitted under the Metropolitan Region Scheme, that it considers to be of State or regional significance or in the public interest. To do this, the relevant Local Authority had to be advised in writing.

During 2002, the Western Australian Planning Commission under the Western Australian Planning Commission Act 1985, revoked its previous delegation and adopted an updated Notice of Delegation (see copy of delegation that is a part of the attachments). The relevant section of the delegation is shown below:

- "a)
- b) *delegate to Local Governments and to members and officers of those Local Governments, its functions in respect of the a determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in Clauses 1 and 2 below, within their respective districts.*
- c) *The delegation is subject to the exceptions and conditions set out in clauses 1 to 5 and Schedule 1."*

This report relates to the delegation of the Commission's function on land zoned Urban under the Metropolitan Region Scheme and not other areas.

Part IV of the Metropolitan Region Scheme Act relates to development within the Urban Zone. Most of Cottesloe is within the Urban Zone. The primary areas that are not within the Urban Zone are identified below:

- Marine Parade, the beachfront, Sea View Golf course, Napier Street Reserve/Cottesloe Tennis Club (located within a Park and Recreation Reserve); and
- railway line, Stirling Highway and Servetus Street (Railway and Road Reserves).

Therefore, when dealing with a development application on land zoned Urban under the Metropolitan Region Scheme, Council makes a decision as if it was the Western Australian Planning Commission.

Council then has to make its determination under its own Town Planning Scheme.

The delegation by the Commission to the Local Government is made subject to certain exemptions (Page 1 - Part 1 (i) to (v) of delegation) and these are outlined below:

Exception 1(i)

Where the land is subject to a Clause 32 resolution, Council is required to refer the development application to the Commission so that it can make its own decision under the Metropolitan Region Scheme. There are no Clause 32 resolutions affecting Cottesloe land. Scarborough beachfront is subject to a Clause 32 resolution made under the Metropolitan Region Scheme

Exception (1)(ii)

Where the land is subject to a Planning Control area made under Section 35C of the Metropolitan Region Town Planning Scheme Act 1959. The service station site at the corner of Eric Street and Curtin Avenue and the three properties to the west of the service station are within a Planning Control area made under this section.

Exception 1.(iii)

There is no land within Town of Cottesloe that is within or abuts a management area that is under the control of the Swan River Trust Act 1988.

Exception 1(iv)

This section of the delegation is the matter that is being submitted for consideration by Council in relation to the Cottesloe Beach Hotel site. This clause allows Council to make a determination that a development may be of state or regional significance or in the public interest, and therefore, refer the application to the Commission so that it can make its own decision under the Metropolitan Region Scheme.

Further comments will be made under Staff Comments.

Exception 1(v)

This relates to public work to be undertaken by public authorities.

STAFF COMMENT

Clause 1 of the Commission's delegation allows Council to make a determination on development applications under the Metropolitan Region Scheme, subject to certain exceptions and conditions.

Clause 1.(iv) states the following:

1. Development on zoned land

Applications for development on land zoned under the MRS except:

(iv) where the Local Government is of the opinion that the application should be determined by the Commission on the grounds that the proposal is of State or regional significance or is in the public interest, or

The purpose of this report is to seek Council direction in terms of how it seeks to deal with the proposed development application for the Cottesloe Hotel having regard to the powers delegated to Council by the Western Australian Planning Commission.

Current Situation

Under the current circumstances, when the application is received for the Cottesloe Hotel, Council will be required to make two decisions, one under the Metropolitan Region Scheme and the second under the Town Planning Scheme.

Under the delegation and as Marine Parade is reserved as a Park and Recreation Reserve under the Metropolitan Region Scheme, Council is required to refer a development application that abuts Marine Parade to the Department for Planning and Infrastructure for comments. The process is outlined below:

- Council receives application and carries out normal process under existing Town Planning Scheme;
- copy of application referred to the Department for Planning and Infrastructure for comments under Metropolitan Region Scheme;
- Council receives those comments, it can then make a determination on the application under the Metropolitan Region Scheme (using the delegation from the Western Australian Planning Commission);
- Council makes a decision under the existing Town Planning Scheme.

Both decisions are made by Council.

If the decision under the Town Planning Scheme involves an exercise of discretion or Council chooses not to use that discretion, then there is a right of appeal. However, the exercise of that discretion can only occur if any pre-conditions to the exercise of that discretion are met. Otherwise, Council cannot exercise that discretion.

For instance, Council cannot accept a cash-in-lieu payment if a development site is in a zone other than the Town Centre, Foreshore Centre, Business and Hotel Zones. If the site is within those zones, then there are other conditions that need to be met before Council can accept the cash in lieu payment.

However, if there is a conflict with a statutory requirement and there are no other over-riding provisions, then there is no right of appeal against that non-compliance.

In relation to the decision made by Council under the Metropolitan Region Scheme, as there are no statutory provisions, then the decision (approval or refusal) would be open to appeal. If the decision (approval or refusal) is made contrary to the comments of the Department for Planning and Infrastructure, then Council would need to defend its decision.

If the decision to determine the application is based on the advice from the Department for Planning and Infrastructure, and an appeal is lodged against that decision, the defence of the appeal would include the Western Australian Planning Commission.

Matter before Council

Clause 1(iv) of the delegation requires Council to form an opinion in relation to the delegation. Council is required to form an opinion on whether to not it believes that the development application for the Cottesloe Hotel is the type of development application that it would consider to be of "...State or regional significance or is in the public interest,"

The terms "state or regional significance" and the "public interest" are not defined under the Western Australian Planning Commission Act 1985.

If it is considered by Council that the development application is of State or regional significance or is in the public interest, Council can then request the Western Australian Planning Commission to make its own determination on the development application under the Metropolitan Region Scheme. Council would then make its own and separate decision under the local Town Planning Scheme only.

An example of where this has occurred was the Claremont Town Centre development proposal. The Claremont Council referred the application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme as the Council considered the development to be of regional significance.

However, if Council is of the view that it is not of state or regional significance or is in the public interest, Council can then proceed to make a determination on the application under the Metropolitan Region Scheme as well as the local Town Planning Scheme.

The Commission through a resolution of November 1997, can resolve through clause 32 of the Metropolitan Region Scheme to require a Local Authority to refer certain types of developments to the Commission for determination. The Commission would advise the Local Authority that the development was considered to be of "...State or regional significance or in the public interest". To-date, the Commission has not resolved through Clause 32 to call in any development applications in the Urban Zone along the beachfront in Cottesloe.

A recent example of this was when the Commission called in the multi- storey Cinema city development proposal in the City of Perth.

If the Commission resolves through Clause 32 to call in the development application for the Cottesloe Hotel site, then the two separate approval processes would occur:

Determination under Metropolitan Region Scheme by Western Australian Planning Commission

- Council refers the application to the Department for Planning and Infrastructure;
- Council prepares and forwards a recommendation to the Western Australian Planning Commission for consideration; and
- Commission makes a determination under the Metropolitan Region Scheme;

Determination by Council under existing No. 2 Town Planning Scheme

- Council considers development application;
- Council makes a determination under the existing No. 2 Town Planning Scheme

Consideration of Applications under the Metropolitan Region Scheme

Under the Metropolitan Region Scheme, when considering a development application, the Commission and Council are required to have regard to Clause 30(1) of the Metropolitan Region Scheme text which states the following:

“The commission or a Local Authority exercising the powers of the Commission so delegated to it under the Scheme Act may consult with any authority that in the circumstances it thinks appropriate; and having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and preservation of the amenities of the Local Authority may, in respect of any application for approval to commence development, refuse its approval or may grant its approval subject to such conditions if any as it may deem fit.”

There are no development standards set out in the Metropolitan Region Scheme and therefore, any development application needs to be considered in the light of Clause 30(1) referred to above.

When making a determination on a development application, the Commission would have regard to the local authorities Town Planning Scheme, however, it is not bound by that Town Planning Scheme.

Significance of Development Application

It is considered that the development application for the Cottesloe Hotel site would not be of State or regional significance.

However, Cottesloe Beach is known and is renowned as a regional tourist and recreational facility.

The draft Cottesloe Beachfront Development Objectives contains development guidelines for the beachfront. The first section sets out the Objectives for the beachfront and identifies the regional role of the beachfront. The first objective is shown below:

1. *Objectives for the Cottesloe Beachfront*

The Regional Role

- *To protect and enhance the amenity of the beach.*

Objectives for private development includes the following statement:

3. *Objectives for Private Development*

Private Development

- *At all times, ensure minimal overshadowing of the beach.*

The original version of the draft Cottesloe Beach Development Objectives included provision for increased building heights up to 20.5m. The vast majority of submissions received did not support a variation to the current height controls and Council has subsequently retained the 12m height limit.

The latest proposed development of the Cottesloe Hotel has a building that exceeds the current 12m height control. As the development is likely to impact on Cottesloe beach due to its height through overshadowing, it is considered that there would be a public interest involved in terms of the potential impact on the regional facility.

CONCLUSION

The options open to Council in terms of making a decision in relation to clause 1(iv) of the delegation is to either:

- wait for the application to be lodged and then make a determination ; or
- make the determination on the information provided so far.

The information received so far is the brochure that was provided by the applicants to the Councillors and staff that attended the briefing session held on Tuesday 14 September.

By making the decision now, it means that Council can focus on dealing with the application when it is received rather than trying to make a decision after the application is lodged and possibly delaying the decision making process.

Cottesloe beach is a regional recreation facility that can be used by residents and visitors to the District. The development application for the Cottesloe Beach Hotel site has the potential to impact on the beachfront. This may include shadowing of the beach at different times and days of the year.

Therefore, it is recommended that Council should resolve that this application should be determined by the Western Australian Planning Commission under the Metropolitan Region Scheme on the grounds that the development would be in the public interest.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee resolved that the standard referral to the Western Australian Planning Commission is sufficient for their comments and the recommendation to be amended to state this and note that this report has been received by Council.

OFFICER RECOMMENDATION

That Council, having regard to Clause 1(iv) of the Notice of Delegation – Development Control Powers Under the Metropolitan Region Scheme to Local Governments, resolves that the:

- (1) Development application for the Cottesloe Hotel site would be of public interest due to the potential impact it may have on the Cottesloe beachfront;
- (2) Western Australian Planning Commission be advised of Council's resolution; and
- (3) Application, when it is received, be referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme.

11.1.12 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Miller

That Council:

- (1) **Notes the officer's report; and**
- (2) **Having regard to Clause 1(iv) of the Notice of Delegation – Development Control Powers Under the Metropolitan Region Scheme to Local Governments, resolves that when the application is received for the development of the Cottesloe Hotel site, the application is to be referred to the Department for Planning and Infrastructure for comment.**

Carried 9/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 21 SEPTEMBER 2004**12.1 ADMINISTRATION****12.1.1 SEA VIEW GOLF CLUB - DRAFT LEASE AGREEMENT**

File No: E10.10
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 14 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to adopt the draft Sea View Golf Club Lease Agreement with a number of minor amendments following a further round of public consultation which closed on Monday 6 September 2004.

STATUTORY ENVIRONMENT

Under section 3.58 of the Local Government Act and Regulation 30 of the Local Government (Functions and General) Regulations 1996, the Town of Cottesloe has the power to enter into a lease agreement with the Sea View Golf Club (Inc.).

The vesting order for the reserves provides;

...that Class "A" Reserves 6613 and 1664 shall vest in and be held by the Municipality of Cottesloe in trust for the following purposes (that is to say) "Park Lands" and "Recreation" respectively; or other purposes for which the said land is reserved, with power to the said Municipality of Cottesloe to lease the whole or any portion thereof for any term not exceeding 21 years from the date of the lease, subject to the condition that any such lease must preserve the public rights and shall be subject to the Governor's approval...

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The current 15-year lease agreement with the Sea View Golf Club terminates on the 30 June 2005.

In June 2002 Council passed a number of resolutions that set out the process for the adoption of a new lease agreement.

In November 2002 Council was presented with a draft lease agreement which was put out for public comment. The public comment period was subsequently extended at the December 2003 meeting of Council to the end of February 2004.

279 submissions on the draft lease agreement were received and considered by Council at its March 2004 meeting.

As a result of the receipt of those submissions, further legal advice on proposed changes to the draft lease agreement was obtained.

The amended lease agreement was represented to Council at its July 2004 meeting where it was decided to table the draft lease agreement for the Sea View Golf Club for final public comment, closing on Monday 6 September 2004.

101 submissions on the amended lease agreement have been received and these are summarised in the table below

ISSUE No.	DESCRIPTION	RESPONSES
1	LENGTH OF LEASE Should be 50 years Should be 25 years Should be 21 years Should be shorter (4, 5 or 10 years)	22 3 71 2
2	RENTAL AMOUNT SVGC should pay rent SVGC should pay \$4,000 rent SVGC should pay \$2,000 rent SVGC should pay no rent	1 15 5 19
	OTHER ISSUES	
3	SVGC should pay no rates	37
4	Sign lease without delay	33
5	No further amendments	24
6	SVGC should take responsibility for all golfing accidents	1
7	Protection of public access should be spelt out	1
8	Groundwater use limits should be spelt out and reviewed regularly	1
9	SVGC to undertake safety works when Jarrad Street reopens	1
10	SVGC capital works to be financed independently of the TOC	1
11	Absence of guiding principles for management plan in lease agreement	1
12	Sanctions for non-compliance with the management plan not spelt out	1
	JARRAD STREET "A" CLASS RESERVES REVIEW GROUP	
13	Clause 10.1(a): Delete "regular watering" and insert "necessary watering" as stated in the Management Plan	1
14	Clause 12.10: After "lease" add "and the Heritage Council"	1
2	Rent clause to be included with CPI increases and 5 year review	1
15	Clause 11.1.4: After "statutes" insert "Council Town Planning Scheme"	1
16	Clause 15(b): after "other object" insert "or close any established entry point"	1
17	Clause 21: Not sufficient. Delete " which causes or is likely to cause" and insert "has caused" and delete sub clauses (b) and (c) entirely.	1

The submissions are available for public inspection and will be tabled at the meeting.

CONSULTATION

The draft lease agreements have been out in the public arena for comment for a period approaching five months.

STAFF COMMENT

Each issue identified in the table above is addressed below.

1. Length of Lease

On the basis that the Royal Perth Golf Club had recently been granted a 50 year lease, 22 submissions argued that the Sea View Golf Club should receive a similar lease term.

Comment: No argument was advanced as to why 50 years was required other than the precedent set at the Royal Perth Golf Club.

In my experience a 21 year lease will not be challenged by the Minister for Lands (whose endorsement of the lease is required) however lengthier proposals will be. In the absence of any argument for a longer lease (other than precedent) the proposed 21 year lease should remain as is.

Three people supported a 25 year lease "...to allow for future planning and financial security." Again a 21 year lease is the preferred option as it is not likely to be challenged by the Minister for Lands and the Sea View Golf Club is comfortable with a 21 year lease.

One person wanted a shorter lease term to enable changes to the lease agreement "...in the light of changing community needs, or problems with the water supply or review of the financial arrangement." Another person wanted a shorter lease term because of groundwater concerns and to "... allow time for aquifer monitoring to establish the sustainability of major users such as golf courses."

2. Rental Amount

The draft lease agreement envisages the substitution of Council rates for rent which would significantly increase the return to Council (\$4,701pa to \$8,186pa).

Comment: The "rating" arrangement is supported on the basis that:

- (1) it increases the economic return to Council and the community;
- (2) it "normalises" the golf club as a ratepayer;
- (3) it puts some logic behind regular increases based on land values (which are determined independently of Council by the Valuer General); and
- (4) it eliminates the lack of rhyme or reason behind current rental figures.

Many of the submissions received the second time around sought to introduce a peppercorn rent or a rent based on the "precedent" set by the Royal Perth Golf Club. They also sought to remove the impost of rates and other service charges.

The general problem in using the Royal Perth Golf Club rental figure as a base (or indeed any other figure for a not-for-profit golf club) is that rental figures are often arbitrary and/or based on historical figures that are meaningless. They are certainly not based on a competitive market.

It is therefore not surprising that Councils are often leveraged into lower rental figures based on precedents in neighbouring local governments.

In Cottesloe the amount of rent paid by the Sea View Golf Club appears to have become a “flogging post” for anybody with a grievance against the golf club or individual members of Council. At the same time the golf club has sought to minimise the rent that it pays from time to time based on an argument that it is providing a recreational asset that is used by the community at no cost.

As a result the Council is regularly subjected to having to defend the indefensible – i.e. rental figures that have no real substance behind them. To avoid this, the draft lease agreement pre-empts the debate by removing the rent issue altogether.

A rent figure is therefore not supported.

3. Rates

Comment: Many of the submissions sought to remove the rating provisions based on the “precedent” set by the Royal Perth Golf Club and other golf clubs.

A casual reading of the submissions also suggests that from an economic viewpoint, a rental figure of \$4,000 or \$2,000 had much to recommend it - particularly if it replaced rates (\$8,186 based on current valuation).

However given the arguments advanced above (see issue 2) it is felt that the rate provision should remain.

4. Sign Lease without Delay

Comment: Until the Town of Cottesloe signs off on the Management Plan, it is not possible to sign the lease agreement. This is because previous Council resolutions make it a pre-condition of signing the lease.

5. No Further Amendments

No comment required.

6. SVGC Should take Responsibility for all Golfing Accidents

Comment: Much as the Town of Cottesloe might want to achieve this end, it is not something that can be simply reduced to writing. As previously advised, it is not within the capacity of the Town of Cottesloe to contract out of any responsibility for golfing accidents.

The Town of Cottesloe has a demonstrable interest in what happens on the golf course and potential claimants are likely to fully explore that interest should an action for damages come to pass.

In other words any indemnity provided by the Sea View Golf Club that purportedly protects the Town of Cottesloe from future claims is not likely to be worth the paper it is written upon.

7. Protection of public access should be spelt out

One submission argued that “ I appreciate the right of the public to enter “our“ A Class Reserves, but am still concerned that 15(a) quotes local laws which can be changed by Council quite easily.”

Comment: Local laws are not easily changed. There are statutory consultation processes that must be followed with any proposed change over and above any consultation that Council might voluntarily undertake. Furthermore, changes to local laws require parliamentary approval which provides another avenue of redress for aggrieved residents.

It should also be noted that should a local law be enacted that restricted public access to the golf course, then nothing that is written in to the lease agreement now could undo the local law as and when it takes effect. In other words the local law would take precedence.

8. Groundwater use limits should be spelt out and reviewed regularly

The same submission argued that “Responsible use of the underground water supply should be tied down in the lease, with limits set and regularly reviewed.”

Comment: This principle of responsible use is already covered at clause 13.2 (a) (6) of the draft lease agreement.

9. SVGC to undertake safety works when Jarrad Street reopens

One submission sought the inclusion of the following clause”

The Lessee recognises that the Council may require the reopening of Jarrad Street West at any time during the lease period. In the event that this happens, the lessee shall, at its expense, undertake all works necessary to enable golf to be played without endangering either pedestrian or vehicular traffic. Such works may include, but not limited to, modifications to the course layout.

Comment: The proposed clause is considered to be impractical. Short of constructing a tunnel, golf courses are inherently risky for adjacent pedestrians and vehicles. The clause may be better worded by looking to minimise the potential for conflict should the road be reopened if it is felt that clause 13.2(a) (4) of the draft lease agreement is insufficient.

Clause 13.2(a) (4) of the lease agreement requires the specification of requirements and policies concerning:

Appropriate measures to the satisfaction of the Lessor be undertaken with a view to minimising danger and harm to the public by golf balls which are struck over Jarrad Street and golf balls which may be struck onto or over Marine Parade, Forrest Street, Pearse Street, Cottesloe Oval, Harvey Field, and Sea View Kindergarten, the general position of which is shown on the plan, described as the local plan, annexed at Annexure B

10. SVGC capital works to be financed independently of the Town of Cottesloe

The same submission sought the inclusion of the following clause.

The Lessor is aware that the Lessee intends to carry out undefined capital works costing many hundreds of thousands of dollars. The Lessee warrants that such works, when clearly defined and approved, shall be financed by sources completely independent of any involvement by the Cottesloe Town Council.

Comment: The argument for the inclusion of the proposed clause is "...because the Club has refused to supply financial data sufficient to establish its present financial liquidity."

The inclusion of the proposed clause is not supported simply because the Town of Cottesloe has not sought details of any proposed capital works or the financial data as suggested. The lease agreement is not meant to be a tool of retribution and as a result the proposed clause is not supported.

11. Absence of guiding principles for management plan in lease agreement

One submission argued that -

Nowhere are the clear principles under which a comprehensive management plan would be devised set out that would deal with both the on and off site impacts of having the golf course in this location. This makes it very difficult to then invoke a sensible review of the series of management plans that are proposed (updated on a 3 year basis). The criteria are for agreement to be reached "on a reasonable basis". This implies judgements set against a set of guiding principles that are not set out or made explicit in the draft lease.

Comment: The submission seems to be arguing that the management plan should enumerate specific performance criteria (derived from guiding principles which should be, but haven't been, included in the lease agreement) whose achievement or otherwise would determine the long term impact of the golf course on its current site.

The exactitude that is being sought may be a legitimate goal that future management plans should strive for but in the absence of advice as to what the specific guiding principles should be it is impossible to know. The draft management plan is meant to be a working document that is subject to review, not a set of specific performance criteria which will remain immutable with the passage of time and determine the fate of the golf course one way or another at some later date.

It is precisely because of the uncertainty surrounding the development of future management plans that tests of reasonability have been introduced.

12. Sanctions for non-compliance with the management plan not spelt out

The same submission argues that the draft lease agreement "...is almost silent on issues relating to the implementation of the management plan. Specifically supervision, monitoring and sanctions for non-compliance are not spelled out."

Comment: As indicated above, the exactitude that is being sought may be a legitimate goal that future management plans should strive for. However, it should be acknowledged that the management plan is in its early stages of development. Prescriptive supervision, monitoring and sanctions is not seen as desirable –

particularly when there is a dearth of information on such matters as the underground aquifer that make meaningful performance indicators hard to define.

It also needs to be remembered that we are dealing with a community sporting organisation – not some corporate entity that is deliberately trading off environmental values in pursuit of economic profit.

At the present time clause 13.5 requires that the SVGC must undertake the management of the golf course in accordance with, and comply with, the relevant provisions of the management plan which is in force.

Clause 24 sets out events of default and provides the mechanism by which the lease can be terminated should the lessee be in default of the management plan.

13. Clause 10.1(a): Delete "regular watering" and insert "necessary watering" as stated in the Management Plan

The Jarrad Street "A" Class Reserves Review Group (Review Group) would like to see clause 10.1(a) amended by deleting "regular watering" and inserting "necessary watering" as stated in the Management Plan on the basis that what the head Groundsman thinks is proper and regular may not be the same as the management plan permits. The Review Group argues that it is very necessary to prevent "creep in the concept of what is required.

Comment: I believe the request can be substantially accommodated by simply deleting the words "and regular". By default, the specific watering regime will then be picked up by the Management Plan.

14. Clause 12.10: After "lease" add "and the Heritage Council"

The Review Group states that "We agree that clause 12.5 imposes a requirement to comply with statutes but the Club is possibly not aware of the Heritage responsibilities, e.g. the intended display of advertising signs on a charity day in 2003 or 2004 without heritage Council permission. The club's Heritage obligations should be referred to in the Lease."

Comment: In my view the lease should not specifically focus on specific government agencies /legislation as it is tantamount to saying that legal obligations should be prioritised. The proposed change is not supported.

15. Clause 11.1.4: After "statutes" insert "Council Town Planning Scheme"

The proposed amendment is not supported. Council's town planning scheme is enabled by the Town Planning and Development Act which is a statute. The reference to "Council Town Planning Scheme" is therefore superfluous.

16. Clause 15 (b): after "other object" insert "or close any established entry point"

Supported.

17. Clause 21: Not sufficient. Delete" which causes or is likely to cause" and insert "has caused" and delete sub clauses (b) and (c) entirely.

The Review Group says that "on the face of it the intention of subclauses (b) and (c) seems reasonable in reducing the need for paper work in listing all the possible causes of injury. However we think the intention may be to shift responsibility from the golfer and the golf club to the Cottesloe Town Council. See proposed clause 17.10 suggested by SVGC and rejected by lawyers."

Comment: The intent of this clause has been misread by the Review Group. The intent of the clause is simply to note that golfers playing golf are inherently at risk from themselves and that in such circumstances there is no requirement to report "normal" incidents that arise from time to time.

However there is a also a risk to others using the golf course at the same time that golf is being played and in those circumstances the Town of Cottesloe has an interest in knowing of any matter which causes or is likely to cause death or injury - particularly from a public liability point of view and the implementation of associated risk management practices.

VOTING

Simple Majority

DECLARATION OF IMPARTIALITY

Councillors Morgan, Sheppard, Robertson, Strzina and Furlong made declarations of impartiality.

DISCLOSURE OF PROXIMITY INTEREST

Cr Morgan declared a proximity interest insofar as he, in conjunction with several other strata unit owners, owned a small piece of land adjacent to the golf course at No. 1 Pearse Street and left the meeting.

Moved Cr Jeanes, seconded Cr Cunningham

That pursuant to S5.68(1) of the Local Government Act the disclosure of interest be deemed insignificant and that Cr Morgan be allowed to participate fully in the discussion and decision making in relation to the agenda item.

Carried 8/0

Cr Morgan returned to the meeting.

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

- (1) That Council adopt the draft lease agreement subject to:**
 - (A) the words "and regular" being deleted from clause10.1(a); and**
 - (B) after "other object" in clause15(b) insert "or close any established entry point".**
- (2) That the Mayor and CEO be authorised to sign and seal the lease agreement subject to the adoption of the initial management plan by Council.**

Carried 9/0

SEA VIEW GOLF CLUB - DRAFT MANAGEMENT PLAN - VER 1.5

File No: E10.10
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 17 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to endorse the draft Management Plan (Version 1.5) as amended.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its June meeting Council passed the following resolution:

“That Council:

- (1) Agree to the draft Management Plan, as amended, for the management of the Sea View Golf Course; and
- (2) Make the draft available for public comment for the period up to 4.00pm on Monday, 2 August, 2004.”

151 submissions were received up to 4pm on 2 August with another 12 submissions being received after the closing date.

At its June meeting Council passed the following resolution:

“That Council:

- (1) Receive the submissions lodged prior to the advertised closing date and that the matter lay on the table until September, 2004 and be dealt with in conjunction with the Sea View Golf Club Lease Agreement; and
- (2) Invite the Sea View Golf Club to make comment on the submissions received, for the purpose of determining areas of agreement, before Council deals further with the matter in September, 2004.”

CONSULTATION

The Mayor, Cr Jeanes, representatives of the Sea View Golf Club and The Jarrad Street "A" Class Reserves Group met on the 1st September to in order to resolve outstanding differences.

The Mayor has briefed the author on the outcomes of the meeting and these have, in the main, been incorporated into the management plan.

STAFF COMMENT

A table which summarised the 151 submissions received up until 4pm on Monday, 2 August, 2004 has been previously provided to all elected members.

The vast majority of these submissions supported the draft management plan and urged Council to sign-off on the management plan as soon as possible.

Several of the submissions made specific comments on the management plan that were either critical of the plan and/or suggested improvements to specific clauses.

These are summarised in the table below together with comments alongside from the Sea View Golf Club and the recommendation/comment of the CEO.

Copies of the originals of these submissions are also attached.

All submissions are currently available for inspection at the Council Offices and will be tabled at the meeting.

A marked-up version of the proposed management plan incorporating the recommended changes is also attached.

Cr Utting			
Clause	Submission	SVGC's Comment	CEO's Recommendation
2.2.2	<p>(1) Add grass tree (Blackboys). Add to list.</p> <p>(2) Protect with "Staked Tree" rule.</p>	<p>(1)The inclusion of blackboys in 2.2.2 is supported.</p> <p>(2)Golfers are not damaging blackboys. The blackboys on the course show no signs of being damaged by golf clubs. A number of blackboys have been vandalised over the years - but we suspect this has more to do with patrons of the pubs, as the damage has occurred overnight.</p> <p>Blackboys are predominantly positioned close to greens. This means that they infringe only upon chip shots and are not subjected to being struck during a full blooded swing of the club...</p> <p>Hammering stakes into the ground adjacent to the blackboys could easily result in root system damage. Such stakes would themselves be subject to vandalism and theft, as well as providing weapons with which to damage our greens. (You may be aware that we have to collect bunker rakes each evening for these reasons).</p> <p>Further to this, from an aesthetic perspective, I believe that staked blackboys will look fairly ridiculous. .</p>	<p>(1) Inventory of trees and shrubs has been amended to include grass trees.</p> <p>(2) Given that grass trees have been planted by the SVGC and given that they are not an endangered species, staking is not supported.</p>
2.3.1	<p>Wildlife: Magpie flocks to be protected</p> <p>Migrating plovers to be protected</p>	<p>Pearse Street resident and former Captain, Barry Hood, advises me that there were plovers on the course 20 or so years ago. To his best recollection they had departed the area at least 15 years ago. It is therefore not correct to refer to plovers as an existing species in point 3. of section 2.3.2.</p>	<p>On the basis that native birds are already protected by existing legislation, the proposed inclusion is not supported.</p> <p>Insofar as encouraging magpies and plovers on to the course is concerned, it is felt that the potential to do so should be explored under item 2.3.2.</p>

		<p>If we include magpies, what about willy-wagtails and other birds?</p> <p>Magpies can cause problems at nesting times I believe and will often attack pedestrians. Therefore not everyone may wish us to encourage magpies?</p> <p>I believe that the section was better left in less specific terms.</p>	<p>Recommended that Council request the SVGC to consider the encouragement of plovers and magpies on to the course as a wildlife project.</p>
2.4.1	Pesticides to be strictly controlled.		<p>Recommended that the words “The application of pesticides and fungicides will be strictly controlled.” be inserted into clause 2.4.3</p>
2.4.2	Fertilisers to be strictly controlled		<p>Clause 2.4.5 is intended to control the application rates of fertilisers.</p>

G.N. Fernie			
Clause	Submission	SVGC’s Comment	CEO’s Recommendation
2.1	<p>Ground water 1st sentence under Ground water usage add after golf course – “and which complies with D of E licensing conditions.”</p>	<p>(1) Agreed, but SVGC prefer the wording: <i>“whilst complying with Department of Environment licensing conditions”</i>.</p> <p>(2)The SVGC also wish to add the following text under the Ground Water Usage heading:</p> <p><i>“It is estimated that the SVGC ground water consumption accounts for only 4% of the total domestic and licensed bore usage from the aquifer which lies beneath the Cottesloe peninsula.”</i></p> <p>SVGC consumes 40% of licensed draw in Cottesloe. Licensed bore usage is 35% of total usage (65% domestic use). The aquifer extends from just south of the Cottesloe Golf Club in the north to North Fremantle in the south. Cottesloe represents about a quarter of the entire area.</p>	<p>(1) Recommended that the change as proposed by SVGC be adopted.</p> <p>(2) Recommend no change. While the SVGC has been portrayed by some within the community as a gross abuser of groundwater resources, the Management Plan is not the appropriate place to mount a defence to such accusations.</p>

<p>2.1.1</p>	<p>Ground water salinity Change section to read – <i>“Bore water salinity levels vary seasonally and in the longer term are influenced by broader considerations such as climate change and policies governing community use. SVGC’s objective is to fully cooperate with D of E and Council in monitoring salinity levels to facilitate identification of longer term trends in salinity.”</i></p>	<p>Agreed. (Refer to Town of Cottesloe rather than Council)</p>	<p>Recommended that the change as proposed and amended by the by the SVGC be adopted.</p>
<p>2.1.1</p>	<p>Irrigation times Add to list – <i>“Hand watering of vulnerable native vegetation.”</i></p>	<p>Agreed.</p>	<p>Recommended that the change as proposed be adopted as a new bullet point under the sub heading of Irrigation times.</p>
<p>2.1.1</p>	<p>Abstraction spread over multiple bores Delete last line and replace with – <i>“SVG C will cooperate with D of E and Town of Cottesloe in reviewing other possible bore locations as part of its contingency planning.”</i></p>	<p>2.1.1 lists the SVG C objectives – not how we will achieve these objectives. We do recommend the following changes to this section: Add a new sub-section following Irrigation times: <i>Abstraction volumes and rates</i> <i>“The objective of the SVG C is to ensure that abstraction volumes and rates are sustainable at each individual bore.”</i> Delete the second sentence of the existing section and replace with: <i>“Additional bores will allow a reduction in abstraction rates and/or volumes at existing bores.”</i> Similarly, the final paragraph of section 2.1.12 should also state that additional bores will allow for a reduction in flow rates.</p>	<p>Recommended: That both proposals be incorporated into the Management Plan.</p>
<p>2.1.4</p>	<p>Water Requirements for irrigated areas Add sentence to the last paragraph – <i>“a graph of cumulative water use over each</i></p>	<p>Agreed, but with an alteration to 2.1.6 rather than 2.1.4:</p>	<p>Recommended that the change as proposed and amended by the by the SVG C be</p>

	<i>annual period will be maintained and referred to as part of the decision making process (Section 2.1 6 refers)."</i>	2.1.4 refers to daily monitoring of the water requirements for the irrigated areas. The bigger picture of annual usage is addressed in 2.1.6 where we propose to add: <i>"Based on historical data, the SVGC will extrapolate year to date usage to predict total ground water consumption for the year. Where such calculation suggests that annual usage will exceed the amount specified in the Department of Environment licence, the SVGC will take appropriate measures to ensure that a breach of the licence does not occur."</i>	adopted.
2.1.7	Water regulations and procedures Last sentence to be changed to read – <i>"In these circumstances the SVGC will liaise with the Water Corporation to inform them of the circumstances.</i>	Agreed.	Recommended that the change as proposed be adopted.
2.1.8	Salinity management Change the last paragraph to read – <i>"Statistical analysis to determine whether longer term changes in salinity are becoming evident can be complex. SVGC will liaise with D of E and Town of Cottesloe to agree on the methodology best suited to implementing this process.</i>	We believe that the second paragraph of 2.1.8 should be deleted altogether. The data is supplied to the DoE – refer 2.1.10. It is the DoE that will determine whether there is an upward trend, not the ToC or the SVGC. The second paragraph of 2.1.10 will then apply if the DoE detects an upward trend and requires the SVGC to meet new regulations. If there's a big upward trend in salinity, then it won't be a matter of statistical analysis - the greens at the SVGC will die!	Recommended that the words <i>Statistical analysis to determine whether longer term changes in salinity is evident can be complex. SVGC will liaise with the Department of environment and Town of Cottesloe in determining the methodology best suited to ascertaining longer term changes in salinity</i> be inserted in lieu of the second paragraph.
2.1.10 & 2.1.11	Interface with the Department of Environment and Town of Cottesloe Amalgamate these two sections into 2.1.10	The Town of Cottesloe and the DoE have placed differing requirements upon the SVGC. Therefore two separate sections are required.	Recommended: That the sections remain separate as

	<p>and change to read – <i>“Monthly readings of water usage, salinity and groundwater levels will be systematically recorded and forwarded to D of E and Town of Cottesloe on an annual basis or such shorter period as required from time to time”</i></p> <p>Note: It is redundant to note that SVGC will comply with licensing conditions set by D of E.</p> <p>SVGc recognizes that <i>“The Town of Cottesloe may independently obtain groundwater samples from SVGc and other Cottesloe bores.”</i></p>	<p>We believe that the sentence regarding compliance with DoE licensing conditions is important and should remain.</p> <p>For this sentence we now prefer:</p> <p><i>“The SVGc recognises that the Town of Cottesloe may independently obtain groundwater samples from SVGc bores.”</i></p>	<p>requested by the SVGc.</p> <p>That the wording be changed as recommended by SVGc but deleting the words “The SVGc recognises that”</p> <p>That rather than “...readings will be made available to the Town of Cottesloe” the wording be changed to “...readings shall be provided to the Town of Cottesloe. “</p> <p>Add pH and temperature as additional readings that are required.</p>
<p>2.1.13</p>	<p>Rainfall collection/run-off reduction Change 1st paragraph and 2nd paragraph to read – <i>“heavy rainfall and where practicable to retain such flows to increase on-site infiltration.”</i></p>	<p>Agree to changing 1st paragraph as suggested. Second paragraph to read:</p> <p><i>“The SVGc will visually monitor surface water flows during heavy rainfall in order to detect any locations at which rainwater exits the reserves. Where run off is detected, the SVGc will liaise with the Town of Cottesloe to determine a suitable course of action.”</i></p>	<p>Recommended that the change as proposed and amended by the by the SVGc be adopted with the word “practicable” being substituted for “suitable” where it appears.</p>
<p>2.2.1</p>	<p>Objectives Add to 2nd sentence – <i>“... requirements and encourage biodiversity by attracting for instance insects and birds.”</i></p>	<p>Agreed.</p>	<p>Recommended that the change as proposed be adopted.</p>
<p>2.2.6</p>	<p>Key performance indicator – Vegetation Change to <i>“SVGc to report annually progress with establishing and maintaining native vegetation referring particularly to the Section 2.2.2 Inventory.</i></p>	<p>Existing wording preferred by the SVGc.</p>	<p>Recommended that the wording remain as is. The proposed change does not measure performance within a specific context.</p>

<p>2.4.1</p>	<p>Objectives and policies (1) Change 1st paragraph to read – “The objective of the SVGC is to comply with relevant regulatory procedures and related staff training processes aimed at avoiding hazardous spills ... etc.” (2) Change last paragraph to read – “<i>The objective of SVGC is to follow best practice management of fertilizer application and be consistent with D of E guidelines (Section 2.4.2 refers).</i>”</p>	<p>(1) Rather than change 2.4.1, we suggest that 2.4.6 becomes “<i>Usage, Storage and Disposal</i>”. The first sentence of 2.4.6 is then similarly changed to include “usage”. Where the legislation requires training to be undertaken, this is then addressed by the existing text. (2) We would prefer to introduce the “best practice” reference into the second paragraph of 2.4.1 and leave paragraph 4 unchanged.</p>	<p>(1) Recommended that the change as proposed and amended by the by the SVGC be adopted. (2) Recommended that the words “underground aquifer” be inserted in lieu of the words “soil profile” where they appear in clause 2.4.1. Recommended that the words “attain best practice standards in minimising “ be inserted in lieu of the words “ensure that there will be no nutrient” where they appear in clause 2.4.1.</p>
<p>2.4.4</p>	<p>Control procedure (1) Add to 1st sentence – “<i>The SVGC will comply with statutory and best practice requirements in relation ... etc.</i>” (2) Second control item “<i>...following the application, notifying the Water Corporation if daytime water application is deemed necessary.</i>”</p>	<p>(1) Prefer to replace “all” with “statutory”. (2) That is so, but is already addressed under 2.1.7. Prefer no change.</p>	<p>(1) Recommended that the change as proposed and amended by the by the SVGC be adopted. It is not possible to comply with best practice. (2) Recommend no change for the same reason as advanced by SVGC.</p>
<p>2.4.5</p>	<p>Avoidance of nutrient contamination For reasons referred to in the Introduction to this submission this section as worded does not take into account influences on groundwater quality outside the control of SVGC. The use of words like “ensure” and “no” and “zero” will inevitably create future difficulties and conflict involving all concerned. The SVGC's responsibility is to comply with regulatory and licensing conditions and to adopt best practice in its site management, a responsibility shared by others involved in</p>	<p>The SVGC has not been supplied with the introduction to this author’s submission. The SVGC has discussed this matter with Dr Stephen Appleyard of the DoE. Dr Appleyard stressed that slow release fertilisers should be used – we confirmed that this was the case at the SVGC (as recorded in the Management Plan). Dr Appleyard also stated that the aim should be for the fertiliser to be consumed within the root</p>	<p>Recommended that the change as proposed by the G.N Fernie be adopted. The point made by G.N Fernie is that nutrient contamination of the underground aquifer may come from other sources over which the SVGC has no control. In these circumstances the SVGC can only aspire to “best practice” standards. It cannot ensure that no contamination occurs.</p>

	<p>land management elsewhere in Cottesloe. In addition SVGC in particular has an obligation under the management plan to regularly monitor and report on its management practices and outcomes.</p> <p>Changes to 2.4.5 Management of nutrient concentrations are as follows: <i>“The SVGC has an ongoing obligation to comply with regulatory and licensing conditions and to adopt best practice in its site management of nutrients applied to the course under the management plan. Best practice will include referral to specialist consultants from time to time and cooperating with the Town of Cottesloe in developing appropriate fertilizer application protocols.”</i></p>	<p>zone of the plants. Fertiliser that escapes below the root zone will, eventually, reach the water table. Dr Appleyard stated that it is inevitable that some fertiliser will escape, but the aim should be to minimise the amount.</p> <p>The SVGC has been searching for a practical method of measuring the amount of fertiliser that escapes the root zone. Dr Appleyard is familiar with a suitable and readily affordable product that can be used for this purpose. He will supply details of the equipment to the SVGC.</p> <p>The SVGC will pass on these details to the ToC for consideration by the CEO and his staff.</p> <p>The recommended equipment can be used by the Club to ensure that we follow best practice in terms of the results obtained. We will refer the results to Dr Appleyard and modify future applications should this be warranted.</p> <p>The SVGC wishes to modify section 2.4.5 to reflect the above.</p>	
<p>2.4.8</p>	<p>Key performance indicator – fertilizers, pesticides, fungicides and fuel Replace sentence with – “SVG C will promptly report to Town of Cottesloe and the relevant authority the circumstances of any incident relative to its regulatory and best practice obligations.”</p>	<p>The performance being measured by this proposed KPI is the reporting of the incident rather than the incident itself.</p> <p>Prefer no change.</p>	<p>Recommend no change for the same reason as advanced by SVG C.</p>
<p>3.1</p>	<p>Objectives Change 2nd paragraph to read – “SVG C aims to provide adequate warning to pedestrians entering the reserves on the risks associated with flying golf balls. Similarly the SVG C aims to advise golfers through signage and other written material of</p>	<p>Agreed – with possible rewording for improved clarity.</p>	<p>Recommended that the change as proposed by the G.N Fernie be adopted.</p>

	<i>the precautions required when pedestrians, ground staff and fellow golfers are on the course. SVGC aims to minimize the risk of golf balls being hit over course boundaries (Section 3.3.1 refers)."</i>		
3.3.1	Course boundaries Change to – “3.3.1 Course boundaries – risk minimization. The SVGC objective is to minimize the risk of golf balls being hit over course boundaries. This will be achieved by ongoing application ... etc.”	Agreed	Recommended that the change as proposed by the G.N Fernie be adopted.
Index & Appendices A & B	Amend to reflect the above mentioned changes.	Dependent upon final agreed changes.	Recommended that the change as proposed by the G.N Fernie be adopted.

Keith & Frauke Chambers			
Clause	Submission	SVGC's Comment	CEO's Recommendation
1.2	The stated <i>vision</i> of the SVGC is contradictory and impossible: the golf course is not the <i>natural heritage</i> of this coastal A-Class Reserve; <i>to ensure the conservation and enhancement of the local environment</i> would mean to restore biodiversity by planting local species, thus attempting to recreate a natural environment suited to the locality. It is incompatible with the creation of greens, tees and fairways to provide a <i>high quality golfing experience</i> which requires grass areas totally unsuited to this local environment.	The SVGC has irrigated 10 of the 19 hectares. The <i>natural heritage</i> objective can certainly be applied to the remaining 9 hectares by selecting native species for planting.	Recommend no change. The vision and objects of the Sea View Golf Club are whatever they want them to be and are theirs to interpret however they like.
1.2	The fifth of the <i>objects of the SVGC</i> is untenable: as long as there are no scientific data on the impact of SVGC's water needs (see S. Appleyard's <i>Preliminary Assessment of Water Resource and Environmental Management Issues Associated with the</i>	We listened to Dr Appleyard at the Council Works meeting on 17/8. He made the comment that over-use of the Cottesloe aquifer was effectively self-regulating. If you abuse the water supply, then you'll draw salty water from your bores and your plants will die.	Recommend no change. The vision and objects of the Sea View Golf Club are whatever they want them to be and are theirs to interpret however they like.

	<p><i>Fresh Groundwater Lens on the Cottesloe Peninsula</i> June 2004), nobody knows whether it is even possible to <i>maintain the reserves as a sustainable amenity for the local community</i>.</p> <p>Apart from the problem of sustainability, this statement is also misleading: the amenity is only used by some 2.5% of the Cottesloe population – an A-Class Reserve should be an amenity usable by all.</p>	<p>Recovery was 2 to 5 years (lower nearer to the ocean).</p> <p>The golf club therefore has every encouragement to continue the sustainable bore usage that has been achieved thus far.</p> <p>In terms of a scenic amenity, the course is “used” by most Cottesloe residents. The A class reserve on which the tennis club resides is totally restricted to tennis club usage. The golf club reserves are used by walkers in addition to golfers.</p>	
<p>1.3</p>	<p>SVGC does not yet have a <i>Lease</i> which expires on 30 June 2026 – at this stage it is an audacious and presumptuous statement to take it as given that the Town of Cottesloe will succumb to unreasonable pressure and grant an unprecedented 21 year lease. In fact, the Cottesloe community must do everything possible to prevent this happening, as it would be totally irresponsible in ecological terms in view of the uncertain data available on water resources and future rainfalls.</p>	<p>Not agreed.</p>	<p>Recommended that the clause be amended as required to reflect whatever term is granted by the ToC to the SVGC.</p>
<p>2.1.1</p>	<p>How can the SVGC <i>follow a sustainable approach with respect to ground water management</i> when, as S Appleyard shows convincingly in the above report, there are just not enough scientific data available to allow anybody to assume knowledge about what sustainability means in this case. Before any such statement can be made, SVGC needs to seek unbiased expert advice on the quality and quantity of water available, especially with respect to the limited resources in the local lens of water which is almost totally dependent on rain</p>	<p>The Club has engaged hydro geologists, Water Direct, to ensure that sustainable bore management practices are followed. Regular monitoring of bore data will ensure that water level and salinity trends are tracked allowing early detection of changing levels. We believe it unlikely that Water Direct would take a position with respect to the SVGC that could later lead to a loss of their reputation and standing within the industry.</p> <p>The SVGC has received “unbiased expert advice” from the DoE.</p>	<p>Sustainability in decision making recognises that there are three elements to be considered when making development decisions. These relate to economic, social and environmental considerations. Trade-offs between these three elements are inevitable.</p> <p>Sustainability is not solely focussed on the protection of the environment at all costs. It is simply a method by which the protection of the environment is taken into consideration when making decisions.</p>

	<p>water replenishment (The Centre for Water Research at UWA may be a suitable institution to ask for assistance). Decreasing rain falls make this a very vulnerable and tenuous future.</p>	<p>SVGC bore data dating back to 1996 shows salinity levels to be constant over the period. There is no evidence of an upward trend. Dr Appleyard's paper tells us that licensed bore usage accounts for only one third of the total draw on the aquifer, so the SVGC controls an estimated 4% of total usage from the aquifer (refer above) – thus affording little overall affect on the sustainability.</p> <p>We believe that the SVGC represents best-practice within Cottesloe on this issue.</p>	<p>In the absence of scientific certainty, the central tenet of sustainability encourages a precautionary approach in protecting the environment.</p> <p>To the extent that the SVGC is striving to lessen the impact of the golf course on the environment, it can be said to be following the principles of sustainability.</p>
2.1.1	<p><i>The objective of the SVGC is to use the minimum ground water necessary for the proper upkeep of a Grade A golf course: without reliable facts on the availability of ground water it cannot be assumed that there is enough for the "proper upkeep" of a Grade A golf course – in a location such as Cottesloe the idea of having 'greens' that may be suitable to a Scottish climate is not appropriate. If people insist on playing golf in such an unsuitable place as the WA coast, they will have to change their expectations on what a 'proper' golf course should be: 'golden' runs and artificial turf?</i></p>	<p>Whether there is or isn't sufficient water, the current objective of the SVGC is as stated.</p>	<p>See comments immediately above.</p> <p>The paucity of information concerning the underground aquifer is acknowledged.</p> <p>However the precautionary principle of sustainability does not envisage that all human endeavours which have a potentially adverse environmental impact should be shut down.</p> <p>It simply means that we should take care and seek out more information. This is a central thrust of the management plan.</p>
2.1.1	<p><i>The objective is to ensure that there is no annual upward trend in the salinity levels of the SVGC bores: how does SVGC envisage achieving this? In view of the above report by S Appleyard, such an objective is no more than wishful thinking.</i></p>	<p>Salinity levels at the SVGC bores have remained constant over the last 8 years of drought. There is no adverse trend to suggest that the objective is unachievable.</p>	<p>The objective is sound. Whether it is achievable is open to debate – particularly since the groundwater resource is being increasingly used by others.</p>
2.1.1	<p><i>Additional bores will ... reduce the amount of water drawn from each individual bore, thereby reducing the likelihood of any upward trend in salinity levels: is this not an</i></p>	<p>The notion that sinking additional bores produces a more sustainable outcome is counter-intuitive, but this is the approach being campaigned by Dr Appleyard. More bores, sipping rather than</p>	<p>The comments of the SVGC are endorsed.</p>

	admission that the preceding statement is untenable? And how can the sinking of additional bores tackle the problem of abusing a limited resource – surely it only means that the golf course will be able to abstract an even greater proportion of a finite resource meant for the benefit of all people living in the Cottesloe Peninsula rather than just a privileged few.	sucking at the aquifer were his words I believe. Total usage will not increase, but flow rates and the amount drawn from each individual bore will decrease under the SVGC plan - which is agreement, we believe, with Dr Appleyard's viewpoint.	
2.1.3	<i>... additional bores that will ... minimize daytime watering.</i> where is the logic in that? Common sense would suggest that “additional bores” would encourage daytime watering!	If the watering takes 10 hours to complete from one bore, then it will only take 5 hours with two similar bores running at the same rate. Currently the SVGC watering window extends into daylight hours during the summer. With an additional bore the SVGC aims to complete the watering cycle in the hours of darkness. Ergo less daytime watering.	The comments of the SVGC are endorsed.
2.1.5	<i>The Town of Cottesloe will be informed of any subsequent changes to operating procedures:</i> should SVGC not rather obtain Town of Cottesloe's approval before it changes procedures?	The Club's irrigation procedures are regulated by the DoE. If the DoE imposes new procedures upon the Club, then the SVGC can hardly refer the DoE to the ToC prior to implementation.	The DoE has responsibility for the management of the groundwater resource – not the ToC. Legislation prevents the ToC from duplicating its role.
2.1.6	<i>The SVGC will record ground water usage ...:</i> Is that all? There should be a much more specific commitment to minimum usage targets and monitoring of water levels and water quality.	The KPI for the ground water section is the amount of water used annually. Refer 2.1.14. Water levels and water quality are addressed in sections 2.1.9 and 2.1.8 respectively. The SVGC only has control over the amount of water drawn. Many other factors influence salinity and the water table level. This is especially so given that the SVGC usage accounts for just 4% of the total consumption.	The comments of the SVGC are endorsed although it should be noted that the figure quoted of 4% is an estimate and not a fact.
2.1.8	<i>The SVGC will record ground water salinity levels at each irrigation bore ... and expert advice will be sought:</i> and then? What	Refer to G N Fernie comment and SVGC response on this point.	The comments of the SVGC are endorsed.

	commitment is there on the part of the SVGC to act on the advice of experts? Presumably they are non-partisan – that should also be clarified: what kind of experts' advice will be sought?	The DoE will determine if and when action is required to address adverse trends.	
2.1.9	<i>The SVGC will record water table level at each new irrigation bore on a monthly basis: and then what? Again, the commitment for action needs to be specified: what will be done if the water levels go down?</i>	As per comment above – the SVGC bore data will be presented to the DoE each year. The DoE will advise the SVGC if changes are required to operating procedures.	The comments of the SVGC are endorsed.
2.2.2	Only about half of the species listed in the <i>Inventory of trees and shrubs</i> are indeed desirable local native species i.e.; <i>Melaleuca nesophila</i> ; <i>Callitris preissii</i> ; <i>Allocasuarina fraseriana</i> ; <i>Eucalyptus platypus</i> ; <i>Eucalyptus ruids</i> ; <i>Banksia menziesii</i> ; <i>Banksia attenuate</i> ; <i>Xanthorrhoea preissi</i> .	Agreed.	Agreed.
2.2.2	The <i>Leptosperemum laevigatum</i> (Victoria tea tree) is an environmental weed in WA; the <i>Tamarix aphylla</i> is of North African origin and the <i>Pinus pinaster</i> Mediterrean. Some of the others are native to dher Australian states.	Agreed. Unfortunately the Victorian or Coastal tea tree it is prevalent throughout the Town of Cottesloe. Immediate eradication is not considered to be a desirable option.	Agreed. The eradication of the plant is seen as a desirable objective but needs to be handled appropriately in order to avoid sand blow outs.
2.2.4	<i>Wherever possible those trees and shrubs identified in section 2.2.3 will be selected for these (tree and shrub planting) projects: as stated above, only half of the listed species are desirable for planting in Cottesloe. In addition, the list of naturally occurring plants in the area bordering the golf course and the kindergarten as recorded in 1983 by Robert Powell should be used as a resource for planting decisions:</i> <i>Acacia Cyclops (red eyed wattle)</i> <i>Acacia pulchella and acacia truncate (prickly moses)</i> <i>Acanthocarpus preissii (prickle-lily)</i>	There are no species listed in section 2.2.3. We believe that the authors of this comment have mistaken 2.2.3 with 2.2.2. 2.2.2 lists what is there today. It is an inventory of current species. 2.2.3 is work-in-progress – it will list the species we wish to see on the course in the future - and will be developed over coming months. We note the reference to Robert Powell. Quite by coincidence, an SVGC member employed by CALM has recently made contact with Mr Powell	The comments of the SVGC are endorsed.

	<p><i>Conostylis candidans</i> (grey cottonheads) <i>Dryandra nivea</i> (couch honeypot) <i>Dryandra sessilis</i> (parrotbush) <i>Grevillea crithmifolia</i> <i>Grevillea preissii</i> (spider-net grevillea) <i>Hakea lissocarpha</i> (honeybush) <i>Hakea prostate</i> (harsh hakea) <i>Hibbertia hypericoides</i> (common buttercups) <i>Lechenaultia linarioides</i> (fountain <i>leschenaultia</i>) <i>Lepidosperma angustatum</i> <i>Lomandra sp.</i> (mat-rush) <i>Melaleuca systema</i> (coast honey myrtle) <i>Rhagodia baccata</i> (berry saltbush) <i>Scaevola holosericea</i> and <i>Scaevola paludosa</i> <i>Templetonia retusa</i> (cockie's tongue)</p> <p>Choosing from these species would also assist in the necessary increase of underplaying to enhance native fauna (see 2.3).</p> <p>The Cottesloe Coastcare Association would be happy to assist in any questions on planting local species.</p>	<p>regarding vegetation on the reserves. We hope to further this relationship.</p>	
<p>2.2.5</p>	<p>In addition to the 7 points listed in the planned <i>vegetation maintenance programmes</i> it is of vital importance to add rabbit control. This should be done in cooperation with the Cottesloe Council and the Cottesloe Coastcare Association.</p>	<p>Rabbit control is addressed under 2.3.2, sub-point 4.</p>	<p>Recommended that "Rabbit control and eradication" be inserted as an additional bullet point under 2.2.5</p>
<p>2.2.6</p>	<p>The KPI should be changed in accordance with the points made above: the new trees and shrubs (and ground covers) planted should be selected only from the listed local indigenous species.</p>	<p>We propose to add the following paragraph to the end of 2.2.4: <i>Under the following circumstances it may be desirable to select from outside the list in 2.2.3</i></p>	<p>Recommended that the change as proposed by the SVGC be adopted.</p>

		<p><i>above:</i></p> <ul style="list-style-type: none"> - <i>replacement of Norfolk Island pines</i> - <i>where the characteristics of available native species do not meet the objectives of a safety related project.</i> 	
2.3.1	<i>Appropriate wildlife</i> needs to be specified.	Agreed. But this will be achieved by the second bullet point of 2.3.2.	Recommended that the word “native” be inserted after the word “appropriate” in clause 2.3.1
2.4.3	Pesticides and fungicides have a demonstrably negative effect on ground water – the SVGC should seek advice on how to manage without either. There is a grave concern for the possible effect on the marine eco-system (the protected fish habitat area) of the seepage of contaminated ground water. Again, there is just not enough evidence available to know exactly what we may be doing to the marine environment: more data needs to be collected as a matter of urgency.	<p>The SVGC uses minimum amounts of pesticides and fungicides. Trained professionals use only approved chemicals and usage is totally regulated.</p> <p>Elsewhere in Cottesloe, residents of the 4,000 properties apply chemicals to their gardens. We suspect that over application would be a common-place occurrence.</p> <p>We believe that the SVGC represents best-practice within Cottesloe on this issue.</p>	<p>It is agreed that the impact of pesticides and fungicides on the marine environment is not well known.</p> <p>Performance objectives for the SVGC need to be appropriate, achievable and measurable.</p> <p>“Best practice” rather “zero tolerance” is seen as more achievable.</p>
2.4.5	<p>(1) It is impossible <i>to ensure that no nutrient contamination occurs with respect to the ground water system, if as stated in 2.4.4 fertilisers are applied to the golf course.</i> How can anyone ensure that fertilizers will not affect ground water?</p> <p>(2) How do we know what possibly disastrous effect they may have on the marine and terrestrial environment?</p>	<p>Refer to G N Fernie comment and the SVGC response on this issue.</p> <p>Again, as for pesticides: Elsewhere in Cottesloe, at around 4,000 residences, residents apply fertilizers to their gardens. Over application would be a common-place occurrence.</p> <p>We believe that the SVGC represents best-practice within Cottesloe on this issue – trained professionals apply strictly controlled strengths and amounts of fertiliser to the reserves.</p>	<p>(1) Agreed. Recommended that the change as proposed by the G.N Fernie in relation to 2.4.5 be adopted.</p> <p>(2) It may well be that disastrous effects have already been experienced. There is no baseline data for the marine environment in its pristine state. We can therefore only act to minimise potential threats where they are identified. Again “best practice “ is advocated.</p>
Conclusion	In view of all the above points it is absolutely imperative that SVGC is not granted a long term lease. Data on ground water and methods for monitoring must be established	The SVGC disagree with these comments and our viewpoint is backed by the DoE who have approved the Club’s ground water management practices and new bore.	The scientific accuracy that is sought is unachievable given the complexity and degradation that has occurred to the environment since settlement.

	<p>with scientific accuracy before any lease agreement can be entered into. Therefore the Town of Cottesloe would only allow an interim, provisionally lease arrangement of a maximum period of three years – this will give SVGC and Cottesloe Council time to collect more reliable data on water resources and questions of sustainability of a golf course in a fragile coastal environment.</p>		<p>It has not been demonstrated that the SVGC has contributed any more or any less to that degradation.</p> <p>On that basis, it is considered inappropriate to single the SVGC out for special treatment. 21 year lease are the prevailing standard for golf clubs.</p>
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Richard Paterson			
Clause	Submission	SVGC's Comment	CEO's Recommendation
<p>General Comments</p>	<p>The key issue to be addressed is the management of the quantity of water extracted from the superficial aquifer so as to limit the salinity to a value which is sustainable in the long term. A salinity value of 1000 mg/L TDS is suggested. This is considered a high value when compared with information provided in the Department of Industry and Resources publication Hydrogeology and Groundwater Resources of the Perth Region, Bulletin 142, 1995, which indicates a salinity range for Cottesloe of 500-1000 mg/L TDSS. I also have a water analysis of 620 mg/L in 1978 for a bore in Nailsworth Street. Recent reports of salinity levels in the Post have been well in excess of 1000 mg/L.</p> <p>The SVGC must not be given the right to extract water outside the lease area without a thorough review of any proposal by an independent qualified hydro geologist and the Department of Environment. The groundwater is a resource for the benefit of all Cottesloe</p>	<p>The SVGC has met the requirements of the regulatory body, the DoE.</p> <p>At what time of the year was the 620mg/L measurement obtained? Salinity varies between summer and winter months. What is the Nailsworth reading at the same time of year today?</p> <p>The DoE, Dr Appleyard included, does not agree with the author of this comment.</p>	<p>The DoE has responsibility for the management of the groundwater resource – not the ToC.</p> <p>Legislation prevents the ToC from inappropriately duplicating its role.</p>

	residents, including Council use in watering public areas.		
2.1.1	<p>Area (1) There is a commitment to have a maximum of 10 ha under irrigation. How will this area be measured?</p> <p>Groundwater (2) The key objective should not be “to use the minimum groundwater necessary for the proper upkeep of a Grade A golf course.” The key objective should be to only extract groundwater within the limits set by sustainability (with no increase in salinity and chloride) so as to maximize this resource for the benefit of both the golf club and Cottesloe residents in general.</p> <p>Multiple Bores (3) It is agreed that multiple bores will spread abstraction over a larger area, but this philosophy should not be allowed to spread to additional bores outside the land area leased by the club.</p>	<p>(1) Working from a recent summer-time aerial photograph the ToC has recently calculated the area to be less than 10 hectares.</p> <p>(2) The objective of the golf club is as stated. The sustainability issue is self-regulating – refer to previous comments.</p> <p>(3) Dr Appleyard suggests that the bores be located in the centre of the peninsula.</p>	<p>(1) Working from a recent summer-time aerial photograph the ToC has recently calculated the area to be less than 10 hectares.</p> <p>(2) As noted previously, the SVGC is free to set its own objectives. The Town of Cottesloe is leasing a “golf course” – not the groundwater resource</p> <p>(3) The DoE has responsibility for the management of the groundwater resource – not the ToC.</p> <p>Legislation prevents the ToC from inappropriately duplicating the DoE’s role.</p>
2.1.2	<p>Licence Does the Department of Environment only set the maximum annual volume of water, with no requirement to maintain a specified water quality, or have the volume determined by aquifer modelling? Is this licence available to the public?</p>	<p>Yes, the DoE only sets volume as a requirement within the licence. The licence has been made available to the ToC. It is not available to the public.</p>	<p>No comment required.</p>
2.1.5	<p>Irrigation Procedures (1) Consultant hydro geologists will be retained “from time to time”. This is very vague – the requirement for review by</p>	<p>(1) Disagree. The DoE will review annual water data. The SVGC would normally only engage consultant hydro geologists where the DoE</p>	<p>(1) An “as needs” basis is preferred dependent on issues that are raised from time to time.</p>

	<p>hydro geologists should be at least annually.</p> <p>(2) The Council must be part of this review process as the club's use of water affects many ratepayers in the vicinity. Note that one of the club's main bores is at the intersection of Forrest Street and Curtin Avenue, a long distance from the club.</p>	<p>advises a change in operating procedures with respect to the SVGC bores or where the SVGC wish to implement additional bores.</p> <p>(2) The DoE are the regulatory body.</p>	<p>(2) The DoE has responsibility for the management of the groundwater resource – not the ToC.</p> <p>Legislation prevents the ToC from inappropriately duplicating its role.</p>
<p>2.1.6</p>	<p>Groundwater Usage</p> <p>(1) How will water use from each bore be measured and recorded?</p> <p>(2) What history of usage is available?</p>	<p>(1) Each bore is metered. The SVGC will record the meter reading each month. The ToC also has access to the meters should independent readings be required.</p> <p>(2) Meters have been unreliable over recent years. Accurate data is available from April 2003.</p>	<p>No comment required.</p>
<p>2.1.8</p>	<p>Salinity</p> <p>(1) Both salinity and chloride should be measured. Note that the main concern is in fact increases in chloride (ingress from the sea) and salinity (measured as TDS) is naturally high due to the limestone based structure of the aquifer.</p> <p>(2) The commitment is to monitor each irrigation bore. This is not sufficient to ensure that the aquifer is adequately monitored for sustainable yield as the club can elect to move production bores further inland as salinity rises, so keeping measured salinity at an "acceptable" concentration.</p> <p>(3) What is essential is to install monitor bores (only used for sampling and not for production) close to Marine Parade. Such</p>	<p>(1) The SVGC has obtained chloride readings for the Club's bores. The chloride levels have been found to be satisfactory. We are advised that were salinity levels high, then the much lower TDS levels would be required to maintain plant health.</p> <p>(2) New bores cost in the region of \$50,000. Costs rise further where bores are off site. Therefore it is in the interests of the Club to ensure sustainable yields are maintained.</p> <p>The SVGC cannot elect to move bores without DoE approval and significant funding from members.</p> <p>(3) This is contrary to advice from Dr Appleyard who proposed a series of bores across the peninsula.</p>	<p>(1) Agreed in part: Readings relating to total dissolved solids, temperature, pH and usage are considered to be all that is required.</p> <p>(2) There is an argument that supports the relocation of bores to centre of the peninsular where the possibility of upcoming saline water is less likely.</p> <p>(3) Monitoring bores on Marine Parade are not, in isolation, likely to generate any sort of useful information. They may just measure seasonal changes or other changes that are not of the SVGC's making.</p> <p>(4) See SVGC's comments.</p>

	<p>bores will provide an early indication of rising salinity and chloride and allow accurate modelling of the sustainable water extraction rate for bores within the club lease.</p> <p>(4) What history is available for both salinity (TDS) and chloride for specified bore locations?</p>	<p>(4) The SVGC does not believe that chloride levels are a problem. Salinity readings show no upwards trend over the last 8 or more years.</p>	
2.1.11	<p>Interface with Town of Cottesloe Sample data should be made available to both the Council and ratepayers within a time limit of six weeks from the sample date.</p>	<p>The SVGC is responsible to the ToC and has no control over the release of bore data by the ToC to the ratepayers. The SVGC does request that if SVGC bore data is released to the community, then all ToC bore data should be similarly released</p>	<p>There appears to be no reason why the information should not be made available to the public sooner.</p>
2.1.12	<p>Additional Bores Any additional bores must be planned in consultation with hydro geologists, the Department of Environment and the Town of Cottesloe. Any additional bore must have the approval of all parties. Note that additional bores will impact on Cottesloe ratepayers and Council use of water in public areas. Additional bores must not be used as justification to increase the total extraction quantity.</p>	<p>The DoE is the licensing authority for bores within WA.</p> <p>The purpose of additional bores is to reduce the flow rates and / or total draw from existing bores. Therefore additional bores will have an impact on Cottesloe ratepayers and Council – a positive impact! However, SVGC consumption represents just 4% of the total bore water usage.</p>	<p>The comments of the SVGC are endorsed subject to it being noted that the quoted 4% figure is an estimate.</p>
2.1.14	<p>Key Performance Indicator – Ground Water This wording does not address the key issue of increasing salinity and chloride. There must be a second indicator defined for a limit for water quality. This key performance indicator can be defined as the percentage of the highest monthly</p>	<p>Salinity data will be reported each year by the SVGC. Analysis of this data is the responsibility of trained hydro geologists at the DoE. The ToC does not employ hydro geologists and is therefore not in a position to provide expert analysis on the data. Salinity levels are not within the direct control of</p>	<p>Agreed in part. Recommended that a further performance indicator be inserted namely <i>“The extent to which groundwater quality, expressed as a ratio of total dissolved salts meets generally accepted standards for reticulated lawns and gardens.”</i></p>

	reading to a set limit, for example a salinity (TDS) of 1000 mg/m ³ . (Note that the annual average is less meaningful as there will be better quality in winter, but there will be little water used in these months.)	the SVGC and should not therefore be a key performance indicator.	
Lease Agreement	Section 13.1 of the Lease Agreement refers to the Initial Management Plan. I am assuming that the Draft Management Plan is the same as the Initial Management Plan, but ask that this be clarified prior to the signing of the Lease Agreement	Yes, the Initial Management Plan is the same document as the Draft Management Plan.	Yes, the Initial Management Plan is the same document as the Draft Management Plan.
Management Plan	Council should be following their definition of sustainability, as described in the Cottesloe Strategic Plan, in the management of Cottesloe's groundwater resources for the benefit of all residents. The Management Plan does not address sustainability or the rights of residents.	<p>The SVGC uses around 4% of the total ground water consumption from the aquifer (refer to earlier comments).</p> <p>SVGC usage is licensed, approved by leading hydro geological consultants, managed by trained professionals and strictly monitored by the DoE – all with a view to ensuring sustainability.</p> <p>The same cannot be said of private bore use.</p>	<p>Sustainability in decision making recognises that there are three elements to be considered when making development decisions. These relate to economic, social and environmental considerations. Trade-offs between these three elements are inevitable.</p> <p>Sustainability is not solely focussed on the protection of the environment at all costs. It is simply a method by which the protection of the environment is taken into consideration when making decisions.</p> <p>In the absence of scientific certainty, the central tenet of sustainability encourages a precautionary approach in protecting the environment.</p> <p>To the extent that the SVGC is striving to lessen the impact of the golf course on the environment it can be said to be following the principles of sustainability.</p>

D.G. Wilcox			
Clause	Submission	SVGC's Comment	CEO's Recommendation
General	(1) Plans created for the management of	(1) Not agreed. Refer to comments above	(1) The management plan is a document that

<p>observations</p>	<p>any parcel of land have to contain objectives that can be quantified so that adherence to the plan can be evaluated by the administering authority; in this case Cottesloe Town Council. There are few norms with which to guide performance and some of the key performance indicators are risible. In this latter respect that relating to groundwater is clearly inadequate and reflects a lack of understanding of the factors which should be engaged when extraction from this scarce and fragile resource is considered.</p> <p>(2) The key performance indicators require further work by a competent authority so that they are clearly objective and protect the interests of the community.</p> <p>(3) There is no indication in the document that the key performance indicators, such as they are, will be assessed by independent authorities or who it will be who will perform the measurements required. Nor is it clear that the costs will be borne by the Club as they should be. Ratepayers should not be required to pay for the costs of monitoring the impact of the use by the Club of the land vested in the Council.</p> <p>(4) The relevance of the key performance indicators to the assessment of performance should be addressed. The techniques for assessment of the key performance indicators should be defined and clear provision for the cost of the work made by the Club.</p>	<p>regarding sustainable management of the ground water resource.</p> <p>(2) Not agreed.</p> <p>(3) Not agreed. The SVGC are responsible to the relevant regulatory body in each area of the Management Plan. Does the author propose that the ToC follows a similar line with the management of the surf clubs, the tennis club and the rugby club?</p> <p>(4) Not agreed. Again, is this approach proposed for just the SVGC or all organisations holding ToC leases?</p> <p>(5) Not agreed.</p> <p>(6) The DoE has recently approved SVGC ground water management practices, implying that they do believe there to be such evidence.</p>	<p>the SVGC has taken ownership of and appears to be committed to.</p> <p>It represents a huge step in acknowledging not only environmental but other management issues which will no doubt strengthen the overall operations of the club as they are worked upon.</p> <p>The management plan is not meant to be the equivalent of a local law governing the operations of the club.</p> <p>It is meant to be a working document that will be subject to revision as new issues arise.</p> <p>(2) It is agreed that the performance indicators will require further work but these are better being developed by the ToC and SVGC if they are to be owned and acted upon.</p> <p>(3) As indicated above the SVGC is expected to use the management plan as a working tool to improve its own efficiency and effectiveness. There is no expectation that monitoring costs will be borne by ratepayers.</p> <p>(4) Agreed – but on an ongoing basis as the SVGC’s awareness develops.</p> <p>(5) Comments (albeit brief) on what sustainability means have been made above.</p> <p>(6) The dynamics of the relationships that are spoken of are complex.</p> <p>It is not within the scope of the management plan to define those relationships.</p>
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	<p>(5) There are no overarching objectives discernible within the management plan. In respect of the management of the water resource fatuous statements such as “will follow a sustainable and water-wise approach with respect to ground water management” have no place in a management plan.</p> <p>(6) The plans show that there is no understanding of the relationship between areas to be irrigated, the amount of safe draw from the aquifer and the measurement of change in salinity. Such relationships are fundamental to the use of this resource, particular attention being required in respect of the capacity of the aquifer to supply the undefined needs of the Club. For instance note that there is nowhere in the plan evidence that 10ha of irrigated turf is a sustainable objective; section 2.1.1.</p>		
<p>Water use</p>	<p>(1) The plan suggests that the WA Golf Association will determine how much turf will be irrigated. This is a Council responsibility. The area to be watered should be defined by Council and be consistent with the capacity of the aquifer to supply the necessary water. It is Council’s task to husband the resource not the duty of either the Club or the WAGA to determine the safe draw.</p> <p>(2) The plan suggests that water use will be influenced by the weather forecast and the condition of the turf. In reality the amount of water to be provided from the bores is determined by the allowable safe</p>	<p>(1) It is the DoE not the ToC that regulates ground water in WA. The DoE is satisfied with current SVGC ground water management.</p> <p>(2) Refer to G N Fernie comment on section 2.1.4</p>	<p>(1) The DoE has responsibility for the management of the groundwater resource – not the ToC.</p> <p>Legislation prevents the ToC from duplicating its role.</p> <p>(2) As indicated above, the management plan is not meant to present a scientific argument or rationale for current draws on the underground aquifer.</p> <p>It is designed more to heighten awareness of the issues involved and management’s capacity to deal with them.</p>

	draw which will vary with long term percolation into the aquifer. It will also be influenced by the rate of return to static water in each of the bore holes when pumping is not in progress. None of these variables vital to the assessment of the impact of pumping is contained in the management plan either directly or by inference. For instance the plan does not say whether the water levels being taken are static or pumping levels.		
2.1.7	Discusses regulations relating to water use. The source of these regulations is not discussed. Who will be making them known and to whom?	The SVGC will contact the Water Corporation as per current practice. The SVGC does not believe that current regulations restrict the day-time use of bore water. However the SVGC does meet the Water Corporation's request to notify them of such use.	See SVGC's comments.
Salinity	The section on salinity is meaningless in terms of a management plan. The measures that will be taken if salinity rises are not discussed. The upper limits of salinity which will be accepted are not given. Council should be aware that as salinity rises, pollution as a result of sea water seepage into an aquifer, the ground water supplies of the whole area are imperilled and not just those of the Golf Club.	Agreed. Refer to G N Fernie comment and SVGC response on this point. The ToC will be aware of a rise in salinity. Refer section 2.1.11	Agreed. Recommended that a further performance indicator be inserted namely <i>"The extent to which groundwater quality, expressed as a ratio of total dissolved salts meets generally accepted standards for reticulated lawns and gardens."</i> Contingency plans can be developed once baseline data and potential threats identified.
Additional bores	Much is made of additional bores. There is no suggestion that the rate of extraction of water will be consistent with conserving the water for users other than the Club.	Refer to multiple comments above. Additional bores will require DoE approval and will be subject to stringent DoE review prior to acceptance. SVGC uses 4% of the resource. Two-thirds of the ground water is consumed by domestic bore users without any regulation or monitoring.	See SVGC's comments.
Key	Section 2.1.1 is palpable nonsense. The	If salinity levels rise, the greens will die and the	Agreed. Recommended that a further

performance indicator	amount of water that can be extracted from the aquifer is probably limitless if water quality is ignored. Council should be insisting that the salinity levels of the water drawn to the surface must be considered in assessing the impact of the pumping program.	SVGC with them. The SVGC holds a deeply vested interest in ensuring that sustainable ground water management practices are followed.	performance indicator be inserted namely <i>"The extent to which groundwater quality, expressed as a ratio of total dissolved salts meets generally accepted standards for reticulated lawns and gardens."</i>
Conclusion	<p>The Management Plan does not appear to have been drawn up by a person who has a professional competence in the critical matters relating to the use by the Club as a golf course.</p> <p>There is no suggestion that the objectives of the Club are those of Council or of the residents of Cottesloe. Surely Council cannot in all conscience accept this plan without adequate consideration of its responsibilities to residents?</p>	<p>Strongly disagree. The SVGC has retained leading hydro geologists and has worked with the DoE to ensure sustainable groundwater management practices are followed.</p> <p>Significantly, Dr Appleyard's address to Council's Works committee (17/8) provided the SVGC with encouragement that current strategies are correct.</p> <p>147 out of the 151 submissions show support for the golf club and for the Management Plan. That is 97% support.</p> <p>The SVGC has continually received overwhelming community support through each and every public consultation period over the last 8 years.</p>	<p>The authorship of the Management Plan is immaterial.</p> <p>What is material is whether it discloses the relevant management issues and sets out to deal with them.</p> <p>None of the submissions received to date have introduced new material in this regard. It should be acknowledged that the plan is subject to review every three years and will be developed further.</p>

The Jarrad Street "A" Class Reserves Review Group (Inc)			
Clause	Submission	SVGC's comment	CEO's Recommendation
Opening Statement	To be effective a Management Plan must state positively what is to be done and by what dates individual components of the Plan are to be completed. This plan does neither. It sets out all the things that the Club believes it should do, or implement, in general terms but it does not quantify physical targets or set target dates for completion. It is little more than a list of good intentions.	<p>There are absolutes within the Management Plan and there are visions for the future. Without a firm commitment from Council to the future of the Club it has been difficult for the SVGC to undertake longer term planning.</p> <p>On 2.3.3 Wildlife Projects, Mr Bibby comments "SVGC must specify what projects and when it will undertake them and demonstrate that these projects can be undertaken as specified."</p>	<p>As previously discussed, key performance objectives need to be relevant, measurable and achievable.</p> <p>There is little point in loading up the SVGC with performance targets and due by dates for a range of issues so that it is doomed to failure from the outset.</p> <p>The KPI's that have been established</p>

	<p>Because the CEO did not arrange any discussions between the Club and interested parties to assist in drawing up the Plan our submission is very detailed particularly in relation to ground water and other environmental matters.</p> <p>We think that the Plan, as drafted, will not help the Club achieve the vision and objectives set out in Section 1.2 and will not protect the Town of Cottesloe's interests.</p> <p>We propose that the following matters and those detailed in Appendices A, B and C must be included in the Plan</p>	<p>The draft Lease does not require the Golf Club to undertake wildlife projects. However, as a responsible member of the community, the Club intends to identify and undertake relevant projects. The purpose of the (and other) sections is to allow the Club to demonstrate that it is making a positive contribution to the community.</p> <p>What would have been more helpful from Mr Bibby would have been a list of suggested wildlife projects. We thank Mr Davis for his suggestion on this matter.</p> <p>On the subject of ground water management, the SVGC has preferred to talk with trained and expert hydro geologists rather than members of the public.</p> <p>Not agreed.</p>	<p>represent a start – not an end.</p>
<p>1.4</p>	<p>Purpose of this Management Plan is to be amended to read:</p> <p><i>“To record and communicate SVGC’s safety and environmental policies and procedures with respect to the golf course and the Reserves on which it resides and to establish sound working practices in the way the club operates and maintains the golf course.”</i></p> <p>The second paragraph is then redundant.</p>	<p>Not agreed. The SVGC wishes to retain the link to the lease.</p>	<p>Not agreed. The SVGC’s wish to retain a reference to the lease does not lessen the document.</p>
<p>2.1.1</p>	<p>Ground Water Usage</p> <p>(1) The draft Lease does not require SVGC to operate a Grade A golf course. This reference must be deleted. The sentence beginning “The golf course is subject to ...” is irrelevant and should be deleted.</p>	<p>(1) This statement is in line with the SVGC Constitution and should be retained.</p> <p>(2) If the bores are spread over a larger area, then the abstraction, the draw, WILL be spread over a larger area.</p>	<p>(1) The economic viability of the golf club would appear to be directly linked to its status as WAGA rated course. That the golf club should want to retain this status is perfectly understandable and must influence the way it manages the course. Retention of the</p>

	<p>Abstraction spread over multiple bores (2) Additional bores at new locations may spread the abstraction over a larger section of the aquifer and may reduce the likelihood of any upward trend in salinity levels – extracting more water overall is just as likely to increase salinity levels. The plan must say how many new bores will be commissioned by 31 August, 2006, where they will be located and</p> <p>(3) that no individual bore will extract more than four litres a second.</p>	<p>In presenting to Council's Works committee meeting on 17/8 Dr Appleyard was significantly silent on this matter – 4 litres/sec was not mentioned.</p> <p>(3) The objective of the SVGC is to reduce flow and volume for each bore as detailed above.</p>	<p>reference as a constraint on the way it manages the course is supported.</p> <p>(2) Approval for the commissioning and licensing of new bores rests with the DoE. The SVGC can only disclose its intentions – not that which will actually happen.</p> <p>(3) Agreed. Recommended that a further performance indicator be inserted namely <i>“The extent to which abstraction rates meets recommended standards set by the Department of Environment.”</i></p>
2.1.2	Licence not License	Agreed.	Agreed
2.1.11	<p>Interface with the Town of Cottesloe The SVGC will provide the Town of Cottesloe with water data (as per Ground Water Usage above) for compilation into a Master Water Usage database for publication on the Town of Cottesloe website.</p>	This is outside the control of the SVGC and should not be included in the Management Plan.	Agreed to in principle however best means of publication needs to be considered further by the Town of Cottesloe.
2.1.12	<p>Additional Bores All proposed new bores must be approved by the Town of Cottesloe before work is commenced.</p>	We believe that this requirement is met by Clause 11 of the Lease and does not need to be included in the Management Plan.	Under the lease agreement all proposed new bores must be approved by the Town of Cottesloe before work is commenced.
2.1.13	<p>Rainfall collection/run off reduction The Management Plan must specify what SVGC will do and when it will do it before the Management Plan is approved by Council. The Plan should detail what SVGC has done in the past and what are the current practices.</p>	Other than along Jarrad Street, the SVGC is not aware of any other water escaping from the reserves during rainfall.	<p>The Golf Course is largely self-contained in terms of drainage flows.</p> <p>This clause is meant to keep it that way.</p> <p>There is no readily apparent requirement to undertake new drainage works.</p>
2.1.15	<p>Key Performance Indicator – Groundwater The KPI as written does not provide any</p>	This SVGC has worked over many years to reduce ground water usage. We have reduced the area under irrigation. We have installed an	Two new groundwater KPI's have been proposed above namely:

	<p>incentive to improve. It should be as follows: <i>KPI – Groundwater Usage – 90% of 2003/04 Financial year usage.</i> <i>KPI's must be set for Salinity and Water Table Levels both being a % reduction from the 2003/04 Financial Year levels.</i> <i>See Appendix B to this submission.</i></p>	<p>electronic control system to reduce or eliminate over-watering.</p> <p>To state that usage can be reduced by 10% implies that the Club was previously wasting ground water. This is most certainly not the case.</p> <p>The Department of Environment has recently visited the Club to assess our ground water operating procedures. Significantly, no modifications were requested to the current procedures.</p> <p>Further to this, year on year fluctuations in usage will occur, most likely in line with rainfall figures. The Club has been advised that it is more important to watch out for a trend over a number of years.</p> <p>Hence a comparison from one year to the next is neither advisable nor appropriate.</p>	<p><i>“The extent to which groundwater quality, expressed as a ratio of total dissolved salts meets generally accepted standards for reticulated lawns and gardens.”</i> and</p> <p><i>“The extent to which abstraction rates meets recommended standards set by the Department of Environment.”</i></p> <p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>No rationale is provided as to why reduced water consumption is appropriate or achievable.</p>
<p>2.2.2</p>	<p>Inventory of trees and shrubs The inventory as shown is inadequate and inaccurate. See Appendix “A” to this submission.</p>	<p>Not agreed. Refer to comments above regarding Keith and Frauke Chambers comments on section 2.2.4. The SVGC believes that Mr & Mrs Chambers have confused 2.2.3 with 2.2.2.</p>	<p>SVGC's comments are endorsed.</p>
<p>2.2.6</p>	<p>Key Performance Indicator As written the target is the percentage of native species of the unquantified total of all plantings. The target should be a total of say 50 trees and shrubs with 90% selected from the list of native species.</p> <p>The KPI should be the percentage of total new trees and shrubs planted against those targets.</p>	<p>The SVGC has not yet formed a view on the preferred vegetation levels / densities for the golf course.</p> <p>Increased vegetation will reduce the picturesque cross-course views, to the detriment of locals and visitors to Cottesloe.</p> <p>In addition, visibility is an important factor in respect of pedestrian safety on the course. Increased vegetation is therefore undesirable in this respect also.</p> <p>50 additional bushes each year for 21 years</p>	<p>SVGC's comments are endorsed.</p> <p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>No rationale is provided as to why the proposed KPI's are appropriate.</p>

		would have a negative influence on both of the factors discussed above.	
2.3.2	Wildlife Projects SVGC must specify what projects and when it will undertake them and demonstrate that these projects can be undertaken as specified.	Refer to comment made against Opening Statement above.	This is not a critical issue.
2.3.3	Key performance indicator As written it is the number of projects undertaken which is quite worthless unless the projects are defined and accepted as being worthwhile. The target must nominate which projects are to be undertaken and by what dates. The KPI should then be the number of projects completed against that target.	Refer to comment made against Opening Statement above.	This is not a critical issue.
2.4.4	Control procedure for Fertilisers, Pesticides, Fungicides and Fuel The control procedure should be specified before the lease is agreed. What happens if procedures are not followed – who checks?	Who checks to ensure that the TOC workers follow their procedures? Who checks the tennis club? Ultimately it comes down to the relevant legislation by which we are all bound. This is not a matter for the Lease or the Management Plan.	Worksafe and DoE are generally the responsible authorities. The proper management of these areas rests with the SVGC in the first instance and appropriate authorities in the second.
2.4.7	Hazardous substance incident management Hazardous substance incident management requirements should be specified before the lease is agreed. What happens if procedures are not followed – who checks?	As above.	As above.
2.4.8	Key performance indicator – fertilizers, pesticides, fungicides and fuel There should be two defined targets. Zero nutrient reports and zero spills. The KPI's should be the comparison of the number of hazardous spills and nutrient reports	Dr Appleyard has recommended a product that will enable the measurement of subsoil nutrient penetration. Results of these measurements will be made available to the Town as detailed in	The KPI requires all <u>hazardous</u> spills to be reported and is seen as sufficient for the time being.

	compared to the targets of zero.	2.4.5. Once more is known about the subject, this measurement could become a KPI in future versions of the Management Plan.	
2.5.1	Waste Minimisation and Recycling Objectives The current Recycling Practices should be specified before the lease is agreed. What happens if practices are not followed – who checks?	Not unsurprisingly, the Lease does not place requirements on the Club with respect to recycling. The Club included the objective in line with the policy to be a responsible community member. The purpose of the waste management section is to allow the Club to demonstrate that it is behaving as a responsible member of the community.	This is not a critical issue. It is simply meant to engender a culture for recycling within the SVGC.
2.5.4	Key performance – Recycling and Landfill Can a target be quantified for general waste? If it can the KPI should be how many actual tones or how many litres recycled (or whatever measure is decided upon) expressed as a percentage of the target. The target for landfill should be an annual reduction of 20% in the year to 30 June 2006 and 5% annually thereafter. The SVGC should submit waste records to the Town of Cottesloe, together with a report, showing time-line series, to be posted on the Town of Cottesloe website for community review.	To suggest that the current waste could be reduced by 20% in two years time is to suggest that the SVGC currently performs little or no recycling. This is most certainly not the case. Would the author make a similar suggestion for ToC waste? Tennis club and surf club waste? We suggest that posting this information on the ToC web site would be a misuse of ToC (and therefore ratepayer) resources.	This is not a critical issue. It is simply meant to engender a culture for recycling within the SVGC.
3.1	Safety Objectives (1) The SVGC will take all specified measures (Measures must be specified before the Lease is agreed). (2) Delete “motor”.	(1) This is one of several points that Mr Bibby would like to see agreed prior to the lease being signed. If everything has to be agreed before the Lease	(1) The Review Group has supplied a list of perceived safety hazards. Recommended: That the list be incorporated under 3.3.2 as areas of potential concern to

	<p>The SVGC will use its best endeavours to ensure that golf balls do not leave the reserve ...</p> <p>(3) The SVGC will ensure that golfers receive adequate warning and education to ensure the safety of pedestrians using the reserve. Specific signage will be erected at all entry points.</p>	<p>is signed, then why have a separate Management Plan at all? Why not include all this detail in an appendix to the lease and have done with it?</p> <p>The CEO and Lawyers original intention for the Management Plan was that it would not be prepared until after the Lease was signed.</p> <p>Safety is a matter for on-going analysis and attention.</p> <p>(2) Agreed.</p> <p>(3) Refer to G N Fernie comment on 3.1. Signage will be erected as per version 1.4 of the Management Plan.</p>	<p>be reviewed within the first year of the Management Plan</p> <p>(2) Agreed.</p> <p>(3) Change previously recommended: <i>“SVGC aims to provide adequate warning to pedestrians entering the reserves on the risks associated with flying golf balls. Similarly the SVGC aims to advise golfers through signage and other written material of the precautions required when pedestrians, ground staff and fellow golfers are on the course. SVGC aims to minimize the risk of golf balls being hit over course boundaries (Section 3.3.1 refers).”</i></p>
<p>3.2</p>	<p>Safety measures implemented to date What has been done to date is only relevant as a list of areas requiring continuing attention. SVGC should be required to specify what it will do and when it will do it before the lease is agreed.</p>	<p>Refer above.</p>	<p>The Review Group has supplied a list of perceived safety hazards.</p> <p>Recommended: That the list be incorporated under 3.3.2 as areas of potential concern to be reviewed within the first year of the Management Plan</p>
<p>3.3</p>	<p>Safety improvement program (1) The SVGC must have Town of Cottesloe approval before undertaken any work, not just “seek Town of Cottesloe approval.” (2) The current safety program should be specified before the Management Plan is agreed. (3) Safety projects must not be deferred because of funding restraints. If a safety problem is identified it must be put right.</p>	<p>(1) Change “seek” to “obtain”.</p> <p>The SVGC Incident Register and the key performance indicator will attest to the success of the SVGC Safety Improvement Programme. It is in the interests of the SVGC to make this programme a success.</p>	<p>(1) Recommended: That “seek” be changed for “obtain”</p> <p>(2) Not supported in the absence of an explanation.</p> <p>(3) This is a risk management issue. No business operates in such a way that all perceived safety risks are eliminated from the outset.</p> <p>(4) The lease agreement places an obligation</p>

	<p>See clauses 17.7, 18.3 and 18.4 which would probably be relevant in the event of injury or damage resulting from a known safety hazard that should have been corrected but was deferred by SVGC for financial reasons. Safety is paramount.</p> <p>(4) Audit of program – who will audit and what happens if SVGC has not undertaken specified work?</p>		<p>on the SVGC to report all incidents involving “non-golfers” to the ToC. This is an indicator of potential hazards. The SVGC is expected to report on safety issues in its annual report.</p>
3.3.2	<p>Pedestrian and golfer safety <i>Add “Golfers are informed of the dangers associated with flying golf balls by specified signage at specified locations.”</i></p>	<p>This point will be addressed via the forthcoming brochure, “Playing safe golf at Sea View”</p>	<p>An assessment needs to be made of the practicality of this proposal. It is not something that should be uncritically incorporated into the Management Plan.</p>
3.3.3	<p>Golfer Awareness Many of the non-members playing on Wednesdays and Fridays don’t even know of the maxims quoted. They are the people who are most likely to play errant shots. To conduct the course in a responsible manner only persons who are members of a Golf Club should be allowed to use the course.</p> <p>The Playing Safe booklet should also state that the Reserves are available for public usage and that golfers are required by the Lease to “give way” to pedestrians.</p>	<p>Wednesday is a member’s day. There would be one or two non-members playing. Friday too is predominantly a member’s day.</p> <p>I wonder what sort of poll Mr Bibby used in formulating this statement? What constitutes “many”?</p> <p>We firmly believe that all golfers know and understand these simple maxims.</p> <p>We cannot find any statement within the Lease that requires golfers to give way to pedestrians?</p> <p>However the booklet will state as much</p>	<p>Does not appear to be practicable. Not only would casual golfers be barred from playing at SVGC but also golfers from other golf clubs.</p> <p>This would seem to strike at the heart of the club’s financial viability.</p> <p>Again this is a risk management issue and the need for such a course of action does not appear to be vindicated by the club’s safety record.</p>
3.3.4	<p>Pedestrian Awareness Line 1 delete “to consider” insert “to agree”.</p> <p>Signage should provide a contact name and number should a member of the public wish to report any incidents.</p>	<p>Change “to consider the posting of” to “to post”.</p> <p>Wording on signs to be agreed between ToC and SVGC.</p>	<p>Recommended: That the first sentence of Clause 3.3.4 be amended to read <i>“Warning signs will be erected at each of the entrance points around the perimeter of the golf course.”</i></p>

<p>3.3.6</p>	<p>Key performance indicator – safety improvement program The golf balls strike incident target should be nil in each and every year. The KPI would then be the actual number of incidents compared to zero.</p> <p>There should be a target for installation of safety fences and a KPI measuring actual against the target.</p>	<p>We agree that the target is zero, but the KPI is to reduce the strike incidents year on year.</p> <p>The safety measures that we undertake, if correctly analysed, designed and implemented, will result in this reduction.</p>	<p>The Review Group has supplied a list of perceived safety hazards.</p> <p>Recommended: That the list be incorporated under 3.3.2 as areas of potential concern to be reviewed within the first year of the Management Plan</p>
<p>3.4</p>	<p>Grounds Staff Health and Safety Ground staff occupational health and safety performance is a matter of general administration and is not appropriate in this management plan.</p>	<p>The SVGC wishes to retain this section. It has no detrimental affect to the document.</p>	<p>The inclusion of the section does not detract in any meaningful way from the plan.</p>
<p>4.</p>	<p>SVGC and Town of Cottesloe Annual Review</p> <p>The format and content of the proposed report should be detailed and agreed before the Lease is agreed. It should include summaries of monthly reports and include the time-line series itemised in the above comments.</p> <p>The report should be posted on Town of Cottesloe website.</p> <p>A copy of the SVGC Annual Report to Members including the financial statements must be given to the Council at the same time that it is distributed to club members.</p>	<p>The content of the report is detailed in Appendix A and Appendix B of the Management Plan.</p> <p>The format of the report can be agreed between the TOC and the Club through the period of the Lease. The format of future reports should not be bound by the limits of currently available technology or the skills levels of the current authors.</p> <p>We hold the belief that whatever is required of the SVGC in terms of KPI's and reporting, on the grounds of consistency and fairness, should and must apply to other organisations holding leases with the TOC.</p> <p>Further to that, the ToC itself should be bound by the same KPIs and reporting requirements.</p> <p>The SVGC wishes to be treated in a similar</p>	<p>No change recommended in the absence of any argument as to why the mooted changes are critical.</p>

		fashion to other organisations under ToC control.	
John Davis			
Clause	Submission	SVGC's comment	CEO's Recommendation
2.1.12	<p>New clauses proposed:</p> <p><i>July to December 2005: Finalise locations for four additional bores in Curtin Avenue Railway Reserve in conjunction with Cottesloe Council and Water & Rivers Commission. Obtain quotations and arrange finance (maximum draw-off rate per bore 4 litres/second).</i></p> <p><i>January to June 2006: Install four additional bores with associated pipework and storage tanks. Decommission bore in north west corner of golf course. Reset Forrest/Curtin Ave existing bore to maximum draw-off at 4 litres/second.</i></p>	<p>This initiative would need to be progressed by the TOC rather than the SVGC. The SVGC would be very interested in a partnership approach. Costs would be high. And we believe that the 16 litres/sec achieved will have little overall impact on ground water management within Cottesloe, but we will leave the TOC to determine this.</p> <p>The storage tank approach makes the project more desirable – because water can be sucked into the tank all day and drawn out of the tank only at night. This would increase the benefit, but of course would also impact on costs. Such costs should probably be delayed until the outcome of the Water Corporation's waste water project is known. This project promises an enormous supply of water (the Kwinana desalination plant will deliver 45Glitres annually, the Shenton Park waste water treatment plant pumps over 65Glitres into the Indian Ocean each year). SVGC uses less than 0.1Glitres annually.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>
2.2.5	<p>New clauses proposed:</p> <p><i>July to December 2005: Replant cleared area on east side of 3rd fairway and remove and replace dead eucalyptus on west side.</i></p> <p><i>Plant boundary fence line on north side of 5th fairway with species dense enough to stop golf ball access to Forrest Street.</i></p>	<p>The area on east side of 3rd fairway was cleared by the ToC not the Club. The SVGC is not aware of the reason for this action.</p> <p>We do not believe that the eucalyptus in question is a native to the area. Hence there is no current plan to replace eucalypts.</p> <p>It is likely that height as well as density is required for any such safety measure to be</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>

		effective. Also, refer to 3.3.5 below.	
2.3.2 Wildlife	<p>New clause proposed:</p> <p><i>July 2005 – June 2006: Arrange bird identification observations and recording to form a basis for future monitoring.</i></p>	<p>The Club has already considered such a project and will most likely proceed.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>
2.4.7	<p>Fertilisers etc</p> <p>New clause proposed:</p> <p><i>July to June 2006: Take quarterly subsoil nutrient tests to establish necessary changes to existing fertilizer schedule to achieve zero nutrient level.</i></p> <p><i>Take quarterly soil and leaf tissue tests.</i></p>	<p>See response to D Bibby comment on this section.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>
3.3.5	<p>Safety</p> <p>New clause proposed:</p> <p><i>July 2005 to June 2006: Increase height of bund front of 3^d tee (men's) or move tee to north side of Jarrad Street to protect passing cars. Install view platform at 3^d tee (men's) to allow safe fairway observation.</i></p> <p><i>Install viewing platform at 5th tee (men's) to allow safe fairway observation.</i></p> <p><i>Install trial planting on Forrest Street boundary (see item 2.2).</i></p>	<p>These points will be fed into the Club's safety programme.</p> <p>The Club believes that the height of the bund in front of the 3rd / 12th tee is sufficient – there is no history of accidents at this site.</p> <p>Further to this, raising the height of the bund would negatively affect on the 2nd point within the list – visibility of the 3rd fairway.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>
3.4.9	<p>Safety Ground Staff, Members and Public</p> <p>New clause proposed:</p> <p><i>July 2005 to December 2005: Design and print a standard "Incident Report Form" for use by both staff and</i></p>	<p>Agreed.</p> <p>WorkSafe visited the Club in November 2003 with satisfactory results.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>These goals may neither be achievable or appropriate.</p>

	<p><i>members.</i></p> <p><i>Carryout a full inspection of all work locations and public walking areas with a safety consultant. The aim will be to identify all hazards in need of attention anywhere on the course.</i></p>	<p>The Club's view with respect to pedestrians is that they should be advised of the dangers associated with walking on a golf course.</p> <p>It is likely that a safety consultant would advise against mixing pedestrian and golfer access on the reserves.</p>	
2.1.15	<p>Add Key Performance Indicator</p> <p><i>Salinity level of each bore to be 90% of the previous year's salinity level.</i></p>	<p>Refer to Richard Paterson's comment on this section.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>Quite clearly this goal is unachievable.</p>
2.4.8	<p>Add Key Performance Indicator</p> <p><i>Nutrient contamination of subsoils (parts per million) compared with a target of zero.</i></p>	<p>See response to D Bibby comment on this section.</p>	<p>As indicated previously, KPI's need to be appropriate, achievable and measurable.</p> <p>Quite clearly this goal is unachievable.</p>

Thirteen Individuals			
Clause	Submission	SVGC's comment	CEO's Recommendation
KPI's	<p>Thirteen people believed that the Key Performance Indicators should be removed and/or considerably lessened.</p> <p>Comments made include:</p> <p>"The KPI's add an unnecessary level of reporting. Further to that, any interpretation of the KPI's will always be subjective and open to political interference."</p> <p>"Whilst their inclusion has been an honest and well-meaning gesture by the Club, I do believe that they will lead to continuing and unnecessary division within our community."</p>		<p>The KPI's found widespread support in many of the submissions received.</p> <p>No change is recommended.</p>

	<p>These indicators add an unnecessary burden upon the Club and allow for ongoing political interference in the running of their private affairs.”</p> <p>“They will put too great a burden on the Club”</p>		
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LATE SUBMISSIONS

Cottesloe Coastcare			
Clause	Submission	SVGC’s comment	CEO’s Recommendation
Key Issues	<p>The key issues of direct concern to the Cottesloe Coastcare Association are</p> <ul style="list-style-type: none"> • Hydrological stability • Nutrient stability (Involving management of surface flow to the ocean and nutrient contamination of ground water) • Pest Management (weeds and animals) • Aesthetic continuity 	(Comments not invited from SVGC - late submission)	See comments below.
Hydrological Stability	<p>There is a need to maintain a stable water table because of its influence on coastal plant communities and its interaction with coastal communities and system. This needs to be a principle required of the management plan and there needs to be a requirement for monitoring of performance.</p>	(Comments not invited from SVGC - late submission)	<p>An assumption is made that the stability of the water table is within the direct control of the SVGC and that fluctuations are undesirable.</p> <p>In the absence of any evidence that supports the assumption or provides a comparative framework that facilitates a monitoring process, a KPI cannot be supported in this area.</p>
Nutrient Stability	<p>Nutrient management is a key issue for a high input turf area so close to important natural systems. The principles guiding the management plan need to specify targets for both run off prevention and water table</p>	(Comments not invited from SVGC - late submission)	<p>The SVGC is currently addressing the issue of nutrient management in greater depth with advice from Dr Steven Appleyard.</p> <p>Water run-off is not a critical issue.</p>

	contamination. This will guide the operational, management plan to specify the type, rate and timing of fertiliser usable to meet monitored targets.		
Pest Management	Pest management is a key issue with strong off site implications. Exotic plant species are an important driver of degradation of adjacent foreshore areas and native species indigenous to the area should be used wherever possible. In addition feral animals are a source of degradative processes and the management plan needs to spell out the outcomes required in the management plan.	(Comments not invited from SVGC - late submission)	<p>The undesirability of exotic plants is acknowledged within the Management Plan and a shift towards native plants is clearly envisaged.</p> <p>It has been recommended that “rabbit control and eradication” be listed as a bullet point under item 2.2.5</p>
Aesthetic Continuity	The SVGC is connected to and acts as a backdrop to the coastal foreshore in an extremely highly used and valued coastal recreation zone in which Cottesloe Coastcare Association has been active in restoring natural values. We see great value in maintaining or enhancing the extent to which the environment of the Golf Club complements this progression. We strongly support the use of native species outlined in the draft management plan but would add the desirability to have a specific focus on species that are indigenous to the area. We would happily provide input on this matter with lists of local species that we have gathered as part of our work.	(Comments not invited from SVGC - late submission)	<p>The wording of clause 2.2.3 was specifically designed to facilitate direct input from organisations such as Cottesloe Coastcare.</p> <p>The offer of assistance is keenly appreciated.</p> <p>The amenity of the golf course in its general setting is specifically referred to in the lease agreement.</p>
Summary	There is a requirement for an additional section [in the lease agreement] which deals with the provision in specific detail of the principles on which a management plan would be based. Some of the issues of direct interest to our group are set out	(Comments not invited from SVGC - late submission)	<p>The lease agreement is not the appropriate place in which to be setting out the provision in specific detail of the principles on which the management plan is based.</p> <p>Two years ago groundwater use was not an</p>

	<p>above but there will be others. It would also set out processes for supervision and monitoring of the management plan.</p> <p>Further development of the lease agreement to provide principles for the management plan is the only basis on which future judgements about the agreement “on a reasonable basis” could be made. Alternatively the lease could contain a very detailed management plan that was signed off prior to the lease being granted. If this were the case the time scale of the lease would need to be substantially reduced.</p>		<p>issue.</p> <p>Six months ago nutrient contamination of the marine environment was not an issue.</p> <p>Had the lease been settled three years ago these issues may never have arisen. A management plan may not have been required. The lease agreement is meant to be timeless in a sense while the management plan is meant to capture management issues as they arise.</p>
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The Jarrad Street “A” Class Reserves Review Group (Inc)			
Clause	Submission	SVGC’s comment	CEO’s Recommendation
	<p>The term “Grade A Golf course” has been introduced which may have significance in relation to watering. There is no requirement under the lease for any type or class of course to be operated. Our original submission was designed to tie the matter back to the Heritage Listing. “Grade A” should be deleted from the Management Plan. At the September 1st meeting chaired by Mayor Rowell the SVGC members agreed to let DWB have details of what “Grade A” entailed.</p>		<p>The economic viability of the golf club would appear to be directly linked to its status as WAGA rated course. That the golf club should want to retain this status is perfectly understandable and must influence the way it manages the course. Retention of the reference as a constraint on the way it manages the course is supported.</p>
	<p>We propose that Section 4 of the Management Plan should include a paragraph as follows:-</p> <p><i>“The annual report will include a report showing (a) the annual total volume of water used on the Course (b) the calculated recharge of the aquifer and (c)</i></p>		<p>Agreed. Recommended that the proposed wording be included under part 2.1.13.</p> <p>It should be noted that aquifer recharge rates are based on questionable estimates.</p>

	<p><i>the licence quantity.”</i></p> <p>At the meeting on September 1st chaired by the Mayor it was agreed:-</p> <p>(a) I would submit a schedule of matters we believe should be implemented to eliminate so far as practicable dangers to the public.</p> <p>(b) The list be included as an appendix to the Management Plan.</p> <p>The schedule is:-</p> <p>Hole 2 To prevent errant balls from landing on Harvey field a safety screen should be installed adjacent to the Tee similar to the screen at No. 7 Tee.</p> <p>Hole 3 Locate the Tee on the North side of Jarrad St. Jarrad St (W) was closed because of the higher danger to vehicular traffic. The same risk applies here. This would help reduce the danger to the kindergarten.</p> <p>Hole 5 To prevent balls escaping to Forrest St install a 6 meter high fence adjacent to the Tee on line of flight of sliced shots. To prevent over-hit balls escaping to Marine Parade install a 6 metre high boundary fence on the extension of the approach line of flight.</p> <p>Hole 8 To prevent balls from escaping to Pearce St install a safety screen adjacent to the Tee as for Hole 2.</p> <p>Erect Notice boards at all entrances to the Course warning people of the dangers and the need to proceed with care.</p>		<p>Agreed Recommended: That the list be incorporated under 3.3.2 as areas of potential concern to be reviewed within the first year of the Management Plan</p>
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VOTING

Simple Majority

COMMITTEE COMMENT

The Mayor advised that Cr Jeanes was in attendance at the meeting held on 1 September, not the Acting CEO as stated under Consultation on page 11 of the Works and Corporate Services Committee Agenda. He also commended the parties involved in that meeting.

Cr Strzina commended the CEO on the work undertaken on this complex documentation. Councillors Robertson and Furlong added their thanks to the CEO.

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Endorse the Management Plan (Version 1.5) for the Sea View Golf Club.**
- (2) Request the Sea View Golf Club to consider the encouragement of plovers and magpies on to the course as a wildlife project.**

Carried 9/0

12.1.2 VOLLEYBALL WA - BEACH VOLLEYBALL COTTESLOE BEACH

File No: C2.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 8 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council Volleyball WA's application to hold events on Cottesloe Beach 27 and 28 November, 2004, and to recommend that approval be given.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Beach Policy applies. The policy provides that the CEO may approve applications for beach volleyball events on one playing day per month for the months of December, January, and February and two playing days in March. The application is for two playing days in November in place of one playing day in December, January and February.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Volleyball WA wrote seeking to hold an event over two days in November 2004 in stead of holding one day events in December, January and February this coming summer. The proposed event is part of the National Beach Volleyball Tour end this is the first time in over 10 years that the National Federation has granted a leg of the tour to WA.

CONSULTATION

Council's senior ranger has spoken with WA Volleyball and the Cottesloe Surf Life Saving Club on this matter.

STAFF COMMENT

As there are no other conflicting bookings for Cottesloe Beach for that weekend and as Cottesloe Surf Life Saving Club has no plans to hold events at that time, it is recommended that Council approve the application.

VOTING

Simple majority

COMMITTEE COMMENT

The Mayor requested that Council staff be made aware that a benchmark should be set of 7 days.

12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council approve the application from the Western Australian Volleyball Association to hold beach volleyball events 27 and 28 November 2004 instead of holding one day events on the beach in December 2004 and January and February 2005.

Carried 9/0

12.1.3 COTTESLOE PRIMARY SCHOOL P&C - DONATION

File No: C7.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 8 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

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

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Provision was made in the 2004/05 Budget for a donation of \$15,000.

BACKGROUND

The Cottesloe Primary School P&C made representation regarding a donation in time for this to be included in the 2004/05 Budget. The P&C has now made application by completing the application form as set out in Council's Policy.

The P&C seeks assistance with a project to revamp and outdoor area adjacent to the main playing field. The project entails retaining the south facing slope and creating more seating for spectators. Based on tenders received, the P&C expects the project to cost in the order of \$110,000. The P&C expects to cover \$30,000 of this and has commitments from both the Shire of Peppermint Grove and Town of Mosman Park, and seeks \$15,000 from the Town of Cottesloe.

CONSULTATION

The matter has been discussed with a representative of the Cottesloe Primary School P&C.

STAFF COMMENT

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

<ul style="list-style-type: none"> • The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs; 	<p>Criteria met</p>
<ul style="list-style-type: none"> • The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe. 	<p>As above</p>
<ul style="list-style-type: none"> • The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents. 	<p>As above, the funds will assist the P&C to improve a sporting facility at the Primary School</p>
<ul style="list-style-type: none"> • The funds are required for a new initiative or significant once off project. 	<p>As above, this is a new initiative and a once off project</p>
<ul style="list-style-type: none"> • The applicant has not received a donation from Council within the previous two years. 	<p>The Cottesloe Primary School P&C’s Safety House Committee received donations of \$200 toward its safety house initiative in 2004/5 and 2003/4</p>

It is noted that the P&C’s request is for a small portion of the total project cost, it is providing significant funds and it has gained funding support from the two other Council’s who’s districts are serviced by the school. It is recommended that the donation request be supported.

VOTING

Simple majority

COMMITTEE COMMENT

It was raised that the Cottesloe Primary School is not in the Town of Cottesloe and that as this is a state government asset is it not the type of work that the state government should be funding.

The CEO advised the Committee that contributions to school improvements through local government has been undertaken for a number of years, as the state government only provides basic infrastructure.

The Mayor stated that a large proportion of the school's students are Cottesloe residents.

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council agree to donate \$15,000 to the Cottesloe Primary School P&C for its sporting grounds project.

Carried 9/0

12.1.4 CONSTABLE CARE CHILD SAFETY PROJECT - DONATION REQUEST

File No: C5.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 8 September, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the donation request from the Constable Care Child Safety Project.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council's Donations Policy applies.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Provision was made in Council's 2004/05 budget for a donation of \$1,175 (net of GST) for this purpose. This year donation request is \$1,175 net of GST.

BACKGROUND

The Constable Care program has been conducted at the Cottesloe and North Cottesloe Primary Schools for a number of years now and Council has made a practice of providing financial assistance for this.

This year's program is for a total of four early intervention live presentations and 100 merit awards and Council is asked to contribute part of the cost (\$1,175). Last year water bottles were given out as merit awards and water bottles will be given out again this year. The bottles will have Council's logo and an appropriate Constable Care message.

CONSULTATION

The report author has spoken to representatives at both Primary Schools regarding the Constable Care programs on a number of occasions and both advised that they were happy with the programs and were keen to see them continue.

STAFF COMMENT

The Constable Care puppet show presentations at the two primary schools that service Cottesloe have, according to the Schools and the service providers, been a great success. They have become a regular part of the School's programs. Provision was made in the current budget for a donation.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council donate \$1,175 (net of GST) to Constable Care Child Safety Project (Inc) toward its program at Cottesloe and North Cottesloe Primary Schools for 2004/05.

Carried 9/0

12.2 ENGINEERING

12.2.1 CONDITION OF COTTESLOE BEACH GROYPNE

File No:	E 2.15
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	1 September, 2004
Senior Officer:	Mr Stephen Tindale

SUMMARY

Council resolved in August, 2004 to request Port and Harbour Consultants to provide a quote to update their original Cottesloe Groyne Integrity Study (December, 1998).

That request has been made and that consultant company has replied with a quote of \$7,730 to undertake the work listed in their submission.

With six years of changes at the Groyne site, a lot of the original inspection and survey set-up work will have to be repeated.

The report recommends the acceptance of the quotation.

STATUTORY ENVIRONMENT

Council is vested with the maintenance and management responsibilities of the Groyne. The State Planning Commission would have to be informed of any changes to the site.

POLICY IMPLICATIONS

There are no existing policies relating to this matter.

STRATEGIC IMPLICATIONS

Within Council's Strategic Plan, under the heading 'Governance', Long Term Vision applies to this topic, with decisions being based on the best available advice in the long term interests of the whole community. Under 'District Development', the heading 'Environment' also applies. "Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

The Cottesloe Beach Groyne is a Council asset. Under 'Asset Management', the heading 'Appropriate Planning' applies. "Produce and implement a realistic five year plan for the maintenance of all major assets."

FINANCIAL IMPLICATIONS

There is no allocation in the 2004/05 budget for studies relating to the Cottesloe Groyne. There is a substantial allocation for Beach Maintenance of \$169,923 which should be able to 'carry' this cost, with staff ensuring that expenditure is carefully monitored for this account through the financial year.

BACKGROUND

In December 1998, Council received a consultant engineer's report "Cottesloe Groyne Integrity Study – Breakwater Remediation". This report was paid for in two instalments totalling \$7,975.

The report was based on detailed inspections, surveys and designs, by a company specialising in this work. The conclusions/recommendations from the study included a total estimated cost of \$300,000 for all required public safety and structural integrity requirements or \$140,000 for repairs to reduce public risk.

The 1998/99 and 1999/2000 budgets did not include any adopted funding for the Groyne restoration works.

In March, 1999 the draft four year Principal Activities Plan provisions (commencing 1999/2000) recommended \$120,000 being spent on the Groyne in Year 1 – 1999/2000. This was later modified for reconsideration of expenditure in the 2000/2001 budget.

No funding appears to have been included in any adopted budget since that time.

A copy of a memo was found on file dated 27 May, 1999, from a Councillor to the Mayor and Councillors suggesting that very minor works, only, were required at the Groyne and that the public safety 'problem' could be addressed with a sign "Climbing on the rocks is dangerous – do so at your own risk".

The final result of the consultant's report in 1998 and Council deliberation was that no real short term or long term rehabilitation works took place on the Groyne for either public safety or structural integrity rehabilitation requirements.

CONSULTATION

Discussed by Council in August, 2004. No community consultation has occurred on this matter.

STAFF COMMENT

Discussions with the consultant have indicated that the company has no construction arm and therefore any future works on the groyne would be tendered out, without that company tendering.

If and when works are undertaken at the groyne, the consultant has the capacity to attend, from time to time, to ensure the works are proceeding according to the plans, with day to day supervision being undertaken by Council staff.

This matter has been discussed with the Senior Coastal Manager, Department of Planning and Infrastructure, regarding possible financial help to fund the study and possibly any repairs. A submission has been made for such aid.

VOTING

Absolute Majority

COMMITTEE COMMENT

Nil.

12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council resolves to:

- (1) Accept a quotation of \$7,730 from Port & Harbour Consultants (a division of Worley) for the updating of the 1998 study into the Cottesloe Groyne Integrity; and**
- (2) Have staff continue to consult with the Coastal Facilities section of the Department of Planning and Infrastructure regarding financial help to fund the study and possible future repair works.**

Carried 9/0

12.2.2 RESIDENTIAL VERGE POLICY

File No: X 4.11
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 25 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has no Residential Verge Policy. It has a very large policy on Street Trees plus a whole design manual for Streetscape covering seats, bollards, rubbish bins etc on high use path and verge areas.

There is also Council's Local Law on "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" which gives Council powers to permit or reject installations or activities on the road reserve area.

A policy is needed that provides direction to staff and residents regarding Council's attitude on which way it wishes road verges in the Town of Cottesloe to develop. This would include the application of the Town's Strategic Plan, Mission Statement and Values.

This report proposes a new policy for "Residential Verges".

STATUTORY ENVIRONMENT

The Local Government Act vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" Local Law gives Council significant powers to prevent, allow and control activities on the road reserve.

POLICY IMPLICATIONS

There are no existing policies covering this matter. This report proposes adoption of a new policy.

STRATEGIC IMPLICATIONS

Council's Strategic Plan deals with this matter under a number of headings:

Vision: A safe clean and attractive town.

Mission: To preserve and approve the unique village and coastal character of Cottesloe by using sustainable strategies in consultation with the community.

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

District Development:

- *Environment – Parks and Reserves:* Maximum use of available reserve land for a balance of public recreation and revegetation with local species. Provide clean, safe, sustainably managed areas using 'user pays' principles.
- *Environment – Streetscape:* Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.
- *Town Planning – Sustainability:* Promote the use of sustainable materials, energy and resource conservation and green open space.

FINANCIAL IMPLICATIONS

There are no immediate implications regarding the proposed policy.

BACKGROUND

The street verge is part of the road reserve and, as such, is under the care, control and management of the Town. The street verge is also utilised for underground service provision such as power, water, gas and telecommunications.

Typically, verge treatments throughout the residential areas of the Town include mostly grass, some ground cover and in many cases street tree(s). Whilst the Town is responsible for the maintenance of street trees, it does not generally maintain ground level treatments other than roads and footpaths. The Town does maintain kerb lines and footpaths in a weed free state using chemical controls (Glyphosate), although residents have the choice of undertaking this work themselves, if they do not wish chemical control of weeds on or abutting their property. Residents have scope to establish a range of treatments and are encouraged to maintain the grass or ground cover planted on the verge. Many install, maintain and operate irrigation systems to water their selected verge treatment.

Whilst residents and commercial property owners are encouraged to maintain the verge treatments, the Town does provide a minimum level of service to verge treatments. These vary according to the location. For residential and commercial verges, the Town maintains the footpaths and street trees. The Town also maintains verges that abut the rail reserve, 'street gardens' on cul de sacs and road closures within the road reserve and verges of parks managed by the Town of Cottesloe.

The Town does not maintain verge landscaping of residential or commercial properties. The Town has a responsibility to manage vegetation growth that impedes footpath access. Residents and property owners are requested to remove or prune vegetation in these circumstances, however, if this is not completed within two weeks, the Town undertakes this maintenance to maintain footpath safety.

A new policy should restrict planting to a maximum height of 600mm close to the kerbline and should not permit materials that could be considered hazardous to pedestrians. Impervious materials (such as paving) should only be permitted to provide a pathway from the kerb to the property boundary, and where these have previously been approved. The use of paving to verges should be actively discouraged, with residents being requested to remove paving from the verge.

There are also examples where residents have paved verges, installed structures such as planter boxes and developed verge treatments that not consistent with the new policy proposals.

Such treatments may also have to be removed where liability issues become a major consideration.

The construction of tree houses, tree swings and the installation of play structures is not considered appropriate within the road reserve due to safety issues.

Commercial areas, where paving can be permitted on the road verge, are treated separately to residential areas.

The fundamental underlying principle of the Town's approach to verge maintenance should be to encourage residents to establish and maintain verges that contribute to the landscape amenity of the streetscape, meet the community's requirements for safety, protect the Town's obligations for duty of care and aid in the establishment of unreticulated native vegetation rather than reticulated road verges.

As such, the current practice of encouraging residents to maintain verges that are not the primary frontage (eg corner blocks, cul-de-sacs, or large verge areas fronting main roads) should continue. The Town can facilitate or assist in a limited way, by provision of landscape expertise.

The new policy promotes the advantages of installing and maintaining a native plant area on the verge rather than a reticulated lawn. The environmental benefits are numerous and monetary savings are made by removing the cost of a reticulation system, mowing, fertilising and running a reticulation bore. For large verges (eg Broome Street, Napier Street, Marmion Street, Grant Street and Eric Street) the savings would be substantial, as would be the display of native plants in flower.

This, in turn, improves the speed of absorption of rainfall into the groundwater, and reduces the threat of flooding due to run-off from the verge areas.

CONSULTATION

No community consultation has, so far, taken place. Under Council's draft Consultation Policy, a proposed policy would require a newspaper advert, inclusion on the web page and a newsletter article as a 'must', plus probable letters to ratepayer groups and focus groups.

STAFF COMMENT

The road verge has become an important asset to the Town of Cottesloe. It is Crown land, vested in Council but generally maintained by the property owner and/or resident. Because of the growing concerns regarding liability for accidents on the verge, all care is required to remove obstacles and regularly inspect for a variety of public safety issues.

A 'green' verge dramatically enhances the aesthetics of a town, promoting it as an area to be proud of as well as preserving and enhancing property values.

Many of the major street verges in Cottesloe are very wide ie; road reserve of 40m less a road width of 8m, giving approximately 16m on each side as a verge. If established as a reticulated grass lawn, these areas demand commitment, both in time, money and water. Increasingly, the water used is from a growing number of uncontrolled private bores. These bores continue to pump out a growing percentage of the available groundwater, which within the Cottesloe peninsula, is a finite resource fated to eventually turn salty if the growth of bore water extraction increases.

One way to protect the groundwater, save money on fertilisers, lawn mowing and reticulation repairs, is to establish a low water use verge treatment. This policy includes a 'push' towards the reduction of bore water use on road verges and an increase in the aesthetic use of high quality flowering native plant species, without removing the permission for lawn areas.

VOTING

Simple Majority

COMMITTEE COMMENT

Discussion was held in relation to the demonstration planting areas being undertaken by Council.

The Manager Engineering Services assured the Committee that this policy would not stop residents from landscaping as is currently undertaken, it will provide assistance to those who wish to convert to native vegetation. The policy states what you can and cannot have on the verge, for example play equipment.

Discussion was held in relation to the play equipment that is currently on some resident's verges.

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Agree to apply the requirements of the draft Consultation Policy to inform ratepayers and residents of the contents of the draft Residential Verge Policy; and**
- (2) Consider all comments and changes suggested from the outcomes of the consultation, for formal adoption of the final Residential Verge Policy content, at the November 2004 Council meeting.**

Carried 9/0

12.2.3 TENDER - CAST IN SITU CONCRETE FOOTPATH CONSTRUCTION - THREE YEAR PERIOD

File No: E 1. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 23 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has adopted a five year footpath construction program, based on the replacement of concrete slab paths with cast in situ concrete paths. All years of that program will involve the expenditure of over \$50,000 with one contractor.

Under tender regulations, this requires a tender to be advertised, closed and the results decided on by Council.

Tenders were called for a three year contract to provide the footpath construction service. This tender closed on 20 August, 2004. Three tenders were received and this report recommends the acceptance of the tender lodged by KF Concrete for this contract.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Functions & General) part 4, sub-section 11 applies to this matter:

“Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise.”

Sub-regulation (2) does not apply in this case.

POLICY IMPLICATIONS

Council’s policy on purchasing applies to this subject. All tenders received are Western Australian companies using local produced (metropolitan area) concrete.

PURCHASING POLICY**(1) OBJECTIVE**

- (a) Provide guidance to Council officers when purchasing goods or services.

(2) PRINCIPLE

- (a) General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.

- (b) Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

(3) ISSUES

- (a) While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:
- ensure that expenditure is cost effective;
 - promote ethical behaviour;
 - seek value for money over the life cycle of the product;
 - promote open competition between suppliers; and
 - encourage regional cooperation.

(4) POLICY

4.1 Sustainability

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

4.2 Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

4.3 Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3

ADOPTION DATE: 28 April, 2003

STRATEGIC IMPLICATIONS

Two areas of Council's Strategic Plan apply to this item:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the general community.

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

FINANCIAL IMPLICATIONS

Council has budgeted \$75,000 in the 2004/2005 budget for slab footpath replacement. The estimated cost per square metre for the listed path works allow for the proposed successful tendered price to remove the old slabs and install the new in situ concrete paths.

BACKGROUND

Council has adopted a five year footpath program, which proposes to spend in excess of \$50,000 per year with one selected contractor to install the new paths. This therefore requires a tender to be called. Three year contracts are normal in Local Government with ongoing programs for several years. It reduces work on staff, compared with annual tenders and the cost in time and efficiency in dealing with such tenders. It also increases the interest of contractors in becoming involved and the reduction of tendered prices due to efficiencies of scale. The contract conditions were based on those used by other Councils which have been involved in this type of work for many years.

CONSULTATION

No local resident consultation has occurred regarding this tender. Residents affected with new path construction will be contacted well in advance of actual construction taking place.

STAFF COMMENT

Council has not called for tenders for this type of work in recent years.

The contract calls for the removal of all existing slab paving, forming up and laying of in situ concrete footpaths, mostly 1.5m wide, reinstatement of street verges and reticulation and the creation of pedestrian ramps as required. All services are to be protected or reinstated at the contractor's cost.

Evaluation Process

The evaluation criteria included:

- experience;
- quality of workmanship;
- capacity to perform works program;
- insurances;
- price.

A summary of the tendered prices is as follows:

Contractor	Price/m² (ex GST)	Price pedestrian ramp
Desron Contractors	\$30.90	\$200.00
KF Contractors	\$29.00	\$250.00
Westside Concrete Contractors	\$35.00	\$250.00

In summary, all contractors have the appropriate experience, staffing skills and number of staff to undertake the work.

Staff have contacted KF Concrete, a company that has undertaken a range of concrete footpath work over several years, for the Town of Cottesloe, regarding their ability to perform the works. Insurance details and coverage requirements for Workers Compensation and All Risks will be supplied as per the contract details, if successful.

The price tendered per m² is within Council's budget allowance. Staff believe this company will provide the best value for price service, with the lowest price having been offered. Depot based staff are also very familiar with this company's work and would recommend acceptance.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That the tender, as submitted by KF Concrete, for a schedule of rates for cast in situ concrete footpaths, with a cost of \$29.00/ m² applying, for the period 1 October 2004 to 30 September 2007, as set out in the received submission, be accepted as the most advantageous to the Town of Cottesloe.

Carried 9/0

12.2.4 TENDER - PURCHASE OF VACUUM TRASH - LITTER COLLECTOR

File No: E 1. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 23 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Tenders were called for the purchase of one Vacuum Trash – Litter Collector and closed on Friday, 20 August, 2004. This purchase is budgeted for in the 2004/2005 financial year budget.

Three tenders were received and this report recommends that the tender lodged by Tennant for a Tennant Model ATLV 4300 Litter Vacuum be accepted by Council.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Functions & General) Part 4, sub-section 11 applies to this matter:

“Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise.”

Sub-regulation (2) does not apply in this case.

POLICY IMPLICATIONS

No existing Council policy applies to this matter, other than the Purchasing Policy.

PURCHASING POLICY**(1) OBJECTIVE**

- (a) Provide guidance to Council officers when purchasing goods or services.

(2) PRINCIPLE

- (a) General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.
- (b) Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

(3) ISSUES

- (a) While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:
- ensure that expenditure is cost effective;
 - promote ethical behaviour;
 - seek value for money over the life cycle of the product;
 - promote open competition between suppliers; and
 - encourage regional cooperation.

(4) POLICY**4.1 Sustainability**

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

4.2 Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

4.3 Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3
ADOPTION DATE: 28 April, 2003

STRATEGIC IMPLICATIONS

The most applicable Strategic Plan provision for this purchase is under the heading 'Environment', sub-heading 'Streetscape'. This provides for clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

This machine will remove broken glass, rubbish and litter which would otherwise make the streetscape unsafe, unclean and unfriendly, whilst preserving employee safety at an efficient cost for the service level provided.

FINANCIAL IMPLICATIONS

The 2004/2005 budget provides an allocation of \$63,636 for this purchase, ex GST. The proposed successful tender is for \$67,000. The difference of \$3,364 can be saved from other plant purchases.

BACKGROUND

In the information provided to Council when collating draft budget details, the following was included:

Street cleaning and litter collection, with the Town of Cottesloe, is currently performed on two levels:

1. Use of contractor street sweeping truck which regularly sweeps all of the main streets and, over 12 months, works through every street and road for at least one comprehensive sweep.
2. Depot based staff hand sweep or litter pick all broken glass, debris, rubbish and leaves from Marine Parade and other areas.

Hand sweeping and collection of glass, needles etc is a dangerous as well as time consuming task for staff. This task is extreme on major holidays such as New Years Day. The Marine Parade areas is covered in broken glass and rubbish because of New Years Eve celebrations. Staff work on triple time overtime from sunrise to approximately 2.00pm to remove the worst of the danger to themselves and all pedestrians. Hand sweeping does not give a perfect result with broken glass, and the concern is always there that pedestrians will walk, in bare feet, on remnant glass shards, while staff are working to clean up large areas.

The benefits for the purchase of a machine to undertake the cleaning of Council's streets, verges and paths were seen as:

1. Greatly improved worker safety and pedestrian safety, particularly regarding broken glass and needles.
2. Greatly increased capacity and quality of main street cleaning, including Marine Parade and the town centre streets.
3. Reduction in overtime payments for street cleaning on public holidays.
4. Release of workers from street cleaning/litter collection and into more productive areas, eg local street reconstruction.

5. Ability to suck up cigarette butts and small items from footpaths, parking areas and reticulated lawns.
6. Small machine ability to clean residential and commercial street footpaths, in all weather.
7. Special event cleaning made more efficient and effective.
8. Ability to suck up piles of debris from Norfolk Island pine trees.
9. No extra staff required – less time required for multiple workers during public holidays and special events.
10. Rapid clean up of public car parks after weekends, from broken glass, needles, rubbish etc.

CONSULTATION

No residents were consulted regarding this matter. Council was provided with details for budget consideration. Machine suppliers were consulted and one machine demonstrated.

STAFF COMMENT

The following tenders were received for the supply of this machine:

Tendering Company	Details of Tender	Tendered Price (ex GST)
McDonald Johnston	Madvac CN100 sub compact suction sweeper, 33hp Kubota diesel engine, air cond. Cab, 25km/hr, stainless steel hoppers, adjustable sweep width, 182 litre water tank.	\$85,890 plus options
Applied Cleansing Solutions Pty Ltd	Applied 525HS Compact Cabin Suction Sweeper, Kubota 3 cyl diesel engine, 23.4kw, 36km/hr max speed, 1100mm wide, 1.2m vacuum width, 750 litres litter capacity, air cond. cab, fully enclosed.	\$163,900 (incl. GST)
Tennant Company	Tennant ATLV 4300 Litter Vacuum, 28hp (20.9kw) Kubota diesel engine, ROPS cab with weather package, 26km/hr, 415 litre litter capacity with 2 x 208 litre bins, 1.2m wide vacuum pick up, hand wand with 4 metres of hose, warranty 1 year/1000 hours.	\$67,000

Only the Tennant machine would be within Council's budget capacity to fund. The machine has been demonstrated to staff and has the required performance and capacity. The operation by other Councils has also been discussed. The difference of \$3,364 between budget provision and tender price can be accounted for with savings from other plant purchases.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council resolve to accept the tender lodged by the Tennant Company for the supply of one Tennant model ATLV 4300 Litter Vacuum machine for a total price, as tendered, of \$67,000 ex GST.

Carried 9/0

12.2.5 AUTHORISATION FROM MAIN ROADS WA - ROADWORKS SIGNS

File No: E17. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 17 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Main Roads WA has the only authority to erect road signs, traffic control signals and other devices under the Road Traffic Code. Local Government Authorities can receive authorisation from MRWA to install signs, particularly for road construction and maintenance works if the 'Traffic Management for Roads – Code of Practice' is adhered to, and an 'Instrument of Authorisation' is signed by Council and the Commissioner of Main Roads.

A new Traffic Management Code of Practice has been created and Main Roads WA wish to arrange delegation, to Local Government authorities under Regulation 297(2) of the Road Traffic Code 2000, for the erection of signs on public roads.

This item recommends the signing of the Instrument of Authorisation, with the Town of Cottesloe Common Seal being stamped on the document.

STATUTORY ENVIRONMENT

The Commissioner of Main Roads has the authority to erect road signs, traffic control signals and other devices under Regulation 297(1) of the Road Traffic Code 2000, with authority to delegate this power under section 297(2) of the same Code.

Local Government does not have authority to erect such signs unless the Commissioner has delegated his authority.

POLICY IMPLICATIONS

No existing Council policy is affected by this matter.

STRATEGIC IMPLICATIONS

Under Council's Strategic Plan, the heading "Management" applies. The sub section "Statutory Compliance" requires that all procedures and decisions comply with external and internal statutes.

Without the authorisation of the Commissioner of Main Roads, no road signs to protect the public and staff can be legally erected on public roads.

FINANCIAL IMPLICATIONS

There are no financial implications regarding this matter.

BACKGROUND

Local Government received delegation in 1975 under the previous Traffic Code 1975. The authorisation was restricted regarding rural areas, non-regulatory signs and only under that old code.

This new authorisation will replace all previous authorisation from the Commissioner, under Road Traffic Code 2000.

CONSULTATION

Nil.

STAFF COMMENT

Nil.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council resolve to execute the Instrument of Authorisation from Main Roads WA, for authority to use Traffic Signs and Devices at Roadworks, under Regulation 297(2) of the Road Traffic Code 2000, with the common seal of the Council being stamped on both copies of the document, witnessed in accordance with Council's procedure.

Carried 9/0

12.2.6 MAIN ROADS WA - HEAVY VEHICLE ACCESS PROJECT

File No: X 8.14
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 18 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

Main Roads WA is working on a 'Heavy Vehicle Access Project' which will map all approved routes for heavy vehicle access. This does not include any future extensions or proposals of change for these existing and new routes.

Main Roads WA requests endorsement of these routes or any amendments necessary within any Council area.

The recommendation is that Council endorse the plans showing existing heavy vehicle access routes.

STATUTORY ENVIRONMENT

Only Main Roads WA has the regulatory powers to approve over height, over width, over weight, over length and 'special' permits for vehicles using public roads. Council has the opportunity to comment on very large loads and any new route proposed by MRWA for such loads, but the Minister has powers to over ride any Council decisions on this matter.

POLICY IMPLICATIONS

No existing Council policies are affected by this matter.

STRATEGIC IMPLICATIONS

There are no specific areas of Council's Strategic Plan that addresses this issue.

FINANCIAL IMPLICATIONS

There are no financial implications with this issue.

BACKGROUND

The only route in the Town of Cottesloe shown on any MRWA map for a formal heavy vehicle access is Curtin Avenue into West Coast Highway. The plans on which Main Roads WA are requesting endorsement only show roads that currently operate as 'general endorsement routes under permit conditions'. These roads have carried 'permit required' trucks for many years, with Local Government accepting that they don't need to comment on every load that needs a permit. No problems are seen for the Town of Cottesloe, with these maps and endorsement of the project.

CONSULTATION

No consultation has occurred with residents on this matter.

STAFF COMMENT

The maps requested for endorsement are part of a total project. These maps show what the existing routes are, where the affected Council's have shown no concern in the past, and which can be mapped as a generally approved network for 'permit required' loads.

The West Coast Highway connection to Fremantle via Curtin Avenue has carried this type of loads for many years.

In due course, MRWA will compile other maps to extend old routes or create new routes for heavy haulage, for future Council consideration.

Short term restrictions or restrictions on individual parts of a route (due to roadworks or changed intersections etc) can be applied at any time.

VOTING

Simple Majority

COMMITTEE COMMENT

There was some feeling within the Committee that Council should not endorse the plans, due to not supporting the use of the road by heavy vehicles.

COUNCIL COMMENT

Cr Cunningham spoke against agreeing to endorsement of the Main Roads WA plans as it is adverse to the residents in the area. He would prefer that Council put up a good case for some way of minimising the effect for the loss of amenity for the residents in the area. Pedestrian overpasses for access to the train station should be the very least that the State Government should undertake.

There were a number of Councillors

Cr Stzina, Cr Miller and Cr Morgan also spoke against the motion for the same reasons as mentioned by Cr Cunningham. Should do all we can to discourage the continuation of this highway through our suburb.

The Manager Engineering Services advised that it is probable that if Council does not approve this motion the Minister will override the decision of Council.

12.2.6 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

That Council resolve to endorse the Main Roads WA plans showing proposed Class 2 and 3 Notice Roads within the Town of Cottesloe, for Heavy Vehicle Access.

Lost 8/1

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST 2004**

File No: C7.14
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil
Period Ending: 31 August 2004
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 31 August 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

It will be noted from the Operating Statement on page 3 that operating revenue is within one per cent of the year to date budgeted figures. It should be noted that the larger than expected revenue in the area of the Law, Order & Public Safety is due to Council's participation in the Community Safety and Crime Prevention Partnership Agreement 2004.

It will also be noted from the Operating Statement on page 3, and Nature and Type Statement on page 23, that expenditure for the period to 31 August 2004 is \$298,524 down on the year to date budget. Approximately \$180,000 of this relates to the fact that depreciation has not been run and this will be rectified once the Annual Financial Statements for the year ended June 2004 are completed in October. Other factors contributing to the under spend are timing and accrual factors.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.3.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 August 2004, as submitted to the 21 September 2004 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 AUGUST, 2004

File No: C7.14
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2004
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 31 August, 2004 to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on Page 34 of the Financial Statements shows that \$3,334,193.51 was invested at 31 August 2004. Of this, \$540,491.44 was reserved and so restricted funds. Approximately sixty six per cent of the funds were invested with the National Bank, twenty seven per cent with Home Building Society and seven per cent with Bankwest.

Any potential cashflow problem during the July/August periods was prevented by a combination of factors including early budget adoption, efficient rates postings, good cashflow management regarding creditors and debtors, and the early recoup of main roads grant funding.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.3.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 August, 2004, as submitted to the 21 September 2004 meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST 2004 FOR THE PERIOD ENDING 31 AUGUST, 2004

File No: C7.8
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 August, 2004, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 27 of the Financial Statements, brought to Council's attention include:

- \$10,108.15 to Water Corporation for annual water service charges.
- \$10,847.65 & \$11,048.62 & \$10,878.24 to the West Australian Local Government Superannuation Plan for employee superannuation contributions.
- \$16,275.00 to Fines Enforcement Registry being fees for unpaid parking infringements.
- \$12,350.80 to The Aged Persons Support Service for Council's contribution towards the service for the period ended 31.12.04.
- \$13,843.50 to the West Australian Local Government Association for annual association subscription fees.
- \$16,351.46 to the Building and Construction Industry Training Fund for monies collected by Council in trust.
- \$10,313.60 & \$39,600.00 to Fitzsimmons & Co for installation of lids and side entry pits at 263 Marmion Street and to install 15 soakwells at various locations.

- \$10,309.20 to Playground Solutions for four new playground slides.
- \$32,974.19 to Shacks Holden for a new Holden Commodore Acclaim Wagon.
- \$59,373.85 & \$126,878.13 to The Town of Mosman Park for roadwork's and in particular, Railway Street.
- \$10,381.40 to Jaymar Pumps for servicing bore equipment at the Civic Centre and Cottesloe Oval.
- \$31,705.00 to the Municipal Workcare Scheme being the first 50% contribution toward the workers compensation scheme.
- \$30,400.72 to the Municipal Liability Scheme being the first 50% contribution towards the public liability scheme.
- \$33,709.09 to Shacks Holden for a new crewman cab utility to be used by range services.
- \$81,566.10 to the Shire of Peppermint Grove for Council's quarterly contribution towards the combined library for the quarter ended 30.09.04.
- \$20,870.03 to the Western Metropolitan Regional Council for transfer station tipping fees.
- \$36,716.24 to Wasteless for waste collection services.
- 411,856.47 to the Australian Taxation Office for the July Business Activity Statement.
- \$13,789.59 to Claremont Asphalt for asphalt repairs along Marmion Street and various locations.
- \$17,630.23 & \$49,542.39 for August payroll.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.3.3 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council receive the List of Accounts for the period ending 31 August, 2004, as submitted to the 21 September 2004 meeting of the Works and Corporate Services Committee.

Carried 9/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 AUGUST 2004**

File No: C7.9
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil.
Period Ending: 31 August 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 August 2004, 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 commencing on page 33 of the Financial Statements shows a balance of \$46,473.88 of which \$27,922.43 relates to the current month. Furthermore, a debt of \$13,728.00 is to be credited and raised to another body due to the restructuring of funding arrangements for the post of the Coastcare Officer.

The Property Debtors Report on page 32 of the Financial Statements shows a balance of \$2,702,571.75.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.3.4 OFFICER & COMMITTEE RECOMMENDATION

That Council:

Moved Cr Miller, seconded Cr Furlong

- (1) Receive and endorse the Property Debtors Report for the period ending 31 August 2004; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 August 2004.**

Carried 9/0

12.3.5 WRITE OFF SUNDRY DEBTORS

File No: C7.9
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil
Report Date: 18 August 2004
Senior Officer: Mr Alan Lamb

SUMMARY

The former tenant of Main Marion's Patisserie has a debt outstanding of \$448.74 to Council, being for waste collection services for the period 01-10-03 to 31-12-03. The recommendation is that Council write off this debt.

STATUTORY ENVIRONMENT

The Local Government Act provides that a local government may write off any amount of money (Section 6.12).

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The financial implications to the Council would be a loss of revenue of \$448.74. However this has to be set against costs of recovery action.

BACKGROUND

After several reminders and notices, the debt was passed to recovery agents for collection.

They have been unsuccessful in contacting the tenant and have suggested that further recovery action might not be cost effective.

CONSULTATION

The author of this report has spoken to Council's Environmental Health Officer, the Manager, Corporate Services and the debt recovery agency.

STAFF COMMENT

It is recommended that Council write off the sundry debt of \$448.74 owed by Maid Marion's Patisserie.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.3.5 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council write off the sundry debt of \$448.74 owed by Maid Marion's Patisserie.

Carried 9/0

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

Nil.

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

Cr Robertson congratulated Cr Jeanes, Mr D Bibby and Mr P Robinson on their efforts into the Sea View Golf Club Lease Agreement and Management Plan.

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8.03pm.

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