

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, TUESDAY, 27 SEPTEMBER, 2005**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Mayor announced the meeting opened at 7.02pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Elected Members

Cr Bryan Miller	Deputy Mayor
Cr Patricia Carmichael	
Cr Daniel Cunningham	
Cr Jo Dawkins	
Cr Arthur Furlong	
Cr Peter Jeanes	
Cr Victor Strzina	
Cr John Utting	
Cr Jack Walsh	

Officers

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

Apologies

Nil

Leave of Absence (previously approved)

Mayor Kevin Morgan
Cr Ian Woodhill

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Carmichael, seconded Cr Strzina

- (1) The Minutes of the Ordinary Meeting of Council held on Monday, 22 August, 2005 be confirmed.
- (2) The Minutes of the Special Meeting of Council held on Monday, 12 September, 2005 be confirmed.

Carried 9/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PUBLIC STATEMENT TIME

Mrs M Taylor, 9 Andrews Place – Western Power Curtin Avenue Sub-station

Mrs Taylor referred to the recent article in the Post Newspaper "Power-hungry gadgets rule in Cottesloe" regarding Western Power's plans for its Curtin Avenue sub-station. The article stated that Western Power plans to upgrade the sub-station by 2008 to 132KV capacity to meet the growing demand for power in the area. The upgrade will include the installation of several new transmission power poles adjacent to the sub-station. A development application will be lodged with the Council this month as the first step by Western Power to start the upgrade work next year. On some nights there is very loud noise from the electricity power supply. Mrs Taylor asked is there no way of preventing this noise. Mrs Taylor stated that she hasn't had a good night sleep for sometime.

Ms S Rozon, 96 Grant Street – Road Works at Grant Street/Curtin Avenue Intersection

Ms Rozon noted that no advice was given to residents in relation to the scope and timing of these roadworks. Screening vegetation has been removed from the median strip, will it be replaced? Ms Rozon asked Council if they were aware that No's. 96 and 98 Grant Street now have a dual carriageway directly opposite them and are they concerned about the safety issues associated with this. Also, is Council concerned about the increased complexity of this intersection?

The Manager Engineering Services stated that the construction works are per Main Roads WA plans, complying with both Main Roads WA and Australian Standards. The landscaping on the median strip will be replaced.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 19 SEPTEMBER 2005**

Moved Cr Strzina, seconded Cr Dawkins

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

Carried 9/0

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

11.1 PLANNING**11.1.1 NO 118 (LOT 400) FORREST STREET - TWO 2-STOREY GROUPED DWELLINGS**

File No:	No 118 Forrest Street
Author:	Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant (2) Plans
Report Date:	5 September, 2005
Senior Officer:	Andrew Jackson
Property Owner:	Stirling Stores Pty Ltd
Applicant:	Sharp & Van Rhyn Architects Pty Ltd
Date of Application:	5 September, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R40
Lot Area:	Unit 1 (221m²) Unit 2 (215m²)
M.R.S. Reservation:	Primary Road Reservation

SUMMARY

Council is in receipt of an application to construct two two-storey grouped dwellings 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

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

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Required side boundary setbacks	Proposed reduced Setbacks	Clause 3.3.1 – P1 Clause 3.3.2 – P2
North Ground (Whole)	1.5 1.5	Nil Nil	Clause 3.3.2 – P2
East Ground (whole)	1.5	Nil – 5.0	Clause 3.3.2 – P2
West Ground (carport, U2 living)	1.5	Nil – 1.5	Clause 3.3.2 – P2
West Ground (Store)	1.0	Nil	Clause 3.3.2 – P2
North Upper (whole)	1.2 1.2	Nil Nil – 8.0	Clause 3.3.2 – P2
East Upper (whole U1)	3.9	1.5 – 3.5	Clause 3.3.1 – P1
No 2 - Streetscape	Required front setback for garages	Proposed reduced setbacks	Clause 3.2.3.P3
Unit 1 garage	4.5m could be reduced providing garage is 0.5m behind the dwelling	2.8m	Clause 3.2.3.P3
Unit 2 garage	4.5m	2.0m	Clause 3.2.3.P3

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Nil

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 10 letters sent out. No submissions were received.

BACKGROUND

The Planning Commission granted an approval for creation of a green title lot with an existing residence on it (lot facing Vera Street marked on the plans dated 21 July 2005 with words "*Existing Single Storey House FL 9.740*").

Subsequently the owners applied for subdivision of the rest of the parcel of land into three survey-strata lots as shown on the plans dated 25th August 2005 prepared by Hawker Moss Surveyors.

Lot 1 (facing Vera Street) has an existing building on it which is currently used as an office/residence. It is proposed to retain the existing building on the proposed lot 1 and continue the existing office use.

The current development application is for two 2-storey grouped dwellings on the proposed lots 2 and 3 (lots facing Forrest Street).

The proposed subdivision application referral from WAPC for creation of three survey-strata lots has not yet been finalised and is currently with the Planning Department.

STAFF COMMENTProposed Boundary Walls

It is proposed to have a Nil setback to the rear (north) boundary from the ground level wall (17.0m length of wall). The upper level also is proposed to have a nil setback to the rear boundary (13.5m length of wall).

As a result, the proposal includes a two-storey boundary wall with an average height of 5.7m for the length of 13.5m on the northern boundary of the subject land, which is not in accordance with the Acceptable Development Standards under Clause 3.3.2 of the RDC.

Performance Criteria under Clause 3.3.2 P2 states:

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

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

It could be argued the proposed boundary walls make effective use of space and enhance privacy for the proposed grouped dwellings and the adjoining properties to the north, as the rear walls of the residences on No 1 and 3 Vera Street have windows with a close setback to the rear boundary.

The rear area of the proposed grouped dwellings would also be affected by overshadowing from the adjoining existing residences facing Vera Street and therefore if any windows or courtyards at the rear were a part of the design they would have been affected by overshadowing.

The adjoining properties to the north would not be affected by overshadowing from the proposed development as the shadow from the proposed grouped dwellings would mainly fall towards the front boundary.

The proponent (Stirling Stores) is the owner of the existing office/residence at No 3 Vera Street and the existing residence at No 1 Vera Street. The proposal was advertised to all the adjoining property owners. There were no objections received and therefore it could be concluded that the owners are not concerned with any impact on the amenity of their properties.

It is recommended that the proposed walls on the northern boundary be approved as per the submitted plans dated 27th July 2005.

Privacy/Overlooking

There is minor encroachment of the 4.5m privacy cone of vision from bedroom 3 and Bedroom 2 (on the upper level of Unit 2) into the adjoining properties to the west and north. There were no objections received from the adjoining property owners to the west No 114 Forrest Street. The property to the north is owned by the applicant.

There is also minor overlooking from the upper level Bedroom 3, Bedroom 2 and Sitting Room windows of the proposed Unit 1 into the property at the rear No 1 Vera Street, and the property to the east No 120 Forrest Street.

Again there were no objections received from the affected adjoining property owners. The area subject to overlooking from the Bedroom 2 and the south-facing Sitting Room windows is an area of the existing driveway of the existing 5 units on the corner of Stirling Highway and Vera Street.

It is considered that the non-compliance with the privacy setbacks under the relevant acceptable development of the RDC does not cause any negative impact on the privacy of the adjoining properties and therefore it is recommended that the proposed windows be approved as per the submitted plans.

Buildings in the front setback

The following setbacks to the front boundary are proposed:

	Unit 1	Unit 2
Garage	2.8m	2.0m
Balcony	4.5m	4.5m
House	6.5m	5.5m

The required front setback under the RDC Table 1 in R40 density areas is 4.0m. In accordance with Council's resolution of 2002 Council prefers a 6.0m front setback for all density areas in the municipality.

RDC Clause 2.3.3 contains Acceptable Development Standards and Performance Criteria for assessment of the proposed setbacks for garages and carports.

The proposed parking structures are enclosed on three sides and therefore should be assessed as garages rather than carports. In this case the Acceptable Development Standard Clause 3.2.3 A3.5 of the RDC would be applicable. The proposed front setback of the Unit 1 and Unit 2 garages do not comply with A3.5 as the garages are not located behind the dwellings but directly in front of the proposed residences with seatbacks of 2.0m and 2.8m rather than 4.5m as stipulated under the Acceptable Standard A3.5.

Therefore the proposed front setbacks for the Unit 1 and Unit 2 garages rely on assessment under the Performance Criterion under Clause 3.2.3 P3, which 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 a local Planning Policy No 003 – Garages and Carports in the Front Setback Area, which allows for the following variations to front setback for garages and carports subject to a number of criteria specified in the policy:

- (a) *a garage or carport may, with the approval of Council, be constructed up to 4.5 metres of a primary street alignment where vehicles are parked at right angles to the street alignment and 1.5 metres where vehicles are parked parallel to the street alignment;*
- (b) *a carport may, with the approval of Council, be constructed up to the street alignment;*
- (c) *a carport, garage or the like may, with the approval of Council, be built up to a boundary abutting a secondary street.*

Criteria

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

Further, the location of the building:

- (a) *shall not significantly affect view lines of adjacent properties,*
- (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; and*
- (d) *existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

The proposed setbacks for the garages of 2.0m (Unit 2) and 2.8m (Unit 1) are not in accordance with the setback variations stipulated in Council's Policy 003. The proposed parking structures would also obstruct the view lines of adjacent properties to the street and also obstruct the view of the proposed grouped dwellings from the street.

The proposed garage of Unit 1 occupies the whole of the street frontage and the proposed garage of Unit 2 occupies 72% of the street frontage.

Notwithstanding that Forrest Street is the only available vehicle access for the proposed residences and the frontage is relatively narrow (total length of 15.5m for both units), the proposed garages, being almost fully enclosed with large boundary walls on the western and eastern side boundary and a dividing wall between the units, in addition to having a reduced setback to the front boundary, would dominate the appearance of the dwellings from the street.

It is recommended that the applicant submit amended plans showing the design of the proposed garages being changed to be mostly open structures that could constitute carports in accordance with the Council's Local Planning Policy 003 and the RDC.

The proposed setbacks of the balconies and the dwellings are considered acceptable, as they are in accordance with the requirements of the RDC for front setbacks in R40 density areas, correspond to the existing setbacks in the locality and are not likely to have a negative impact on the existing streetscape.

CONCLUSION

It is recommended that the application be approved as per the plans submitted on the 27th July 2005 subject to standard conditions and a specific condition requiring amended plans being submitted showing the design of the proposed garages being changed to be mostly open structures that could be considered as being carports in accordance with the RDC and the Local Planning Policy 003.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee were concerned that the subdivision approval has not been granted and requested that the application be approved subject to a building licence not being granted prior to the approval of the subdivision.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for Two 2-Storey Grouped Dwellings at No 118 (Lot 400) Forrest Street, Cottesloe in accordance with the plans submitted on the 21st July 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
- (6) The existing redundant crossover in Forrest Street being removed, the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager of Engineering Services.

- (7) Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.
- (8) Revised plans being submitted for approval by the Manager, Development Services, showing the design of the proposed garages being changed to be mostly open structures that could be considered as carports in accordance with the Residential Design Codes 2002 and the Local Planning Policy 003 – Garages and Carports in Front Setback Area.

COUNCIL COMMENT

Cr Walsh stated that the garage is too close to the road and would be intrusive on the streetscape.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for Two 2-Storey Grouped Dwellings at No 118 (Lot 400) Forrest Street, Cottesloe in accordance with the plans submitted on the 21st July 2005, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- (2) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) **The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
- (6) **The existing redundant crossover in Forrest Street being removed, the verge, kerb and all surfaces made good at the applicant’s expense to the satisfaction of the Manager of Engineering Services.**
- (7) **Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.**
- (8) **Revised plans being submitted for approval by the Manager, Development Services, showing the design of the proposed garages being changed to be mostly open structures that could be considered as carports in accordance with the Residential Design Codes 2002 and the Local Planning Policy 003 – Garages and Carports in Front Setback Area.**
- (9) **Approval for the subdivision application is to be granted prior to the issue of a building licence.**

Carried 6/3

11.1.2 NO. 12 (LOT 43) WARNHAM ROAD - TWO STOREY RESIDENCE - AMENDED PLANS, BALCONY EXTENSION

File No:	No. 12 (Lot 43) Warnham Road
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans
Report Date:	7 September, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr W G Rowley
Applicant:	Shayne LeRoy Designs
Date of Application:	3rd August 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R40
Lot Area:	282m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two storey residence. The building was previously approved by Council at the 29th March 2005 round of meetings. The amended plans, the subject of this report, are to increase the size of the ground floor balcony forward of the 6.0m setback line.

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

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town of Cottesloe Town Planning Scheme No 2 – Text**

Council Resolution 28th October, 2002 – 6.0m front setback in residential areas.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per the requirements of the Town of Cottesloe's Town Planning Scheme No 2. The advertising consisted of a letter to Adjoining Property Owners.

Submissions

There was 1 letter sent out. No submissions were received.

BACKGROUND

Amended plans, the subject of this report, were received by Council on the 3rd August 2005. The plans proposed one change to the building approved by Council at the 29th March 2005 round of Council meetings, which was to increase the size of the ground floor front balcony and therefore reduce the front setback to 5.0m. Given the small lot area, the amended plans seek to increase the area of active useable space on site.

The remaining building is the same as previously approved.

STAFF COMMENT

Council resolved at its meeting of 28th October 2002 that:

- '(1) When assessing applications for Development Approval, will:*
..(a) Generally insist on:
(i) a 6.0m setback for residential development in the District, which does not include averaging.'

The proposed building seeks to increase the ground floor balcony in size by encroaching into the front setback area. This modification will reduce the front setback to 5.0m.

Under the R-Codes where design does not meet acceptable development standards (being 6.0m front setback), it must be demonstrated that the following performance criteria (3.3.1 – P1) is addressed:

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

The balcony variation satisfies the first five dot points. In regards to protecting the adjoining neighbours privacy, (dot point six), it is noted that there were no neighbour objections, and although the balcony falls within the 7.5m Cone of Vision requirements of the R-Codes a reasonably constructed boundary fence should restrict overlooking.

Further to the above, Clause 3.2.2 of the R-Codes states that minor incursions into the street setback area are allowable, so long as they do not detract from the character of the streetscape in accordance with the following:

‘A porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than one metre into the building setback area, provided that the total of such projection does not exceed 20% of the frontage at any level.’

The proposed balcony totals 47% of the frontage and does not satisfy the requirements of this clause.

Notwithstanding Clause 3.2.2, it is noted that there were no objections received from the affected neighbour.

In addition to the above comments the subject site is small (292m²), and slopes approximately 3.0m from rear to front. These site constraints, coupled with Council’s 6.0m front setback requirement, have meant that there is only a small area for active use at the rear. It is because of this that the applicant proposes to increase the size of the front ground floor balcony and create a larger more useable outdoor habitable area.

Further to this, the neighbouring property to the west has a reduced front setback to the garage and balcony on the first floor of approximately 5.0m. Given the neighbouring precedent it would seem reasonable to suggest that streetscape will not be negatively affected. In addition, the property to the east consists of flats, and across the street there are a number of garages and houses forward of the 6.0m setback line.

With the above in mind it would seem reasonable that a reduced ground floor setback be approved.

Wall and Ridge Heights

The amended plans did not show wall and ridge heights to AHD. With this in mind, a condition has been added to reflect that of the previous approval in accordance with Councils building height requirements.

CONCLUSION

Given the assessment that has been done it is recommended that the amended plans, regarding a reduced front setback, be approved subject to conditions.

VOTING

Simple Majority

11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the Two Storey Residence - Amended Plans at No. 12 (Lot 43) Warnham Road, Cottesloe in accordance with the plans submitted on 29th September 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
- (6) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
- (7) The wall height being in accordance with Clause 5.1.1 of the Town Planning Scheme where a maximum of 6.0m (23.6 AHD) applies and the ridge height be 25.876 AHD as previously approved.**

Carried 6/3

11.1.3 NO. 90 RAILWAY STREET (LOT 6) – REAR PATIO, GARAGE, TERRACE AND FILL IN THE FRONT SETBACK

File No: No. 90 Railway Street
Author: Mr James Atkinson
Author Disclosure of Interest: Nil
Attachments: Location plan
 Plans
Report Date: 7 September, 2005
Senior Officer: Mr Andrew Jackson

Property Owner: Ms Jane Vince-Jones
Applicant: Ms Jane Vince-Jones
Date of Application: 7 September, 2005

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 668m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a rear patio, garage, and terrace, and fill in the front setback area. The rear patio and terrace are considered acceptable therefore, the crux of this report focuses on the garage, and fill within the front setback area.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

- 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
No.003 Garages and Carports win Front Setback Areas	4.5m max	1.5-2.2m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No.3 Site Works Requirements	A1.1 - Max 0.5m fill between the street alignment and the building	Up to 1.5m	Clause 3.6.2 – P2

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No.2. The advertising consisted of letter to Adjoining Property Owners.

Submissions

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

STAFF COMMENT

Garages Setback

It is proposed that a new two vehicle garage be built between 1.5m and 2.2m from the front boundary. The Town of Cottesloe Policy No. 3 - *Garages & Carports In Front Setback Areas*, states that all parking structures should generally be setback 6.0m from the street frontage, however, Council may permit variations to the required setbacks in certain circumstances, as below:

The variations shall include but not limited to the following:

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

The Policy defines a garage as: "a roofed structure designed to accommodate a motor vehicle and enclosed on more than one side". In this regard a front setback of 4.5m would be necessary.

Notwithstanding this, the policy states that variations shall include '*but not limited to*'. In assessing grounds for varying Council Policy the following criteria can be used:

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

Further, the location of the building:

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

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

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

It is noted that adjacent view lines from neighbouring houses will not be affected and the safe ingress and egress from the property should not be compromised. Point (a) refers to clause 1.2 of the old Residential Planning Codes and therefore should be disregarded. In its place the new version of the R-Codes states that:

'3.2.3 Set back of Garages and Carports.

A3.1 - Garages and carports located behind the street setback line.

A3.2 - Garages and carports built up to the boundary abutting a private street or right-of way which is not the principal frontage for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.

A3.3 - Garages set back 1.5m from a secondary street.

A3.4 - Carports within the street setback area.....

A3.5 - Garages set back 4.5m from the primary street. This may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony) or setback 3m where vehicles are parked parallel to the street alignment.'

The proposed garage does not comply with these requirements. Where an application does not meet the requirements of the Acceptable Development Standards the following Performance Criteria can be applied:

'3.2.3 Set back of Garages and Carports.

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.'

There are no similarly constructed or positioned garages within the immediate vicinity of this lot and therefore its approval up to the front boundary may negatively affect streetscape. Further, a garage this close to the street boundary may set a precedent to allow future garages up to the street alignment, further impacting on streetscape. The Performance Criteria of the R-Codes states that the setting back of garages should not detract from the streetscape. In this case it is concluded, that in association with the proposed fill/retaining, the garage will detract from the streetscape of the area.

In addition to the above, there seems no practical reason why the garage needs to be located so close to the street frontage. The existing house has a single garage built into the dwelling, and although it seems reasonable to allow a double garage, a setback further from the street should be possible. There is 2.4m between the rear of the garage and the landing to the house, and although a new stair configuration will need to be designed it seems possible to push the garage back off the street at least 1.5m and reconfigure the stairs to accommodate the design changes.

The garage location is not supported by Planning Staff in its current form.

Fill in the front Setback

Clause 3.6.1, A1.1 of the R-Codes States (in part):

'excavation or filling between the street alignment and building, or within three metres of the street alignment, whichever is the lesser, not exceeding 0.5m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling.'

The proposed retaining wall seeks a maximum of 1.5m fill. The existing site already has a small retaining wall at the street alignment of approximately 0.8m. The combined height of the existing and proposed retaining wall will be between 2.3m and 2.5m at street level.

Where a development does not comply with the Acceptable Development Standards of the R-Codes, the following Performance Criteria can be applied:

'P1 - Development that retains the visual impression of the natural level of the site, as seen from the street or other public place, or from an adjoining property.'

In this case the natural slope of the land rises from footpath level approximately 2.5m to the front of the building. It may be argued that the proposed retaining and fill will simply be levelling out the site and providing a more useable area. However, a retaining wall of 2.5m (as finished) would not be consistent with the surrounding properties and therefore fail to retain the visual impression of natural ground level. It is noted that the new retaining wall is setback 1.5m from the existing wall, therefore breaking up the appearance at street level, however given the fill and retaining at the front and along the side boundaries, the works will be not in-keeping with the existing streetscape.

Given the above, it is recommended that the retaining wall be lowered by 0.75m. This reduction would mean some retaining would be acceptable, but not at the expense of streetscape and neighbouring properties. Further, the combined height of the existing retaining and proposed would be 1.75m, being the approximate height of a front boundary fence. The staggered retaining would provide some permeable sight lines to the property itself.

CONCLUSION

Given the above assessment, it is recommended to APPROVE the application subject to amended plans addressing an increased garage setback and reduced fill within the front setback.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee commented that the retaining wall would impact on the streetscape and recommended that the following condition be added:

- (5) (c) The front and side retaining walls being setback a minimum of 3.0m from the front boundary at any one point.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Rear Patio and the Garage, Fill/Terrace in the Front Setback at No. 90 Railway Street (Lot 6) , Cottesloe in accordance with the plans submitted on 7 September, 2005 and subsequent plans lodged on the 5th August 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (5) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (a) The retaining wall being reduced by at least 0.75m in height to a maximum of 1.75m from footpath level.
 - (b) The garage being setback a minimum of 3.0m from the front boundary at any one point.

AMENDMENT

Moved Cr Cunningham, seconded Cr Utting

That this item be referred back to the Development Services Committee for further consideration.

Lost 4/5

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Rear Patio and the Garage, Fill/Terrace in the Front Setback at No. 90 Railway Street (Lot 6) , Cottesloe in accordance with the plans submitted on 7 September, 2005 and subsequent plans lodged on the 5th August 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
- (5) Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (a) The retaining wall being reduced by at least 0.75m in height to a maximum of 1.75m from footpath level.**
 - (b) The garage being setback a minimum of 3.0m from the front boundary at any one point.**
 - (c) The front and side retaining walls being setback a minimum of 3.0m from the front boundary at any one point.**

Carried 9/0

11.1.4 NO 38 (LOT 22) LYONS STREET - FRONT FENCE AND CARPORT IN THE FRONT SETBACK

File No:	No 38 Lyons Street
Author:	Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant Submission (1) Plans
Report Date:	7 September, 2005
Senior Officer:	Andrew Jackson
Property Owner:	K & A Biggs
Applicant:	Beaumonde Homes
Date of Application:	7 September, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	644m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a double carport in the front setback and a front fence.

The proposed front fence is of an open aspect design in accordance with the Council's requirements for front fences and therefore is recommended to be approved.

The proposed carport is proposed to be built up to the front boundary (200mm setback). There is an existing carport at the rear of the property with access from the ROW.

Given the assessment that has been undertaken, the recommendation is to refuse the application for a second parking structure on the property (carport) with a 200mm setback to the front boundary.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

- State Register of Heritage Places N/A
-

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Policy 003 - Garages and Carports in Front Setback Area	6.0m front setback generally required; Some discretionary setback variations subject to compliance with certain criteria provided in the Policy 003.	200mm front setback to the proposed carport.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Streetscape Requirements	A3.4 – Carports within the street setback area, provided that the width of the carport does not exceed 50% of the frontage at the building line and the construction allows unobstructed view between the dwelling and street, right of way or equivalent.	Nil front setback to the proposed carport	Clause 3.2.3 – P3

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 2 letters sent out. There was 1 submission received, which was an objection. Please see a copy of neighbours' objection in the attachments.

STAFF COMMENTFront Fence

The applicant also applied for construction of the front fence. The proposed fence within the 6.0m front setback is of a 50% open aspect design, which is in accordance with Council's Fencing Local Law.

Council originally received an objection from the adjoining property to the south regarding the proposed fence on the southern side. The adjoining neighbours do not wish to demolish the existing boundary fence on the southern side, as it is in good condition.

It was difficult to appreciate from the plans that were submitted originally where the proposed fence would be located as the plans did not show lot boundaries.

The applicant had a discussion with the adjoining neighbours and assured them that the proposed front fence will be located within the subject property boundaries.

Proposed Carport in the front Setback

It is proposed to construct a carport up to the front boundary (200mm setback) on the subject property. There is an existing carport at the rear of the property with vehicle access from the ROW.

Council also has a local Planning Policy No 003 – Garages and Carports in the Front Setback Area, which allows for the following variations to front setback for garages and carports subject to a number of criteria specified in the policy:

- (a) *a garage or carport may, with the approval of Council, be constructed up to 4.5 metres of a primary street alignment where vehicles are parked at right angles to the street alignment and 1.5 metres where vehicles are parked parallel to the street alignment;*
- (b) *a carport may, with the approval of Council, be constructed up to the street alignment;*
- (c) *a carport, garage or the like may, with the approval of Council, be built up to a boundary abutting a secondary street.*

Criteria

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

Further, the location of the building:

- (a) *shall not significantly affect view lines of adjacent properties,*
- (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; and*
- (d) *existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

RDC Clause 3.2.3 contains five acceptable development standards to be used for assessment of front setbacks of garages and carports. The following Acceptable Development Standards are relevant to the proposed carport on the subject property:

A3.1 Garages and Carports located behind the street setback line;

A3.4 Carports within the street setback area, provided that the width of the carport does not exceed 50% of the frontage at the building line and the construction allows unobstructed view between the dwelling and street, right of way or equivalent.

The proposed carport does not exceed 50% of the frontage of the subject lot and it could be concluded that it would allow for unobstructed view between the house and the street.

In regards to satisfying the Local Planning Policy 003 requirements, the applicant only provided a letter stating that the reason for the proposed carport in the front

setback is that the owners of the property have a large four wheel drive, which is not able to access the rear carport via a ROW due to a tight turning circle.

The ROW adjacent to the rear of the subject property is owned by Town of Cottesloe and is 5.0m wide. The existing garage at the rear has a setback of more than 1.0m to the rear boundary, which gives a turning circle of more than 6.0m. The RDC stipulate that a 6.0m turning circle is sufficient for manoeuvring of vehicles.

The majority of the existing residences on the eastern side of Lyons Street, which have access to the ROW, comply with the required front setback of 6.0m. The proposed carport with a 200mm setback to the street would have a negative impact on the existing streetscape of the locality and may cause precedent for similar applications.

In addition to the above Clause 3.5.4 of the RDC states:

A4.1 Access to on-site parking to be provided, where available, solely from a right-of-way available for the use of the relevant lot and adequately paved and drained from the property boundary to a constructed street, or from a secondary street where a right-of-way does not exist.

In the case of the subject property there is a ROW at the rear, which is publicly owned and is used by many properties abutting it. The subject property in fact has an existing parking structure (garage with three garage doors) with access of the ROW already.

The following Performance Criterion is also provided under Clause 3.5.4:

P4 Vehicular Access provided so as to minimise the number of crossovers, to be safe in use and not to detract from the streetscape.

It is considered that the proposed carport in the front setback in addition to already existing garage at the rear does not satisfy the above Performance Criterion as:

- The proposed development does not achieve the aim of minimising the number of crossovers and
- It is considered that it would have a negative impact on existing streetscape, as the majority of the residences in the locality comply with the required front setback.

Open Space Requirements

The total site area of the subject lot is 644m² as the property is located in the R20 density area the required percentage of open space is 50% of the site area being 322.5m².

Construction of an additional parking structure may cause non-compliance with the open space provisions of the RDC for R20 density areas. The applicant did not provide open space calculation and the plans were insufficient to determine compliance with the open space requirements.

Building Licence Issues

It is proposed to have eaves of the carport up to the northern boundary. The northern side of the carport is of an open aspect design, it has a solid wall up to 600mm with wrought iron over.

As proposed the structure does not comply with the Building Code requirements in regards to fire separation distances. BCA requires that the eaves of the carport are setback a minimum of 500mm from the boundary.

The applicant verbally advised that the northern side of the carport could be made a solid brick wall. Having a boundary wall on the northern boundary within the front setback is not in accordance with the open aspect fencing requirements.

The application would have to be re-advertised to the affected adjoining property owners to the north to give them an opportunity to make their comments regarding a boundary wall on the common boundary between No 36 & No 38 Lyons Street.

CONCLUSION

It is recommended that the proposed front fence be approved as it is of 50% open aspect design in accordance with the Council's Fencing Local Law.

It is recommended that the proposed carport in the front setback be refused as:

- It is considered that the justification provided by the applicant does not satisfy the criteria in the Local Planning Policy 003 – Garages and Carports in the Front Setback Area;
- It is considered that the proposed carport with a 200mm setback to the front boundary would have a negative impact on the existing streetscape in the locality and would potentially cause a precedent for similar applications;
- The proposal does not satisfy the Acceptable Development Standards and Performance Criteria of the RDC Clause 3.5.4 – Vehicular Access;
- Construction of an additional parking structure may cause non-compliance with the open space provision of the RDC for R20 density areas. The applicant's plans were insufficient to determine compliance with the open space requirements.
- The existing parking structure at the rear of the property is adequate, it provides covered parking for two (or possibly three vehicles) and the width of the ROW is 5.0m, which with a setback of the existing garage to the rear boundary being approximately 1.0m provide a sufficient turning circle for manoeuvring of vehicles.

VOTING

Simple Majority

11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) GRANT its Approval to Commence Development for the front fence at No 38 (Lot 22) Lyons Street, Cottesloe in accordance with the plans submitted on the 12th September 2005 and additional plans received on the 15th September 2005, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
- (2) Refuse the application for a double carport in the front setback area at No 38 (Lot 22) Lyons Street, Cottesloe in accordance with the plans submitted on the 12th September and additional plans received on 15th September 2005 for the following reasons:**
 - (a) Council considers that the justification provided by the applicant does not satisfy the criteria in Local Planning Policy 003 – Garages and Carports in the Front Setback Area;**
 - (b) Council considers that the proposed carport built up to the front boundary would have a negative impact on the existing streetscape in the locality and would potentially cause a precedent for similar applications;**
 - (c) The proposal does not satisfy the Acceptable Development Standards and Performance Criteria of the Residential Design Codes Clause 3.5.4 – Vehicular Access;**
 - (d) The proposed parking structure for two additional vehicles is in excess of two parking bays that would normally be required for a single residence. The existing garage at the rear of the property is adequate; it provides covered parking for two vehicles and with the width of the ROW being 5.0m and a setback of the existing garage to the rear boundary being 1.0m it has sufficient turning circle for manoeuvring of vehicles.**
- (3) Advise the submitters of this decision of Council.**

Carried 8/1

11.1.5 NO 5 (LOT 6) EILEEN STREET - FRONT WALL

File No:	No 5 (Lot 6) Eileen Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plan
Report Date:	6 September, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	G.F. & E.M. Waring
Applicant:	G.F. & E.M. Waring
Date of Application:	27th July 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R60
Lot Area:	691m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a front wall, with two aluminium gates, one for vehicular access, the other for pedestrian access.

Given the following assessment the application has been recommended for APPROVAL with conditions.

STATUTORY ENVIRONMENT

- Town of Cottesloe Fencing Local Law.

POLICY IMPLICATIONS

- N/A.

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE**

- Town of Cottesloe Fencing Local Law

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.

STAFF COMMENT

Assessment of the fence needs to be in accordance with Council's Fencing Local Law, which states (in Summary):

'That the fence be of an open aspect design:

- *Lower portion of infill panel may be solid to a height of 900mm;*
- *The remainder of the infill panel above 900mm shall be 50% open aspect, with a minimum gap of 50mm between palings, to a maximum height of 1.8m;*
- *Columns, piers and posts not to be higher than 2.1m, and not to exceed 600mm x 600mm in depth and breadth and shall not be closer than 1.8m from adjoining piers.'*

The proposed wall is of a solid masonry construction, with two visually permeable aluminium gates – one for vehicle access, and one for pedestrian access. The wall ranges in height from 1.8m on the eastern boundary, to 2.1m on the western boundary. The four pillars have heights of 2.2m, 2.4m, 2.3m and 2.4m respectively.

Given the wall does not comply with Council's Fencing Local Law, it is recommended that the application be approved subject to amended plans being lodged showing the front fence being modified to reflect the requirements of the Local Law, in respect of open aspect and maximum 2.1m pillar height.

CONCLUSION

Given the above assessment, it is recommended to APPROVE the fence subject to amended plans.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Front Screen Wall at No 5 (Lot 6) Eileen Street, Cottesloe, in accordance with the plans submitted on 27th July 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (2) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Revised plans being submitted for approval by the Manager, Development Services, showing the front boundary fence being modified to provide an “Open Aspect Fence”, in accordance with the Town of Cottesloe’s Fencing Local Law, where any front fence needs to be a minimum of 50% open aspect with infill panels being a maximum of 1.8m in height and pillars a maximum of 2.1m.

Carried 9/0

11.1.6 NO 12 (LOT 26) ROSENDO STREET - SUBDIVISION OF THE ORIGINAL LOT INTO TWO LOTS - REFERRAL FROM WAPC

File No:	No 12 Rosendo Street
Author:	Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Subdivision diagram Heritage assessment
Report Date:	7 September, 2005
Senior Officer:	Andrew Jackson
Property Owner:	A. & D. Rogers
Applicant:	Peter Driscoll & Associates
Date of Application:	7 September, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	1280m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of a subdivision proposal referral from WAPC. The proposal is for creation of a 418m² green title lot at the rear of the subject property with vehicle access from the ROW and a 1.5m pedestrian access to Rosendo Street running along the eastern side boundary.

Given the assessment that has been undertaken, the recommendation is to advise WAPC that Council objects to the proposed subdivision for the reasons outlined further in this report.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- | | |
|-------------------------------------|------------|
| • State Register of Heritage Places | Permanent |
| • TPS No 2 | Schedule 1 |
| • Town Planning Scheme Policy No 12 | N/A |
| • Draft Heritage Strategy Report | N/A |
| • Municipal Inventory | Category 1 |
| • National Trust | Listed |
-

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 6.1.1	Conservation and preservation of places in Schedule 1 of TPS2	The proposed subdivision is not in accordance with the aim of TPS2 to conserve and preserve places in Schedule 1.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

Consultation with the adjoining property owners is not required in case of subdivision referrals.

Consultation with the Heritage Council is desirable. The Planning Department sent a referral letter to the Heritage Council on the 9th September 2005. If any new information is received from the Heritage Council prior to the full Council meeting all Councillors would be informed via a memo.

Note that the WAPC as decision maker is required to consult with the Heritage Council directly and is required to have regard to its advice.

Internal

- Building
- Engineering

External

Letter to Heritage Council was sent on the 9th September 2005.

STAFF COMMENT

The subject lot is located on Rosendo Street between Marine Parade and Avonmore Terrace and is zoned Residential with the density coding of R30.

The proposed subdivision complies with the RDC requirements for minimum and average site areas for lots at R30 density, which are 270m² minimum lot size and 300m² average.

The total size of the existing lot 26 (No 12 Rosendo Street) is 1317m². The proposed lot sizes are:

- 899m² - the larger lot with the heritage listed building (Belvedere) located on it;

- 418m² - the rear lot with vehicle access from the ROW and pedestrian path to Rosendo Street.

Notwithstanding compliance with the site area requirements of the RDC there are other issues with the proposed subdivision that need to be considered.

The existing house at No 12 Rosendo Street (Belvedere) is listed on the following registers:

- State Register – permanent category;
- TPS 2 Schedule 1;
- Municipal Inventory – Category 1.

Listing on the State Register requires the decision making authority to seek comment from the Heritage Council on any application for development or subdivision, prior to the decision being made.

Notwithstanding that in case of subdivisions the WAPC is the decision making authority, the subdivision referral was sent to the Heritage Council by the Council's Planning Department.

Clause 6.1.1 of the TPS 2 states:

The Council considers that the places of natural beauty, and historic buildings, and objects of historic or scientific interest listed in Schedule 1 should be conserved and preserved.

Council needs to consider whether the proposed subdivision would have a negative impact on Belvedere and whether it is in keeping with the aim under the above clause to preserve and conserve buildings and places listed on Schedule 1.

It is stated in the "Register of Heritage Places – Assessment Documentation" (Heritage Council website):

"Belvedere is distinctive in representing a type of large, limestone seaside residence, in large grounds, which is becoming increasingly scarce through redevelopment of sites."

The above document under paragraph 13.2 also provides the following information:

Belvedere is sited in large grounds on the hill overlooking the ocean in Cottesloe. The house is in close proximity to Le Fanu (c1895) and Burt's Summer Residence (1896). At the time of construction the grounds of the house extended to the ocean front terrace (Marine Parade). The land in front of the house has subsequently been sold and developed for housing.

If the proposed subdivision is approved with the lot size of 899m² for the front lot (with Belvedere located on it), the majority of the site will be occupied by the existing house and verandahs and in addition to that there could possibly be an application for a covered car-parking area in the future, which would potentially occupy an additional area of approximately 30m².

The proposed subdivision plans show that the existing carport will be demolished. There are no details of any new car parking area for Belvedere on the subdivision plans. Any new parking structures at the front of the property would have a negative impact on the heritage value and authenticity of Belvedere and is not considered desirable.

Notwithstanding the heritage considerations, any new car parking structures in the front setback would not be in accordance with the requirements of the RDC and Council's Planning Policy 003 – Garages and Carports in the Front Setback area and would have a negative impact on the existing streetscape.

If a parking structure is located on the eastern side it would then be located further forward towards Rosendo Street frontage. The width of the area between the house verandah and the proposed new boundary is not sufficient for a double carport or garage, unless tandem parking is proposed.

It is considered that the following would have a negative impact on Belvedere, which has State heritage significance:

- Further reduction of the site area of Belvedere would reduce the area of open gardens and unbuilt area around the house. This would affect the significance of the place as being an example of a grand beachside home in a spacious setting.
- Any new parking structures at the front or visible from the street would potentially affect the authenticity and integrity of the historic building.
- Location of a new modern dwelling at the rear of Belvedere in such close proximity would further exacerbate the fact that Belvedere which is known as a fine example of a grand beachside residence on large grounds is now being further crammed in by new development around it.
- The height, design, setbacks, location of windows and outdoor living areas could have a negative impact on future use of Belvedere. Potential overshadowing and overlooking issues might result in future applications for further changes to the heritage building, which would not be desirable.
- The proposed subdivision would potentially result in construction of new fences along new boundaries, removal of existing mature trees at the rear, and removal of existing established garden and limestone retaining walls. All of this would potentially have a negative impact of the integrity of the historic building.

CONCLUSION

Taking into account all of the above it is considered that the proposed subdivision would have a negative impact on the aesthetic, historic and social value of Belvedere and is not in keeping with the aim of conservation and preservation of places on Schedule 1 of TPS 2.

It is recommended that Council advise WAPC that it objects to the proposed subdivision for the reasons outlined in Office's Recommendation section of this report.

VOTING

Simple Majority

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council resolves to provide the following response to WAPC regarding the proposed subdivision referral dated 16th August WAPC No 129123, which involves creation of a green titled lot at the rear of No 12 (Lot 26) Rosendo Street/Belvedere in accordance with the plans dated 10th August 2005:

- (1) Council objects to the proposal for the following reasons:**
 - (a) The proposed subdivision would have a negative impact on the important heritage site that is registered on the State Register, Schedule 1 of the Town of Cottesloe Town Planning Scheme No 2 and category 1 on the Municipal Inventory.**
 - (b) The proposed subdivision plan shows that the existing carport at the rear would be removed. The applicants did not specify the location of the proposed parking for Belvedere. Location of any new parking structure at the front of Belvedere would have a negative impact on the heritage building as seen from the street.**
 - (c) Location of a new modern dwelling at the rear of Belvedere in such close proximity would further exacerbate the fact that Belvedere which is known as a fine example of a grand beachside residence on large grounds is now being further crammed in by new development around it.**
 - (d) The height, design, setbacks, location of windows and outdoor living areas could have a negative impact on future use of Belvedere. Potential overshadowing and overlooking issues might result in future applications for further changes to the heritage building, which would not be desirable.**
 - (e) The proposed subdivision would potentially result in construction of new fences along new boundaries, removal of existing mature trees at the rear, removal of existing established garden and limestone retaining walls, all of this would potentially have a negative impact of the integrity of the historic building.**
- (2) The proposal involves a building that has a permanent listing on the State Register and therefore should be referred by WAPC to the Heritage Council for comment prior to any decision being made;**
- (3) If the Commission after consultation with the Heritage Council is of the opinion that the proposed subdivision should be granted approval the Commission should request the following:**
 - (a) No parking structures or any other new buildings being placed at the front of the property;**

- (b) WAPC in consultation with the Heritage Council and Town of Cottesloe should enforce specific design guidelines incorporating restrictions on height, setbacks, design, materials and colours for any new buildings on the proposed new lot, such design guidelines should be placed as a restrictive covenant on the title and any prospective purchasers be advised of restrictions being placed on the future development on the subject site.
- (4) The WAPC should seek further advice of Council regarding local government conditions to be included as part of the subdivision approval if the WAPC is of the opinion that an approval should be granted.

Carried 9/0

11.1.7 TPS2 AMENDMENT 40 – REZONING OF NO. 14 (LOTS 50 & 51) EDWARD STREET, COTTESLOE FROM PLACE OF PUBLIC ASSEMBLY TO RESIDENTIAL R20

File No: D2440
Author: Ms Lilia Palermo
Author Disclosure of Interest: Nil
Attachments: Location plan
Submission (1)
Amendment document
Report Date: 13 September, 2005
Senior Officer: Mr Andrew Jackson

PURPOSE OF REPORT

For Council to finally adopt proposed Amendment No. 35 to Town Planning Scheme No.2, which rezones the subject property No 14 (lots 50 & 51) Edward Street from Place of Public Assembly to Residential with the density coding of R20.

Rezoning would allow for the subject property to be subsequently subdivided into three green titled lots for residential purposes with the existing church building being kept and adopted for residential use.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

At its meeting of 23rd May 2005 Council resolved to adopt Scheme Amendment No. 40 to TPS 2 for the purpose of advertising. A copy of the proposed amendment was forwarded to the Environmental Protection Authority on the 4th July 2005 and the Western Australian Planning Commission on the 29th July 2005. The Amendment was placed on public exhibition for 42 days with the advertising finishing on the 9th September 2005. One submission was received during the advertising period, which was in support of the proposed Scheme Amendment.

STAFF COMMENT

The purpose of the proposed amendment is to rezone the subject property No 14 (Lots 50 & 51) Edward Street from Place of Public Assembly to Residential with a density coding of R20.

There is an existing church building – Cottesloe Christian Church - located on the subject property. Cottesloe Christian Church is listed as a category 2 building on the Council's Municipal Inventory and is also listed in the Local Planning Policy No 12 – Places of Cultural Heritage Significance.

The proposed rezoning of the subject property from Place of Public Assembly to Residential would help Council achieve the aim of protecting and conserving the Cottesloe Christian Church building by allowing it to be restored and adapted to be used for residential purposes. The proposed amendment will also facilitate redevelopment of the rest of the land with residences of the same type and form as the residences in the surrounding local area.

CONCLUSION

The necessary advertising was carried out; one submission in support of the proposed amendment was received, which is recommended that Council note. Council now needs to resolve to adopt the Scheme Amendment for it to proceed for final approval by the Minister for Planning and Infrastructure.

VOTING

Simple Majority

11.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) In pursuance of Section 7 of the Town Planning and Development Act (as amended) hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 by:**
 - (a) Rezoning No 14 (Lots 50 & 51) Edward Street from Place of Public Assembly to Residential with a density coding of R20 in accordance with the Scheme Amendment map; and**
 - (b) Adding particulars relating to the site to Schedule 5 of the Scheme Text.**
- (2) Adopt the recommendation to note the single submission in support of the amendment.**
- (3) Adopt the amendment for the purpose of seeking the final approval of the Minister for Planning and Infrastructure.**
- (4) Authorise the Mayor and Chief Executive Officer to sign the amendment documents and affix the Town's seal thereto.**
- (5) Forward the amendment documents, together with a copy of Council's resolution on final approval, particulars of the steps taken to advertise the Amendment, a copy of the submission made on the Amendment and advice of Council's recommendation in respect of the submission, to the Western Australian Planning Commission for presentation to the Minister for Planning and Infrastructure for final approval of the Amendment.**

Carried 9/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 20 SEPTEMBER 2005

Moved Cr Strzina, seconded Cr Carmichael

That items 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.1.8, 12.1.9, 12.1.10 be withdrawn from en-bloc voting.

Carried 9/0

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

12.1 ADMINISTRATION**12.1.1 COTTESLOE WADING POOL - BEACH POOL ACTION GROUP - FEASIBILITY STUDY**

File No:	E2.13
Author:	Mr Alan Lamb
Author Disclosure of Interest:	Nil
Report Date:	12 September, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to bring this matter back to Council for clarification as to the next step in the process of assessing the proposed beach pool and what should be done with the wading pool.

Also to recommend that

- Council resolve to commence the process to convert the existing wading pool structure into a water feature, and
- make a decision in relation to its support or not for the proposed lap pool without going to the further expense of a feasibility study at this time.

STATUTORY ENVIRONMENT

Cottesloe Beach is zoned as "Parks and Recreation" under the *Metropolitan Region Scheme*. Any development proposal for the beach will require the approval of the WA Planning Commission.

The WA Planning Commission also has a special interest in the area in that one of its objectives is to prepare a foreshore management plan for the coastal section north of the Cottesloe Surf Life Saving Club to North Street to complement the *South Cottesloe Foreshore Management Plan*.

It is likely that some form of environmental assessment will be required under the *Environmental Protection Act 1986*.

The marine swimming pool will have to satisfy the requirements of the *Health Act (Swimming Pool) Regulations 1964* which provide that:

“swimming pool” means any swimming pool that is used by or in connection with any club, school, business, association or body corporate and, subject to the context, includes all premises, buildings and equipment used in connection with the swimming pool.

It has been established that the wading pool does not have to comply with the *Health Act (Swimming Pool) Regulations 1964* however water quality will have to be adequately addressed.

POLICY IMPLICATIONS

Council’s *Beach Policy* applies. The policy’s primary objectives include the objective to avoid irreversible uses of the beach reserves that reduce the options for the future.

The *Beach Policy* provides that:

No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.

Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve’s capacity and having regard to the objects of this policy.

In the context of Cottesloe, it is Town of Cottesloe’s intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve are acceptable to Cottesloe.

STRATEGIC IMPLICATIONS

One of the objectives of Council’s strategic plan is for “...a clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of dune and marine environs.”

FINANCIAL IMPLICATIONS

As reported to Council in February 2005, it is expected that a feasibility study would cost between \$20,000 and \$30,000 and based on this a \$25,000 provision was made in the 2005/06 budget for “Consultants” in the area of Swimming Areas and Beaches.

Cost estimates have been confirmed by recent enquiries based on a study focusing on establishing that the selected location is the most appropriate and confirming that the pool could be built and maintained without any need for Council contributions.

BACKGROUND

Wading Pool

The wading pool was closed for use in February/March 2001 due to water tests indicating the water supplied used to fill the pool was contaminated. The pool’s operation was a fairly simple arrangement where the pool was filled each morning, in

the warmer months, from a nearby bore then emptied each evening (a gravity drain over the sand).

The situation concerning water quality was first reported to Council's March 2001 meeting. The report noted public liability issues and the like and recommended that Council permanently close the pool, remove the structure and that provision be made in the budget for more shade and shower facilities to replace it. Council resolved as follows:

That the matter be deferred, pending more information and alternatives for the facility and the water supply.

In April 2001 the matter was brought back to Council with further information that noted the Health Department had written to all Councils on the "Supervision of Aquatic Facilities" prompted by recent drownings. The report indicated that Council would be liable at law in the event of a drowning. It also stated that the wading pool was a "swimming pool" as defined by the *Health Act (Swimming Pool) Regulations 1964* and would have to comply with those regulations.

The report indicated that costs in the order of \$50,000 for capital works and \$50,000 for annual operation was not unrealistic and proposed a small children's water feature play area as an alternative. The recommendation to Council was as follows:

That Council:

- (1) Permanently close the beach wading pool on the grounds of public health and safety; and*
- (2) Obtain a design and costings for an alternative children's facility on the same site that incorporates shade and water features in a safe environment.*

Council resolved as follows:

That Council:

- (1) Request administration to obtain costings to re-open the Cottesloe Beach wading pool and operate it in full compliance with relevant requirements, including those relating to health and safety;*
- (2) Obtain a design and costings for an alternative children's facility on the same site that incorporates shade and water features in a safe environment;*
- (3) Hold a public meeting once relevant costing information is available to gauge community support for each option;*
- (4) Request administration to investigate sponsorship options.*

In October 2001 a Councillor raised the matter of progress in relation to the April 2001 resolution and Council resolved as follows:

That Council direct administration to:

- (1) *Expedite the study of future options for the Cottesloe beach wading pool or water feature playground as agreed by Council on 30 April, 2001; and*
- (2) *Examine immediate options to have the wading pool re-opened as soon as possible on an interim basis for the coming summer beach season.*

In November 2001 it was reported that the Health Department had assessed that the wading pool was **not** a "swimming pool" for the purposes of the *Health Act (Swimming Pool) Regulations 1964* however Council would need to meet water quality and other safety standards.

An engineering firm with pool design/construction experience had also assessed the pool and recommended a water system and associated structural alterations (that included a new non-skid surface for the bottom) which would cost \$146,160.

Allowing for a contingency appropriate shade structures etc the budget estimate was \$170,000. The officer recommendation was:

That Council:

- (1) *Amend the 20001/02 Budget to include provision of \$170,000 for capital works on the Cottesloe Beach Wading Pool.*
- (2) *Call tenders and or quotations to bring the water supply and maintenance system of the Cottesloe Beach Wading Pool up to an acceptable standard.*
- (3) *Delegate power to the CEO to accept tenders up to a maximum amount that together do not exceed \$170,000 for the project to bring the water supply and maintenance system of the Cottesloe Beach Wading Pool up to an acceptable standard.*

The Works and Corporate Services Committee resolved to make the following recommendation to Council:

That Council:

- (1) *Note the Cottesloe Beach Wading Pool is beyond economical repair to bring it to an acceptable standard; and*
- (2) *Arrange for the current structure to be demolished.*

This motion was lost at the Council meeting on the Mayor's casting vote.

In July 2002 a report was put to Council detailing the process so far and noting, among other things, that an engineering firm GHD had completed testing on the structure of the wading pool and a report on its expected life. The report said that the reinforced concrete forming the pool was in "generally good condition". Apart from some delamination which need to be repaired and monitored and rusting pipe work (water feed and drain) which need some attention, wide spread corrosion of the reinforcing was unlikely to occur for a proximately 100 years. Sealants in joints and walls appeared to be in good condition. The officer recommendation to the Works and Corporate Services Committee was:

- (1) *That the 2002/2003 budget be amended to provide \$ 20,000 for the investigation and design of modifications to the wading pool and provision of a salt water supply.*

- (2) *That Ninnes Fong and Partners be engaged to provide a report to:*
 - (a) *Review the technical information now available;*
 - (b) *Investigate the options for an acceptable water supply to the pool;*
 - (c) *Investigate the need for repair and modification the wading pool;*
 - (d) *Prepare a design concept;*
 - (e) *Prepare cost estimates; and*
 - (f) *Report on relevant safety issues.*

The committee referred the matter through to full Council for further consideration because it felt that Council needed to resolve the fundamental question of whether there was a future for the wading pool or not.

At the Council meeting Cr. Whitby tabled the following recommendation.

That Council:

- (1) *Resolve to retain the Cottesloe Beach Children's Wading Pool as a public facility providing safe recreational enjoyment to adult-supervised children;*
- (2) *Amend the 2002/2003 Budget to provide \$5,000 for the design of urgent modifications to provide the Wading Pool with a continual flow of clean seawater as suggested by the Health Department of WA.*
- (3) *Advise its intention to proceed with necessary works within cost limits, so that the Wading Pool can be re-opened for public use as soon as possible.*

With the agreement of the meeting, each part was dealt with separately and the following resolutions resulted.

- (1) *Resolve to retain the Cottesloe Beach Children's Wading Pool as a public facility providing safe recreational enjoyment to adult-supervised children;*
- (2) *Amend the 2002/2003 Budget to provide \$20,000 for the design of urgent modifications to provide the Wading Pool with a continual flow of clean seawater as suggested by the Health Department of WA.*

Part (3) was withdrawn by the mover with the agreement of the seconder.

In November 2002 the matter was brought back to Council. McDowall Affleck had been engaged and had reported that the cost of installing a salt water supply would range from \$66,000 to \$89,000 depending on the configuration. Modifications to the pool structure were estimated at \$70,000 and a further \$15,000 for a non-slip surface (all up \$151,000 to \$174,000 which was in line with the previously obtained estimates). The report also noted that consideration needed to be given to the future of the wading pool in light of the lap pool proposal that might see that pool located in the same area. The officer and Committee recommendation was as follows:

That Council:

- (1) *Receive the further reports on the options and estimated costs of pumping seawater to the wading pool;*
- (2) *Engage McDowall Affleck Pty Ltd to prepare the necessary design detail and specifications based on twin supply pipelines from the ocean, with a single pump housed in the existing well structure and utilising the existing delivery and discharge lines to the pool.*

- (3) *Not proceed with the suggested modification to the existing wading pool which were estimated to cost an additional \$70,000;*
- (4) *Seek all necessary approvals from Department of Health and Department of Planning;*
- (5) *Resolve to fund the amount of \$90,000 in the 2003/4 budget.*

At the Council the committee recommendation was put and lost 4/5. This resulted in the matter being put into limbo as it were.

Beach Pool Action Group

The lap pool proposal first came before Council at its August 2001 meeting where it was reported that a group of local residents (the "Cottesloe Beach Pool Action Group") had made an approach to the Town of Cottesloe asking for the consideration of a proposal for the installation of a 50 metre lap pool on Cottesloe Beach in the vicinity of the wading pool. The group asked Council to sponsor an application to the Department of Sport and Recreation for a grant to undertake a feasibility study.

The officer and committee recommendation was as follows:

That Council advise the Beach Pool Action Group that it is prepared to support an application for funding for a feasibility study on a beach pool, on the clear understanding that there is no commitment to any further action on this matter at this time.

Following three attempts at framing an amendment acceptable to the majority the original motion was put and lost 5/6. The minutes show that "Council did not consider the proposal to be feasible".

The matter was brought back to Council at its September meeting as a motion without notice and the following resolution was passed 7/3:

That Council advise the Beach Pool Action Group that it is prepared to support an application for funding for a feasibility study on a beach pool, on the clear understanding that there is no commitment to any further action on this matter at this time.

The minutes noted that:

Although the motion was passed, no action will be taken in relation to this matter, as it was subsequently noted that Standing Order 10.4 "Repetition of Lost Motions" was not complied with. The matter is to be referred back to the mover and Council.

The motion was brought back before a Special meeting of Council held the next evening (26/9/2001) where it was noted that Department of Sport and Recreation Grant applications were to close 28/9/2001 and so there was some urgency in dealing with the matter. Council resolved as follows 8/3:

That Council advise the Beach Pool Action Group that it is prepared to support an application for funding for a feasibility study on a beach pool, on the clear understanding that there is no commitment to any further action on this matter.

In October 2001 Council dealt with the ranking of Department of Sport and Recreation grant applications it had received before the closing date (grant applications are made to the relevant local authority which ranks them before forwarding them on the Department for its assessment). Council had two applications, one from the Cottesloe Beach Surf Life Saving Club on behalf of the Beach Pool Action Group for its beach pool feasibility study and the other from the Cottesloe Rugby Union Club for upgrades for its change rooms. Council passed the following resolution:

That Council recommend to the Department of Sport and Recreation the following Community Sport and Recreation Facilities Fund grant applications in the following order of ranking:

- (1) Cottesloe Rugby Union Club; and
- (2) Cottesloe Surf Life Saving Club.

Mr Tom Locke gave a presentation to the Works and Corporate Services Committee meeting in December 2001 following which the Committee passed the following recommendation to Council:

That Council establish a committee comprising three elected members of Council and the Chief Executive Officer, and the Manager of Works & Special Projects, to liaise with the Beach Pool Action Group in relation to this group's proposed children's wading pool and adult swimming pool at Cottesloe Beach.

The recommendation was put to the December 2001 Council meeting where it was amended and resulted in the following Council resolution passed 5/4:

That Council appoint three elected members of Council and the Chief Executive Officer, and the Manager of Works & Special Projects, to liaise with the Beach Pool Action Group in relation to this group's proposed children's wading pool and adult swimming pool at Cottesloe Beach.

The three elected members that were subsequently appointed were Mayor Hammond, Cr. Furlong and Cr. Whitby.

In July 2004 it was reported to Council that the Councillors and staff delegated to liaise with the Beach Pool Action Group (December 2001) had met with that group once. At this meeting it was agreed that a "need assessment" had to be undertaken by the Beach Pool Action Group if it was to win support from Council in developing the project further. The officer's report to Council noted that Department of Sport and Recreation literature indicated there were six key phases to the planning process for a sport and recreation facility and these were as follows:

1. Needs Assessment

- Corporate aims and objectives
- Review of existing provision
- Community consultation
- Determine needs

- Development proposal
2. **Decision**
 - Abandon proposal
 - Upgrade existing facility or develop new facility
 3. **Feasibility Study**
 - Market analysis
 - Draft management plan
 - Concept plan
 - Financial viability
 4. **Decision**
 - Implement or amend or postpone or stage development or abandon proposal
 5. **Design**
 - Management plan
 - Design brief
 - Design team
 - Schematic design
 - Design development
 - Contract documentation
 6. **Construction**
 - Construction and handover

The officer's report noted that the group had arranged for a design concept for the pool to be undertaken as a project for fourth year architectural students (Curtin University) and for a needs assessment to be done. The report was highly critical of the needs assessment and suggested that the need for a marine pool should not be acknowledged by Council. Also that the project should be put on hold until such time as a thorough and objective needs assessment was undertaken with the direct involvement of the Town.

The officer recommendation was as follows:

That Council advise the Beach Pool Action Group that the Town of Cottesloe does not support the construction of a marine swimming pool on Cottesloe Beach.

At the Works and Corporate Services Committee meeting the committee was advised that the Cottesloe Surf Life Saving Club was prepared to support the Beach Pool Action Group in undertaking a feasibility study and that if the beach pool became part of the beach the area would be included in life saver patrols. The committee felt that the matter should have further consideration and that a SWOT analysis should be undertaken along with community consultation prior to a feasibility study being undertaken.

The committee recommendation to Council was as follows:

That a decision be deferred to allow a sub-committee to be formed to undertake a SWOT analysis, for presentation at the August 2004 round of meetings.

Council resolved as follows:

That Council:

- (1) Form a sub-committee to undertake a SWOT analysis, for presentation at the August 2004 round of meetings;*
- (2) Nominate Councillors Utting, Robertson, Miller and Mayor Rowell to the sub-committee;*
- (3) Advise the sub-committee to choose three representatives from the Beachpool Action Group; and*
- (4) Ensure the process is completed by the end of 2004.*

The SWOT analysis was conducted with the assistance of a consultant on 15 December 2004 and the results reported to the February 2005 Council meeting as follows:

COTTESLOE MARINE POOL

SWOT ANALYSIS

INTRODUCTION

A workshop was held on Wednesday 15th December at the Town of Cottesloe's Offices which was attended by:

*Mayor Rob Rowell
Cllr Bill Robertson
Cllr Bryan Miller
Cllr John Utting
Cllr Arthur Furlong
Cllr Peter Jeanes
Mr Allan Lamb
Ms Deirdrie Worner
Ms Hillary Rumley
Mr Tom Locke
Mr Tim Willoughby
Mr Brian Bishop*

The workshop was facilitated by Ms Jill Powell of Jill Powell & Associates.

The discussion and determination of issues and factors that should be considered are contained on the following pages.

STRENGTHS

BUILT FACILITY

- ❖ Safe environment - when compared to the open ocean.*
- ❖ Shark and stinger free*

- ❖ *Wheelchair accessible unlike the beach and ocean*
- ❖ *Accessible by frail aged and people with disabilities*
- ❖ *Provides for the locating of a lifeguard tower*
- ❖ *Safe access for children*

LOCATION

- ❖ *Site SWOT analysis undertaken as part of the planning process indicates that the chosen site is the “best” location for development, management and utilisation.*
- ❖ *Uses existing pool area*
- ❖ *Existing wading pool proven popular for over 25 years*
- ❖ *Uses an area of the beach which is currently under utilised*
- ❖ *Accessible by public transport, bus and train*
- ❖ *Access way is already there*
- ❖ *Uses existing toilets and change rooms*
- ❖ *In close proximity to the Cottesloe Surf Life Saving Club with a direct line of sight from the clubrooms*
- ❖ *Area is useable during windy/stormy days*
- ❖ *The recommended location has been derived from the elimination of 6 optional models and locations by Curtin University*

MANAGEMENT/LEGISLATION

- ❖ *Would be appropriate for funding through Disability Access Grants*
- ❖ *There are a number of other ocean pools throughout Australia from which lessons can be learnt and issues addressed.*
- ❖ *Thorough planning process undertaken to ensure viability and all issues addressed prior to commitments to progress*

USE

- ❖ *High level of community support as evidenced by independent needs analysis*
- ❖ *Cottesloe Beach already experiences high usage levels*
- ❖ *The Towns “Services Survey” indicates a high level of support for the renovation/redevelopment of the existing pool*
- ❖ *Provides safe access for a number of groups, namely:*

- *Ethnic groups*
- *Young people*
- *People with Disabilities*
- *Children*

- ❖ *Media coverage resulting in a high level of support*

FINANCIAL

- ❖ *Commercial Interest*
- ❖ *Support from Shane Gould*
- ❖ *Marketability*
- ❖ *Public free access to a commercially funded amenity*
- ❖ *Uniqueness for metropolitan Perth*

WEAKNESSES

BUILT FACILITY

- ❖ *Lack of Vehicle Parking.*
- ❖ *Sand filter necessary to be designed in technical specifications to ensure pool is not sand logged*
- ❖ *The visual/aesthetics of the lifeguard tower may be a problem to some residents/users*

LOCATION

- ❖ *The locating of a sea fed swimming facility will use up an area of the beach that is used by the public.*
- ❖ *The development would restrict some other special events at the location, eg Beach Boys Concert*

MANAGEMENT/LEGISLATION

- ❖ *The open nature of the facility and its management needs to be clearly understood in terms of management and supervision, if any.*
- ❖ *Health Act (even though Ocean Pools have been excluded from the current legislation).*
- ❖ *Heritage Act may be limiting*
- ❖ *Safety of users*

USE

- ❖ *Duty of Care and Public Liability issues*

- ❖ *Potential for inappropriate use*
- ❖ *May prove to be too popular and increased usage may cause some issues*

FINANCIAL

- ❖ *Maintenance costs need to be quantified*
- ❖ *Capital and construction costs need to be quantified and funding options identified.*

OPPORTUNITIES

- ❖ *Will offer an additional service to both residents and visitors/tourists to Cottesloe Beach*
 - ❖ *The proposal is unique within Metropolitan WA*
 - ❖ *Will raise the profile of Cottesloe Beach*
 - ❖ *Will provide all people irrespective of physical ability with equitable access to salt water swimming*
 - ❖ *Provides for an increase in physical activity*
 - ❖ *Links in with State Governments Health Promotion programs*
 - ❖ *Will be beneficial for a number of groups by giving safe easy access to saltwater, namely:*
 - *Young People*
 - *Children*
 - *People with Disabilities*
 - *Learn to swim*
 - ❖ *Provides opportunities for community partnerships*
 - ❖ *Opportunity for a unique surf education facility with wading/pool/ocean swimming interface*
 - ❖ *Provides opportunities for Commercial partners particularly in the construction costs and publicity*
 - ❖ *Provides a catalyst for other renovations and developments along the beach, eg public toilets and change rooms, showers etc.*
 - ❖ *Provides for political opportunity for both Federal and State Governments*
 - ❖ *Enables an extension of existing surf life saving services.*
 - ❖ *Opportunity to provide an Ambulance base at the SLSC*
 - ❖ *Paid parking*
 - ❖ *Opportunity for SLSC to defray some costs of their community service by operating learn to swim classes*
-

- ❖ *Opportunity for Council to access additional income*
- ❖ *Provision of rehabilitation services*
- ❖ *Recreate the historic facilities that were on Cottesloe Beach*

THREATS

- ❖ *Paid parking*
- ❖ *That some may view the development as a white elephant*
- ❖ *Perception that it may be a financial impost on the Council and ratepayers*
- ❖ *Negative community voice/perceptions in terms of*
 - *Vandalism*
 - *Costs*
 - *Use*
 - *Management*
 - *Location*
- ❖ *Public Liability Issues*
- ❖ *Project funding if no commercial State or Federal funds are available*
- ❖ *The Town's current Beach Policy and the Heritage Councils reticence for development on the beach front.*

The officer's report suggested that the SWOT analysis did not produce any conclusive argument for or against the pool proposal and that many arguments in favour (strengths and opportunities) were also arguments against (weaknesses and threats) and vice versa. For example the noted strength of wheelchair access to the pool, under the heading "Built Facility", is also a weakness because there is currently no wheelchair access from Marine Parade to the proposed pool site. Similarly, the weakness noted under "location" of restrictions the pool structure might have on special events (such as the Beach Boys concert) might also be a strength because the pool would provide a solid base for temporary stage structures.

The report also noted that parking and ablution facilities were already stretched and perhaps inadequate for current beach user numbers. An added attraction might need to include at least ablution facilities (parking was to be addressed by a study conducted as part of the Town Planning Scheme review process). The report also noted that records indicate nearly 300,000 people went to Cottesloe Main Beach in the 2003/04 season (October to March) and that during the daylight hours it was patrolled by the Surf Club and Council's contacted life guard service.

The report suggested the SWOT analysis was part of the "Needs Assessment" phase (Department of Sport and Recreation's assessment process). The value of conducting a community survey (as part of the community consultation provided for under the "Needs Assessment" step) was questioned as the Beach Pool Action Group had already conducted a survey. Furthermore, as the people would be asked if they supported free access to a pool with no impact on their rates, it was to be

anticipated that any further survey would provide a similar result as the earlier survey. The report went on to say the following:

It is suggested that whilst the Action Group has put a lot of effort into the Needs Assessment, the first two dot points under that heading (corporate aims and objectives, and review of existing provision) have, are more properly matters for Council to consider, and have yet to be dealt with.

Council's corporate aims and objectives in relation to the beach are addressed to some extent in the Strategic Plan which provides for "...a clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of dune and marine environs." The proposed pool would meet the safety objective by providing a swimming alternative that is free from aquatic animals such as sharks, stingrays and the like. At the same time the proposed pool structure on the beach could generate its own water safety and water quality hazards.

The proposed pool also appears to be at odds with the Strategic Plan in that the Plan calls for no new development west of Marine Parade.

Apart from the foregoing, Council has not looked at how a pool on the beach might impact on its management of the Reserve or the Town. However these issues would be addressed in the feasibility study phase. Council has not conducted a review of existing provisions but this could be addressed in the feasibility study phase.

It is suggested then that, in keeping with the Department of Sport and Recreation's planning process, the next step is for a feasibility study to be conducted. This is expected to cost \$20,000 to \$30,000 but would need to be confirmed, based on what is required, for budget purposes. The study should focus on the commercial funding aspect to ensure viability without Council funding. It is expected that engineering and aesthetics would also feature in the study. Engineering has been covered to some extent by the Action Group's work but aesthetics could be an issue as commercial interests might want the pool, and more particularly their advertising, to be a prominent feature where Council and the community might want the structure to blend into the landscape and not be starkly, visually apparent. With regard to sponsor's signage, there has been opposition to the amount of signage at the beach, and commercially sponsored street bins and bus shelters, that feature advertising, have not been exactly popular in the community. To ensure that all bases are covered, it may be prudent to include the provision of an additional toilet/change room facility in the study (possible locations, costs etc), and kiosk and staff facilities should these be required at some stage in the life of the pool.

Whilst the proposal is for a pool to be established and maintained at no cost to Council, Council is and will continue to incur costs in dealing with the matter. Foreseeable expenditure requirements will come from conducting and assessing the feasibility study (the decision phase), taking the study to the design phase and the like.

It should be noted that the feasibility study was not budgeted for and that the provision used to allocate consultants fees for the SWOT analysis is insufficient to cover expected costs.

It is suggested that Council has a number of options in relation to this matter and they include the following:

- Conduct a community survey to gauge the level of support for the pool.*
- Engage a consultant to conduct a feasibility study.*
- Advise the Beachpool Action Group that it will need to conduct a feasibility study and report its results to Council to progress the matter.*
- Ask the Beachpool Action Group to provide details of capital and ongoing commercial funding for the project.*
- Resolve to not support the project.*

Looking at each of the foregoing, it is recommended that the community survey not be conducted. As stated previously, the Action Group has already done a survey and it is expected that another survey would provide a similar result.

Council would need to look at a budget amendment or plan for expenditure in 2005/06 if it chose to conduct the feasibility study. From a financial management prospective the latter is preferred as it may not be possible to find savings elsewhere to cover additional expenses in the current financial year. This option would give Council control over the feasibility study process which may be desirous to ensure a high level of focus on the expected viability of commercial funding for the construction and for operating costs, up grades and the like during the life of the pool. It would be desirous to have an indication of the level of financial input, if any, that might be required from Council.

Asking the Action Group to conduct the feasibility study would save Council some expense but the results may be ambiguous. More importantly, the Group may be forced to do a reduced cost exercise that Council, and its officers, might be critical of. This could result in avoidable ill feeling and perhaps cost to Council in reviewing the study.

Asking the Action Group to work up and provide detail of its commercial funding for the project (essentially the financial aspects of the feasibility study) might be of value to support the Group's plans for the pool to be financially viable with out any input from Council. This might however be difficult to complete with a reasonable level of certainty.

Council could look to its Strategic Plan and policies to support refusal of the proposal. The Strategic Plan calls for no new development west of Marine Parade and the Beach policy which, among other things, provides under the heading "Primary Objectives", "(b) To avoid irreversible uses of the beach reserves that reduce the options for the future". Note, while it would be physically possible to remove the pool its cost and other factors make it an irreversible use and its presence would reduce options for the future. Increased numbers of people using the beach will impact on parking, toilet/change room facilities, crime, vehicle and pedestrian traffic, and the like.

It is suggested that this is a difficult matter to deal with from a municipal perspective because it deals with a significant change to the Town's beach that will impact on the beach and the Town generally. It has been before Council on a number of occasions over a number of years. The Beachpool Action Group has spent a lot of time and money on developing its proposal and Council has used staff and financial resources in dealing with the matter. The next and subsequent phases will require a significant commitment (money and time). It is suggested that Council needs to either embrace the proposed project or reject it however there may not be enough information on which to make this decision until a feasibility study is completed.

As there is no budget provision to undertake the feasibility study at this time, it is recommended that the matter be deferred and that financing of the feasibility study be considered as part of the 2005/06 budget deliberations.

The officer recommendation was supported by the committee and became the Council resolution as follows:

That Council staff confirm cost estimates for the proposed feasibility study and Council consider funding for a feasibility study for the proposed beach pool as part of its 2005/06 budget deliberations.

CONSULTATION

The author of this report sought costs estimates from consultants for conducting a feasibility study. One suggested that they could do a study that centred on factors such as the pool's location and whether it would be possible to build and maintain the pool at no cost to Council as put forward by the Beach Pool Action Group. This firm confirmed an estimate of in the order of \$25,000.

Another firm suggested that the process should be to first establish that the draft design (includes what is done with the water) is expected to meet all relevant standards and requirements, take preliminary costs estimates and the use these to test the financial viability. This firm noted factors such as the importance of ensuring water quality (indicating that using sea water and a high turn over rate might not be sufficient to ensure a reliable water quality), the need for shade, ablution facilities and perhaps even heating. This firm suggested an hourly rate as a better alternative to a quoted price.

STAFF COMMENT

In accordance with the February 2005 resolution an amount of \$25,000 was included in the 2005/06 budget to fund a feasibility study. At budget briefings it was also suggested that the funds should also be used to do at least some of the initial work in relation to the removal of the existing wading pool.

Council has a number of options available to it in relation to the wading pool and they include the following:

1. Resolve to remove the existing structure in 2006/07*.
2. Resolve to re-commission the wading pool and to budget for this in 2006/07*

3. Resolve to modify the existing structure to create a children's water feature and budget for the design planning and approvals to be done in 2005/06 with funding set aside for the lap pool feasibility study, and budget for construction to be done in 2006/07*
4. Resolve to either remove the structure, re-commission the wading pool or turn it into a water feature as part of the lap pool development.

* NOTE: The Town of Cottesloe is working towards significant works being completed on the groyne in 2006/07. It would be more cost effective to coordinate any work on the wading pool with any work on the groyne.

Option 1 has been considered in the past, factors such as heritage listing and the impact, if any, its removal might have on the groyne remediation works may require further consideration.

With regard to **Option 2**, it is noted that two independent assessments of the cost to re-commission the wading pool as a wading pool indicate costs in the order of \$170,000 (refer reports to Council November 2001 and November 2002) for pumps, pipework and other aspects of obtaining and maintaining the quality of water, modifications to the pool to ensure water circulation, non skid treatments and the like.

Previous reports to Council have noted that Health Act regulations for controlling public swimming pools do not apply to the wading pool but that other controls must be looked at. Council still has a duty of care in the re-commissioning of the wading pool. It is to be expected that a number of additional and ongoing requirements/costs that were not a feature of the previous operation of this facility will surface.

Option 3, modifying the wading pool into a water play feature for children has been considered in the past but indicative costings do not appear to have been obtained. However water supply and quality arrangements are expected to be similar to those of any re-commissioned wading pool. There would still be the need to get water to and from the facility (and perhaps treat it dependant on the water option selected).

The water feature option should have less public liability issues associated with it than the wading pool as it is expected that operations would be limited to water being sprayed and running over a surface and not dammed up in any way. The water feature option is favoured by Council staff.

Option 4. As noted in the November 2002 report to Council, the fate of the wading pool is tied to what may be done in relation to the lap pool. The lap pool may need to be located where the wading pool is currently located. If both pools are to be commissioned, water supply arrangements will be more cost effective if designed with both in mind. Also, it appears to make sense to integrate water arrangements for either the wading pool or a water feature with the lap pool if both are favoured as it is expected that sea water or recirculated treated water would be used. The construction of both at the same time would be expected to cost less than doing them independently. As noted above, 2006/07 would be the appropriate time as significant work on the groyne is planned for that time.

It is suggested that Council has a number of options available to it with regard to the lap pool and they include the following:

1. Resolve to support the construction of a lap pool provided there is no capital or ongoing cost to council.
2. Resolve to not support the lap pool.
3. Resolve to undertake a feasibility study to ensure factors such as the proposed location of the pool and the viability of self funding are as advised by the Action Group before making a decision.

With respect to the first two options, Council may wish to review its position in relation to the lap pool without going to the expense of a feasibility study. The Beach Pool Action Group has looked at factors such as location options, design factors and costs, and funding arrangements. Council may wish to base its decision on the group's proposal to build and maintain a pool at no cost to Council rather than to go to further expense at this time. As mentioned earlier in this report, the feasibility study is expected to cost in the order of the \$25,000 set aside for that purpose.

With respect to the last option, if Council opts for completing the feasibility study it has some choice as to the extent of the study. The cost of doing a feasibility study for the lap pool will depend on the extent of what is required. It is suggested that as factors such as location and financial viability have been questioned and so that these be included in any study. Whilst the Beach Pool Action Group has been assured by its studies that the selected location on the beach is the best site, Council, as the custodian of the reserve, might want confirmation that a location further south or north, or even east for that matter, is less appropriate.

If Council's support for the lap pool is to hinge on it not having to contribute toward construction or ongoing operating costs then the feasibility study should look at this aspect. The study should look at the proposed design to ensure that it complies with all known and expected controls and liabilities. The study should also establish cost and income streams for the financial viability aspect. If Council goes ahead with the feasibility study for the lap pool it is recommended that the option of a children's water feature be included in the brief because the water supply/quality/disposal aspects for the lap pool will be similar for a water feature and so concept drawings and resulting cost estimates should cost less to obtain.

The study should also look at options for gaining wheelchair access from the Marine Parade level to the pool level on the beach. One of the strengths of the pro pool argument is that it would provide a facility for wheel chair bound people. It should, however, be recognised that the current access from street level to the beach is not suitable for wheelchairs and that this aspect is to be looked at regardless of the lap pool issue.

It is recommended that Council select the water feature option and consider the construct of the feature over the existing wading pool structure which has already been assessed to be sound. This option appears to provide fewer liability and management issues than those associated with the re-commissioning of wading pool. Thoughtfully planned it could provide an interesting activity area for children.

It is also recommended that Council make a decision to either support or not support the proposed lap pool without going to the further expense of conducting a feasibility study. It is expected that such a study would confirm that the proposed pool and its

funding arrangements could be feasible as the Beach Pool Action Group has already done some work on establishing these factors. The study may well come back with design modifications to better meet needs (such as legislative controls and liability issues, and perhaps the need for heating, shade etc), cost variations and alternative sites but these may be of little significance in the decision making process.

The officer has no recommendation in relation to supporting or not supporting the pool proposal. From an administrative viewpoint the idea of a facility provided and maintained by another entity is very attractive however it is the experience of all senior staff that there is always some involvement and cost to Council (an example is the ablution facility arrangements at Cottesloe Beach) even if this is limited to an overseeing role (as manager of the reserve).

On the other hand meeting community needs and desires is a significant aspect of Council's role and the construction of the lap pool would certainly meet a community desire.

VOTING

Voting requirements hinge on what Council wants to do in relation to the \$25,000 set aside in the budget for consultants in the area of Swimming Areas and Beaches.

If the decision is made to go ahead with the feasibility study or some other consultancy in relation to the beach then a simple majority is required.

If the funds are to be applied to another purpose then an absolute majority is required.

OFFICER RECOMMENDATION

That Council

1. Subject to public consultation, commence the process to convert the wading pool at Cottesloe Beach into a children's water feature with planning and other approvals to be obtained in 2005/06 and construction planned for 2006/07.

OPTION 1

2. Advise the Beach Pool Action Group that Council supports the proposed lap pool at Cottesloe Beach.

OPTION 2

2. Council advise the Beach Pool Action Group that Council does not support the proposed lap pool at Cottesloe Beach.

COUNCIL COMMENT

Councillors raised issues in relation to the construction of a lap pool including:

- suitability of location,
- Health Department regulations,
- construction, maintenance and on-going costs,
- fencing around pool,
- management.

It was also noted that there does seem to be community support for the pool and therefore the preliminary feasibility study and community consultation should be undertaken.

12.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Cr Strzina

That Council:

- (1) Proceed to undertake a preliminary in-house feasibility study, focusing on location, liability issues, construction costs and maintenance costs and put the study out for public consultation, incorporating the right of reply of the Beach Pool Action Group; and**
- (2) Subject to public consultation and a feasibility study on a proposed lap pool, commence the process to convert the wading pool at Cottesloe Beach into a children's water feature with planning and other approvals to be obtained in 2005/06 and construction planned for 2006/07.**

Carried 6/3

12.1.2 COMBINED LIBRARY - NEW LIBRARY BUILDING

File No: C11.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to bring Council's attention to the Library Management Committee's planning in relation to a new library building and to seek in principal support for this.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil at this time.

BACKGROUND

Council's delegate on the Combined Library Committee, Cr Utting, prompted the Committee to formally appraise the constituent Councils (Cottesloe, Peppermint Grove and Mosman Park) of the current situation in relation to the existing library building no longer meeting community needs and seeking in-principle support for the Committee to continue with its planning for a new library building.

The joint library arrangement was first discussed by the Towns of Cottesloe, Mosman Park and the Shire of Peppermint Grove 31 March 1965. Mosman Park subsequently pulled out but Cottesloe and Peppermint Grove pursued the initiative. In October 1966 a loan of \$51,803 was raised and a contract let for construction of a library building (\$43,830 plus fees and variations). In March 1975 additions to the library were planned and Mosman Park negotiated to join the partnership. Mosman Park paid \$65,000 as its contribution to the joint arrangement and the building extensions cost \$68,340 (Mosman Park's contribution was applied to the building cost and so no loan was required). Prompted by the lack of adequate parking a loan of \$100,000 was raised in October 1986 to construct a reinforced concrete slab over Peppermint Grove's drainage sump (Cnr Stirling Highway and Leake Street). Space problems prompted a second lot of additions to be constructed to the library building in May 1989 and a loan of \$170,000 was raised to pay for this.

The current position is that all loans are now fully paid (the last payment being made in February 2004) and the net assets belonging to the Library Committee are recorded in the books of accounts of the constituent Councils in proportion to the number of library members in each municipality (the ownership proportions are

currently Cottesloe 45%, Mosman Park 44% and Peppermint Grove 11%) and adjusted annually based on the audited accounts of the library operation. The land is part of a Municipal Purposes reserve vested in the name of the Shire of Peppermint Grove.

The lack of space and adequacy of the current building to meet community needs has been apparent for some years. In April 2002 the Combined Library Committee recommended that improvements to the existing library building be considered on the basis that the building was below standards in a number of areas, including the following:

- Floor space – the total area is currently 515.8 square metres while the minimum standard for a library, based on a population of 17,000 to 20,000, is now 1,000 square metres.
- Limited space impacts on a number of areas such as a disability access and issues relating to occupational health and safety for both staff and patrons, and the ability of the service to meet current and future library and information needs of the community.

The library is a well used facility with membership totalling 8,372 which represents approximately 42% of total residents. The library is staffed by 7.1 full time equivalents (2.5 being qualified positions and 4.6 being clerical) or 10 staff members. In 2004/05 176,000 items (books, tapes etc) were issued, around 640 per day. The stock is close to 38,000 items, 28% of which are out on loan at any one time. Surveys conducted by each Council indicate a high level of satisfaction with the library service.

The median age of the areas population is 37 compared to 34 for the State as a whole and WESROC's Senior Needs Study noted that in 2002 18.2% of the Western Suburbs population was over 60 years of age compared to the Perth Metropolitan average of 14.8%. The study also noted that one in five people in the area will be aged 45 to 59 by 2011. The library has recognised the need to target the older residents whilst maintaining programs for other groups, and has included initiatives such as computer use training (First Click program).

The library manager notes that more space is require to meet the following needs:

- An attractive and inviting young adult services area.
- Enlarged children's library with wet area.
- A comfortable reading/newspaper/magazine area which could also include a café
- Local history area including spaces for storage, collections both hard and soft copy, public research, equipment and staffing.
- Meeting rooms for community activity/learning
- Space for displays and activities such as book launches and other library and community related events
- Current community information collection
- Expend public use computing, Internet and training facilities.
- Improved access to collections for the public and staff which meet standards for equitable access and occupational health and safety.
- Staff work areas the meet occupational health and safety standards with optimum functionality for workflow processes.

- Public amenities such as toilets to met disabilities and parenting needs.

CONSULTATION

Nil other than with the Combined Library Committee.

STAFF COMMENT

The Combined Library Committee has looked at extension options but favoured redevelopment of the site. The dilapidated state of the bowling club buildings adjacent to the library and Shire offices and located on reserve and freehold land that Peppermint Grove manages and owns, offered the opportunity for the Shire offices to be relocated, the library take up more the existing site and create a more appealing face to the street.

The bowling club buildings have since been demolished and, it was reported, the structure was found to be worse than expected indicating that its demolition was timely. The bowling club buildings were built over a portion of Peppermint Grove's depot creating rooms and covered storage. With their removal the Shire is now looking at options for its depot. Peppermint Grove reports that while its offices are structurally sound space is a problem and if they were not to be included in the redevelopment they would remain between the library and the intersection. The Shire has accepted that its offices would be demolished and new premises built as part of the project.

Peter Hunt Architect has been engaged to prepare concept sketches and the Committee has requested that the Shire continue to administer the project as part of its role of administering the library service, during the preparatory stage to enable a concept plan, costings and project sharing costs to be developed for consideration by the three Councils. It is envisaged that a project management team would be established once agreements are in place. It is expected that this team would include members of the library committee however Councils comment on whether they would wish to have a second delegate plus the officers who usually attend library committee meetings included. The committee secretary seeks comments on this aspect at this stage.

At this stage the Committee seeks in-principle support for it to continue with the planning for the purposes of constructing a new Cottesloe - Peppermint Grove - Mosman Park Library.

VOTING

Simple majority

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council give in-principle support to the Cottesloe-Peppermint Grove-Mosman Park Library Management Committee to continue with the planning for the purposes of constructing a new library building on the understanding that the Committee will come back to Council with concept plans, costings and project sharing costs.

Carried 9/0

12.1.3 DISABILITY SERVICES ADVISORY COMMITTEE

File No: C6.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to come back to Council with the results of the advertisement calling for community nominations for this committee with the recommendation that both nominees be appointed.

STATUTORY ENVIRONMENT

The *Disability Services Act 1993* has application as does the *Disability Services Regulations 2004*. The Act and regulations were amended recently. The Act now provides for Plans to be reviewed every 5 years and to assist public authorities with this task the Disability Services Commission is engaging a consultant to work on guidelines and resource material and intends to provide training. The material and training are expected to be available in November 2005.

Part 5 of the *Disability Services Act, 1993* provides as follows:

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.
 - (2) A disability access and inclusion plan must meet any prescribed standards.
 - (3) A public authority must lodge its disability access and inclusion plan with the Commission –
 - (a) if the authority was established before the commencement of the *Disability Services Amendment Act, 2004*, without delay;
 - (b) if the authority is established after the commencement of the *Disability Services Amendment Act, 2004*, within 12 months after the day on which it is established.
 - (4) A public authority may amend its disability access and inclusion plan at any time.
 - (5) A public authority may review its disability access and inclusion plan at any time.
 - (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
 - (7) Not more than 5 years is to elapse –
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.
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- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

Regulation 10 of the *Disability Services Regulations* provides for the calling for submissions in relation to plans as follows:

10. Procedure for public consultation by authorities (s. 29E)

- (1) For the purposes of section 29E of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically
 - (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the *Local Government Act 1995*; or
 - (b) on any website maintained by or on behalf of the public authority.
- (2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The following sections of the Strategic Plan apply:

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

Asset Management – Disability Issues: Review disability access plans and ensure suitable accessibility to all major assets for people with disability.

FINANCIAL IMPLICATIONS

Nil at this time however a revised *Disability Access and Inclusion Plan* is expected to impact on expenditure.

BACKGROUND

At its July 2005 meeting Council passed the following resolution:

That Council advertise for expressions of interest from residents who may wish to sit on a Disability Services Advisory Committee that Council may form to assist with the process of reviewing the Town of Cottesloe's Disability Services Plan.

An advertisement was placed in the Post Newspaper 6 August 2005 and on Council notice boards calling for nominations and noting the closing date was 5 September 2005. Two nominations were received at the close of nominations and these are detailed under Staff Comment.

The following time line was proposed in the July report and is included now for information:

ACTION	DATE
Advertise for nominations for the advisory committee - residents	6/8/05
Nominations close	5/9/05
Council review nominations and form advisory committee	27/9/05
Advisory committee commences review	October 05
Advisory committee reports back to Works and Corporate Services Committee	February 06

As reported previously, the Disability Services Commission planned to develop guide lines and conduct training for Council officers on amendments to the *Disability Services Act* that impacted on local government by November. Also that Council has until August 2006 to complete its review of its current plan and lodge the plan, in the revised format, with the commission. The forgoing time line takes into account the need to allow the information and training process to occur and to have any recommendations worked into the 2006/07 budget cycle. It is envisaged that the commencement of the review in October would concentrate on physical things rather than the framework which will be brought in to the process following after the dissemination of information etc in November.

CONSULTATION

Nil

STAFF COMMENT

Two nominations were received. One nomination came from Mrs Pamela Kennett of Eric Street who had been on a previous committee set up for this purpose some years ago. Mrs Kennett has experience in the area of disabilities and having lived in Cottesloe for a number of years, has a good knowledge of the area.

The second nomination was lodged by Ms Yvonne Page who lives in Mt Claremont. Ms Page also has experience in the area of disabilities. It is noted that the resolution calls for expressions of interest from residents, unfortunately in the attempt to keep the advertisement short but informative and inviting this aspect was not adequately covered. Council may wish to not deal with this nomination on the basis that the person is not a resident of Cottesloe notwithstanding the slip in advertising.

It is suggested that both people would bring experience to the committee and that they be appointed. Also that Council nominate at least one member of Council to sit on the committee. Council's previous resolution set the purpose of the proposed committee as being to review the Town's *Disability Services Plan*. This might be better stated to be *review the Town's disability services planning within the*

framework of the Disability Services Act and make recommendations to Council on matters that may be included in Council's disability access and inclusions plans.

VOTING

Absolute majority

OFFICER RECOMMENDATION

That Council

1. Form a Disability Services Advisory Committee and appoint Mrs Pamela Kennett, Ms Yvonne Page and Councillor _____ as its members.
2. The purpose of the Committee be to review the Town's disability services planning within the framework of the Disability Services Act and make recommendations to Council on matters that may be included in Council's disability access and inclusions plans.

12.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council

- (1) Form a Disability Services Advisory Committee and appoint Mrs Pamela Kennett, Ms Yvonne Page and Councillor Carmichael as its members.**
- (2) The purpose of the Committee be to review the Town's disability services planning within the framework of the Disability Services Act and make recommendations to Council on matters that may be included in Council's disability access and inclusions plans.**

Carried 9/0

12.1.4 LIQUOR STORE LICENCE - COTTESLOE GENERAL STORE

File No: 118 Marine Pde, Cottesloe
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to present the application for Cottesloe General Store for a liquor store licence as an addition to the current operation of a take-away delicatessen. It is recommended that the application not be supported.

STATUTORY ENVIRONMENT

Section 38 of the *Liquor Licensing Act 1988* outlines the requirements for the granting of a Category A licence.

Section 47 of the *Liquor Licensing Act 1988* authorises the sale of packaged liquor during permitted hours.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The application to operate as a liquor store requires in-principle support of Council. An application must be made to the Director of Liquor Licensing for a liquor store licence. The application is for a new licence as the store currently trades as a take-away delicatessen and is not permitted to sell alcohol.

Liquor store licences allow trading between permitted hours from 8.00am to 10.00pm Monday to Saturday and authorise the sale of liquor for consumption off the premises only. No trading is permitted on Sundays, Christmas Day, Good Friday or before noon on Anzac Day. The current review of the liquor Act may see trading being permitted on Sundays.

CONSULTATION

As the application does not constitute a change of use under Council's Town Planning Scheme No. 2, there is no formal process of mandatory consultation required.

The Director of Liquor Licensing may require the applicant to undertake public consultation in manner prescribed. The Director will have regard to the requirements of the public in his determination as to whether to grant the liquor store licence.

STAFF COMMENT

The premises is currently a 'Shop' under the Town of Cottesloe's Town Planning Scheme No. 2. A shop is defined as:

Shop – means a building wherein goods are kept, exposed or offered for sale by retail and without limiting the generality of the foregoing shall include –

Shops for the sale of foodstuffs generally, clothing, drapery, small furniture and furnishings, footwear, hardware, small electrical goods, sporting goods, toys and secondhand goods, jewellers, pharmacists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry cleaning agencies, barbers and hairdressers, cafes and liquor stores unless incorporated in a hotel or tavern.

The Cottesloe General Store is located within the Foreshore Centre Zone that does not permit a 'Shop' use unless special approval is granted by Council. Although the original planning approval for the premises is not available, it has operated for many years as a delicatessen which falls within the definition of a shop. A liquor store also falls within the definition of a shop and therefore the application does not constitute a change of use for the premises.

The consideration of this application is based on whether, in Council's view, this application for a liquor store licence is of a benefit to the community. The issues to be taken into account are outlined below in terms of their impact on the residents and the environment:

1. Packaged Liquor

Packaged liquor is any liquor that is sold in sealed containers to be consumed off the licensed premises. This includes beers, wines and spirits and may be offered in cans, bottles or plastic containers.

Whilst it may be the intention that packaged liquor is consumed at a local café or within the home, the location of the premises is such that it is not unreasonable to suggest that some packaged liquor may be purchased to consume on the beachfront. Whilst this practice is illegal, it is impractical to enforce this law.

The incidence of consuming alcohol in public has long been a contentious issue for the Town, particularly in relation to the youth who like to gather at Cottesloe Main Beach.

2. Litter

The other significant issue concerning packaged liquor, is the broken glass and litter that is a hazard to beachgoers and is left for Council's staff to clean up. This assumes that some packaged liquor will be consumed on the beachfront.

Council's budget to collect and dispose of litter escalates each year with the increasing demand for ready-to-eat products and the increasing popularity of Cottesloe Beach as a destination for young people and tourists.

The carparks and sand are cleaned regularly to remove the potential hazard to beachgoers from items such as broken glass and syringes.

3. Anti-Social Behaviour

The resulting anti-social behaviour from alcohol consumption is an on-going matter that the Town and the Police continue to address, particularly in the summer months. This was identified as a significant issue in the recent meeting of the Safety Committee.

The incidence of anti-social behaviour as a result of alcohol consumption is well documented both generally and in terms of its impact on the local community. Residents in the vicinity of the two major hotels and the beachfront are constantly subjected to anti-social behaviour, ranging from loud yelling, foul language, urinating in the streets and their property, to damage to property. A lot of this behaviour has been attributed to the exuberance of youth, however, this is not a justification for its support and putting up with this on a regular basis is not acceptable to the community.

4. Community Need

Currently, packaged liquor may be purchased from the two major hotels for consumption in BYO restaurants and cafes or in the home. The largest of the beachfront cafes are licensed venues and liquor may be purchased with a meal. There are three remaining cafes that permit BYO only.

In addition to the two hotels, there are several liquor stores or places to purchase packaged liquor within the district. These are the Albion Hotel, Vintage Cellars, Grant Knowles and Swanbourne Liquor. These are not within walking distance of the beachfront and would not be accessible to tourists without a vehicle or residents walking to a local café.

It can be argued that Cottesbe Main Beach is a tourist destination and that the availability of packaged liquor is not adequately servicing this group who are accustomed to purchasing alcohol in local convenience stores. There is insufficient evidence to conclude that this is the case and based on the issues outlined, this argument could not be supported.

Council has indicated support for the consumption of alcohol in restaurants and cafes, however, as many of these venues are licensed to sell alcohol, the requirement for the sale of packaged liquor is diminished.

It is recognised that the problems associated with alcohol consumption that have been identified already exist in the community and that these problems will not be reduced by not supporting this application. However, an additional packaged liquor outlet on the beachfront can only add to the adverse impacts of alcohol consumption on the local community and the environment. It is therefore recommended that this application is not supported.

DECLARATION OF INTEREST

Cr Carmichael declared a proximity interest and left the meeting at 7.45pm.

VOTING

Simple Majority

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council not support the application for Cottesloe General Store to hold a liquor store licence in addition to its current use of a take-away/delicatessen.

Carried 8/0

Cr Carmichael returned to the meeting at 7.46pm.

12.1.5 OUTDOOR CONCERTS AND LARGE PUBLIC EVENTS POLICY

File No: X4.11
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to recommend that Council adopts a policy and guidelines relating to the management of outdoor concerts and large public events in Cottesloe.

STATUTORY ENVIRONMENT

Parts of the following legislation must be considered for the management of outdoor concerts and large public events:

- Health Act 1911
- Health (Public Buildings) Regulations 1992
- Health (Food Hygiene) Regulations 1993
- Local Government Act 1995
- Litter Act 1979
- Building Code of Australia
- Town of Cottesloe Health Local Laws 1997
- Trading in Thoroughfares and Public Places Local Laws 2001
- Town of Cottesloe Local Laws relating to Parking Facilities
- Occupational Health Safety and Welfare Act and Regulations
- Metropolitan Water Supply, Sewerage and Drainage By-Laws
- Environmental Protection Act 1986
- Environmental Protection (Noise) Regulations 1997
- Liquor Licensing Act 1988
- Explosives and Dangerous Goods Act 1961
- Explosives Regulations 1963
- Security and Related Activities (Control) Act 1996
- Radiation Safety Act 1975

POLICY IMPLICATIONS

The policy will provide a means to apply a consistent and coordinated approach to applications for outdoor concerts and large public events and to provide a guide to promoters of events on legislative and other requirements.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

With the increasing popularity of Cottesloe as a venue to stage public events, there is a need for Council to consider the impacts of such events on both the community and the environment and to apply a consistent approach when considering applications. In addition to the statutory requirements there are other matters of significance to be considered and the policy and guidelines together outline these matters.

CONSULTATION

The Town of Cottesloe's *Community Consultation* policy requires that public consultation be undertaken prior to the adoption of any new policy. At the very minimum this requires:

- An advertisement in the *Post*.
- An advertisement on the Town of Cottesloe's website.
- A householder.
- Informing and inviting comment from SOS Cottesloe.

STAFF COMMENT

There are specific legislative requirements for the staging of outdoor concerts and large public events. The majority of these relate to the safety of patrons within the venue and to the management of issues that impact on the community such as noise, parking and litter.

The impact of outdoor concerts and large public events on the community and the environment goes beyond the prescribed legislative requirements and it is these matters that Council must take into account when considering event applications. Matters such as the preservation of the amenity of the residents, Council's liability and the expectations of the residential and business community are examples.

As more events are proposed to be held in Cottesloe it is important that all matters are addressed in a consistent and coordinated manner. Adopting a policy and a guide for outdoor concerts and large public events will ensure a consistent approach and provide some degree of certainty to all parties, Council and its staff and promoters of events.

VOTING

Simple Majority

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council:

- (1) Supports the adoption of the policy for Outdoor Concerts and Large Public Events; and**
- (2) Proceeds to advertise the policy for public comment as outlined in the Town of Cottesloe's Community Consultation policy.**

Carried 9/0

12.1.6 PUBLIC INTEREST DISCLOSURE ACT - FORMAL ADOPTION OF POLICY

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 9 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to formally adopt an internal procedures policy relating to the obligations of the Town of Cottesloe under the Public Interest Disclosure Act of 2003.

STATUTORY ENVIRONMENT

Section 23 of the Public Interest Disclosure Act 2003 provides the following:

23. Obligations of principal executive officers of public authorities

(1) The principal executive officer of a public authority must;

(a) designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information;

(b) provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information;

(c) ensure that his or her public authority complies with this Act;

(d) ensure that his or her public authority complies with the code established by the Commissioner under section 20;

(e) prepare and publish internal procedures relating to the authority's obligations under this Act; and

(f) provide information annually to the Commissioner on;

(i) the number of public interest disclosures received by a responsible officer of the authority over the report period;

(ii) the results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation; and

(iii) such other matters as are prescribed.

(2) Internal procedures prepared under subsection (1)(e) must be consistent with guidelines prepared by the Commissioner under section 21.

(3) Subsection (1) does not apply to the Chief Justice or to the Presiding Officer of a House of Parliament.

POLICY IMPLICATIONS

The recommendation is simply a formality which will see the policy being incorporated into the Town of Cottesloe's *Policy Manual*. Some modification of the policy may be appropriate but whatever modifications are made must be consistent with guidelines prepared by the Commissioner under section 21 of the Act.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The *Public Interest Disclosure Act 2003* requires the CEO of the Town of Cottesloe to prepare and publish internal procedures relating to the Town of Cottesloe's obligations under the Act.

CONSULTATION

The Town of Cottesloe's *Community Consultation* policy would ordinarily require that public consultation be undertaken prior to the adoption of any new policy. At the very minimum this would require:

- An advertisement in the *Post*.
- An advertisement on the Town of Cottesloe's website.
- A householder.
- Informing and inviting comment from SOS Cottesloe.

However as this is an internal policy (and very much the prerogative of the CEO in any event) it is felt that community consultation is not required or desirable.

STAFF COMMENT

The preparation and publication of internal procedures relating to the Town of Cottesloe's obligations has already occurred as required under the Act.

Nonetheless it is believed that formal adoption of the policy into the Town of Cottesloe's *Policy Manual* is appropriate in terms of;

- ensuring that all Town of Cottesloe policies can be found in the one place, and
- improving levels of openness and accountability.

Formal adoption by the Council will also assist in heightening elected member and public awareness of the policy.

VOTING

Simple Majority

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council formally adopt as policy the *Internal Procedures relating to the Obligations of the Town of Cottesloe under the Public Interest Disclosure Act 2003*.

Carried 9/0

12.1.7 REVIEW OF THE REPRESENTATIONAL AND STRUCTURAL EFFECTIVENESS OF WALGA ZONES

File No: X 11.16
Attachment(s): Review of the Representational and Structural Effectiveness of WALGA Zones.
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 12 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to endorse the report and recommendations of the *Review of the Representational and Structural Effectiveness of WALGA Zones*.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Following a resolution carried at the 2004 Annual General Meeting of WALGA, the association has undertaken a comprehensive review into the basis for grouping Councils into metropolitan and country zones, together with examining their functional effectiveness in relation to the strategic interests of members.

The review incorporated consultation with all member Councils, regional councils and regional organisations of Councils (ROCS and VROCS) on a range of questions relating to the perceived representational and structural effectiveness of WALGA zones.

Submissions received during the consultation process were subsequently referred to an independent consultant for analysis. The consultant also investigated alternative structures for grouping local governments together to provide a basis for comparison between jurisdictions and explores opportunities for establishing coalitions of interest between the association and the various local government regional bodies.

The emerging draft report was considered by the association's State Council in June 2005 prior to being referred to a subcommittee for review. The report was then considered at this year's roundtable in August, a forum which included representatives from all WALGA zones and senior staff. The roundtable has

endorsed the release of the report to all member Councils, zones, regional councils and regional organisations of Councils for comment. A copy of the report is attached,.

CONSULTATION

Nil.

STAFF COMMENT

Council is asked to examine the report and its recommendations and provide comments to the association by Wednesday 2nd November 2005. The comments will be collated and referred to the WALGA State Council meeting in December this year.

VOTING

Simple Majority

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council endorse the report and recommendations of the *Review of the Representational and Structural Effectiveness of WALGA Zones.*

Carried 9/0

12.1.8 SEA VIEW GOLF CLUB - ADVERTISING SIGNS

File No: 2 Jarrad Street
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 9 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The Sea View Golf Club seeks Council approval for the erection of three advertising signs within the confines of the leased area of the golf course.

A fourth sign is proposed off the Broome Street entrance to the golf club. This proposal is currently being investigated by staff with a view to making a further recommendation to Council at a later date.

A recommendation is made to permit the erection of three signs.

STATUTORY ENVIRONMENT

Council approval is sought in relation to the Town of Cottesloe's *Local Government Property Local Law* and the lease agreement with the Sea View Golf Club.

The Town of Cottesloe's *Local Government Property Local Law* provides the following:

Division 5 - When a permit is required***Activities needing a permit***

3.13 (1) *A person shall not without a permit...advertise anything by any means on local government property.*

The lease agreement between the Sea View Golf Club and the Town of Cottesloe also provides the following:

11 Alterations**11.1 Restriction on alterations**

(a) *Subject to subclauses (b) and (c), the Lessee must not alter add to or demolish any part of the Golf Course, including but not limited to:*

- (1) remove, alter or add to a Lessor's Fixture or the Plant and Equipment in the Golf Course; or*
- (2) install or alter any fixture or partitioning in the Building; unless the Lessee:*
- (3) obtains the prior written consent of the Lessor, which the Lessor may not unreasonably withhold;*
- (4) satisfies the requirements of all statutes and of the insurer of the Insured Risks; and*
- (5) satisfies any reasonable condition imposed by the Lessor.*

(b) *The provisions of subclause (a)(1) and subclause (a)(2) will not apply in respect to the following.*

The removal of a Lessor's Fixture or of an item of Plant and Equipment, where the Lessor's Fixture or item of Plant and Equipment, is replaced by a fixture or item of Plant and Equipment which is substantially the same as, or an improved or current version of the Lessor's Fixture or item of Plant and Equipment.

The alteration or addition to a Lessor's Fixture or an item of Plant and Equipment where the alteration or addition is not material or substantial.

The installation of a new fixture within or on the structure of the Building if the installation of that new fixture does not adversely affect the structure of the Building, or cause any danger to any person using or near the Building.

The alteration to a partition is not material.

- (c) *The Lessor may provide to the Lessee a schedule of matters where the consent of the Lessor is not required under subclause (a) which Schedule may be varied by the Lessor.*

11.2 Consent to alterations

In giving consent to an alteration, the Lessor may impose any reasonable condition, including, but not limited to, a condition that:

- (a) *the work be carried out in accordance with drawings or specifications approved by the Lessor; and*
- (b) *other work to or in the Building must be carried out as a consequence of the alteration, addition, demolition or installation requested by the Lessee.*

Other Approvals

The necessary approvals have been obtained from the Western Australian Planning Commission (because the land is reserved for the "Parks and Recreation" purposes under the Metropolitan Region Scheme) and the Heritage Council of Western Australia (because the golf course is on the State Register of Heritage Places).

At the local town planning level the matter has been approved by staff acting under delegated authority. The signs comply with the Town of Cottesloe's *Advertising Development Guidelines – Reserved Land* which requires that 'Advertising shall be limited to the name of club or business to a maximum size of 10m².'

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Secretary of the Sea View Golf Club has written to the Town of Cottesloe;

...seeking permission to erect perimeter signage to attract new membership...very similar to that currently erected in Broome Street by the Cottesloe Tennis Club... The club is very conscious of the aesthetics that is required so that residents in the vicinity do not feel aggrieved with any form of advertising. This however for any business enterprise is critical if we at Sea View are to maximise revenues for the club and enhance our surrounds by greater reliance on member course usage and fees.

The proposed signage is to be erected within the golf course grounds at

- the corner of Broome and Forrest Streets,
- the corner of Marine Parade and Forrest Street, and
- the corner of Marine Parade and Pearse Street.

The Sea View Golf Club has provided illustrations of the proposed signs and their size in relation to each of the corner sites (see attachment).

CONSULTATION

The views of the Western Australian Planning Commission and the State Heritage Council have been obtained.

STAFF COMMENT

The signage is supported on the basis of'

1. the precedent set by the Cottesloe Tennis Club,
2. the reduced size of the signage (relative to the tennis club's signage), and
3. protecting the Town of Cottesloe's own interests in terms of encouraging a healthy and active community and fostering the long-term viability of the club.

VOTING

Simple Majority

DECLARATION OF IMPARTIALITY

Crs Strzina and Furlong made declarations of impartiality as members of the Sea View Golf Club.

12.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Utting

That Council permit and consent to the erection of three proposed advertising signs within the confines of the leased area of the golf course pursuant to the requirements of the Town of Cottesloe's *Local Government Property Local Law* and the lease agreement with the Sea View Golf Club.

Carried 9/0

12.1.9 VARIETY WA BASH FUNDRAISER 2006 - FUNDRAISING EVENT AT COTTESLOE BEACH

File No: C2.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put the Variety WA's application to use Cottesloe Beach for a fund raising activity before Council with a recommendation to grant approval.

STATUTORY ENVIRONMENT

Council's *Beaches and Beach Reserves Local Law* applies. Among other things, the local law provides that applications must be made for approval to hold a "function" on the beach.

POLICY IMPLICATIONS

Council's *Beach Policy* applies. The policy provides the following definition for the term "Significant Event":

Means an event which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas). For clarification, events such as the Sea Dragon Festival, Rottenest Channel Swim and sporting tournaments are included in this definition. Cottesloe and North Cottesloe Surf Life Saving Club's surf life saving activities are not considered to be significant events for the purposes of this policy.

In relation to such events the policy provides as follows:

(I) Significant Beach Events**(I) Subject to**

- *the provisions of the Beaches and Beach Reserves Local Law,*
- *consideration of how timing, location and activities may affect other beach users and residents,*
- *using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation, and*
- *the payment of the fee as set out in Council's List of Fees and Charges,*
- *The CEO may approve applications for significant beach events without reference to Council in the following circumstances.*

- (ii) *Only one significant beach event per month to be approved without specific referral to Council.*
- (iii) *Significant events with any commercial or profit making absolute discretion, applications for such events may be referred to Council for approval which may or may not be granted by the Council.*
- (iv) *Beach event organisers are required to submit evidence to the Coe's satisfaction that:*
- *An appropriate public liability insurance is in force.*
 - *A suitable risk management plan has been prepared.*
 - *Safety measures are in place, which are appropriate for the event. An aquatic safety plan is considered an appropriate safety measure for significant events with more than 3000 attendees.*
 - *All relevant statutory requirements have been met (eg health, traffic, safety regulations).*
 - *The Town of Cottesloe is indemnified against all claims arising from the event.*
 - *A strategy is in place to clean up after the event.*
 - *Noise limits from any equipment will not exceed statutory levels.*
 - *Public access to facilities will not be impeded.*
 - *Relevant emergency authorities have been informed of the event.*
- (v) *Beach event organisers are required to observe the directions of authorised Council officers throughout any event.*

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Variety WA seeks to hold a formal dinner on Cottesloe Beach in February or March 2006 as part of its fundraising activities. A similar event was held at the Royal Freshwater Bay Yacht Club in July this year and \$20,000 was raised. Variety seeks to hold the event on the beach immediately in front of the Indiana Tea House and to use Indiana's restaurant facilities for catering. The application is for the area to be set up during the day of the event, hold the event in the evening then remove everything that night so disruption to other beach users would be limited to one day. They expect patronage of 250 to 300 and to have 30 tables of 10. The event would

include a band and amplified sounds, a dance floor and fireworks (from a barge in the ocean). The event would start at 7pm and drinks would be served till 12.00 with the band finishing around 11.30.

CONSULTATION

The author has spoken with the event organiser.

STAFF COMMENT

Variety raises funds for children's needs and the annual Bash, and its associated activities, are well known. The formal dinner in scenic locations such as the Royal Freshwater Bay Yacht Club have been successful and the organisers now seek to use Cottesloe Beach. Disruption to the beach would be limited to one day.

The organisers have not set a date for the event as yet as they are still working on planning the event. It is recommended that approval be given subject to conditions as set out in Council's policy plus any other conditions the CEO may deem necessary and for the CEO be delegated power to approve a date for the event to be held (it may be preferable for the event to be held on a week day, perhaps a Friday to minimise disruption).

COMMITTEE COMMENT

Mayor Morgan stated that he would prefer the event to be held on a week day evening, not on the weekend.

COUNCIL COMMENT

Cr Utting restated his objection to the beach being used as a dinner venue, interrupting the use of the beach for swimmers and surfers.

Cr Furlong urged Council to support this type of charity event.

Cr Strzina reiterated Mayor's Morgan's preference for the event to be held on a week day evening, not on the weekend.

VOTING

Simple majority

12.1.9 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Furlong

That Council approve Variety WA application to hold a formal dinner fundraising event on Cottesloe Beach in front of the Indiana Tea House in February or March 2006 subject to conditions as set out in Council's Beach policy and any other conditions the CEO may deem necessary, and that the CEO be empowered to approve a specific date for the event to be held.

Carried 8/1

12.1.10 VERGE GREEN AND BULK WASTE SERVICE

File No: D15.4
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to recommend that resolution 12.2.10 of the August, 2005 meeting of Council be rescinded and that Council support an extension of the existing verge green and bulk waste collection service contract.

STATUTORY ENVIRONMENT

The following clause in the existing contract allows the Council to extend the period of the contract for a further two years:

5.3 Renewal of Contract

If the Council, prior to the expiration of the period specified in Clause 5.2, gives at least three (3) months' (but not earlier than six (6) months') written notice of the Council's intention to continue the period of the Contract for a further two (2) years, the Term shall, by the operation of this clause, be extended for a further period of two (2) years from 1 January, 2006 on the same terms and conditions as contained in this Contract and with such amendments as may be agreed by the Council and the Contractor.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There is a current budget allocation of \$80,000 for verge green and bulk waste collection.

The contractor has submitted a proposal for a price increase for the two year period of the proposed extension of the contract. The suggested increase covers the cost of fuel and all operational costs. It will result in an increase of \$4,166.40 per annum to the existing cost of \$59,520.00 bringing the total cost per annum to \$63,686.40. This is well within the budgeted amount for this service and allows for some contingency associated with the collection of materials outside the normal collection periods.

BACKGROUND

At the August meeting of Council it was resolved as follows:

That Council:

- (1) Invite tenders for the Green and Bulk Waste Collection Service for a period of two years to commencing in January, 2006 to 30 December, 2007;
- (2) Provide a Green and Bulk Waste Verge Collection Service to residential properties for 2006/2007 consisting of:
 - a) *four (4) green waste collections conducted quarterly;*
 - b) *two (2) bulk waste collections conducted simultaneously with two green waste collection services; and*
- (3) Support the current district division of three (3) areas as shown on the attached map.

As stated above, the current contract contains a clause that permits the Council to extend the existing contract for a further two years with amendments as agreed by the council and the contractor. This clause was overlooked at the time of writing the previous report.

CONSULTATION

Nil.

STAFF COMMENT

As stated in the previous report the service is currently conducted by B & N Waste and community feedback in relation to the service has been extremely positive with a number of residents personally expressing their appreciation of the quality of service and helpful attitude of the contractors.

The present system requires manual loading into the side of the truck and does not result in any damage to verges. It generally results in a tidier environment as the operators clean up as they go. However, there is a higher risk of injury due to manual handling but loading from the side reduces the risk of road accidents. It is recommended that Council retain this collection option for the proposed extension of the contract.

The only other minor change proposed was to include a requirement to separate a number of plastic items for recycling. Discussions with the contractor have revealed that the cost of collection will far exceed the rebate Council will receive for the items collected. It has therefore been agreed to monitor this over the next twelve month period to determine potential tonnages and review this for the next contract period.

As there is the potential for Council to extend the contract for a further two year period, it is recommended that point (1) of resolution 12.2.10 of the August meeting, stating:

That council Invite tenders for the Green and Bulk Waste Collection Service for a period of two years to commencing in January, 2006 to 30 December, 2007;

be rescinded and the following recommendation be adopted:

That Council accept the price increase proposed by the contractor and extend the Collection of Miscellaneous (Green and Bulk) Waste 2004/2005 for a period of two years to commencing in January, 2006 to 30 December, 2007.

VOTING

Consideration of the matter to be supported by at least one third of the members present on a show of hands.

Absolute Majority thereafter for the rescission motion and Simple Majority for the contract extension.

12.1.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) **Rescind the following resolution, Item 12.2.10 of August, 2005:**

That Council:

Invite tenders for the Green and Bulk Waste Collection Service for a period of two years to commencing in January, 2006 to 30 December, 2007;

- (2) **Accept the price increase proposed by the contractor and extend the Collection of Miscellaneous (Green and Bulk) Waste 2004/2005 for a period of two years to commencing in January, 2006 to 30 December, 2007.**

Carried by Absolute Majority 9/0

12.2 ENGINEERING

12.2.1 COTTESLOE BEACH CLEANING

File No: E1.2.1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 09 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

This report provides the background and business case for the sale of the Fermecc tractor loader and the “Boss” beach cleaner to a contractor and the future cleaning of Cottesloe beach by that contractor. The report recommends the proposal.

STATUTORY ENVIRONMENT

The proposed expenditure on a contract beach cleaning service is less than \$50,000 per annum and hence the tender regulations do not apply. Council is free to determine its own beach maintenance requirements without statutory obligations.

POLICY IMPLICATIONS

Councils *Beach Policy* applies. This is included as an attachment.

STRATEGIC IMPLICATIONS

The most applicable area within Council’s Strategic Plan is under:

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

FINANCIAL IMPLICATIONS

- Expected savings in laneway, verge and road maintenance costs, due to the use of a more suitable skid steer loader
- Reduction in plant expenditure due to the removal of the “Boss” beach cleaner from the machine fleet and the purchase of a lower cost skid steer loader compared to a more expensive tractor/loader
- Additional income from the sale of the “Boss” Beach cleaner
- Similar costs for beach cleaning using a contractor compared with Council staff.

BACKGROUND

At its August 2005 meeting, Council considered the tenders received for the purchase of a Skid Steer/Mini loader to replace the Fermecc tractor/loader which performs various duties including beach cleaning.

Part of the basis of this replacement philosophy was the planned use of a contractor to undertake beach cleaning, with this then allowing a more suitable skid steer loader, with attachments, to be purchased for other loader duties.

Council resolved that the item be deferred for the purpose of administration reporting in more detail on the matter of sub-contracting the beach cleaning.

CONSULTATION

Nil.

STAFF COMMENT

Local government engineering/works operations have always been a combination of day labour (staff) efforts and the use of contractors. In recent years, contract operations have been increasing, with many Councils adopting a philosophy of tendering out all functions, which has generally reduced the staff numbers based at local government depots

In Cottesloe, there was originally a full component of maintenance and construction capacity, including bitumen patching, drainage installation and road construction. This was changed by previous Council decisions and the capacities based at the Cottesloe depot centre on maintenance and administrative functions.

Now Engineering Services senior staff control a wider range of contractors who undertake what used to be the duties of Council depot based staff.

Up until 2003/04, all residential street resurfacing was managed by the Town of Mosman Park staff, with a profit margin being added to the resurfacing cost.

That no longer occurs. Cottesloe staff arrange the contractors for the resurfacing, kerbing and soak pits insitu, and brick paved footpaths are also controlled by Cottesloe staff.

With the increased roadwork activity, more depot-based staff time is required for modifications to verge reticulation, crossover changes, backfilling of new kerb lines, intersection and footpath changes and a variety of works that Mosman Park staff used to undertake.

This change has provided a more interesting experience for staff, but has also demanded a different/improved skills base, which, in turn, has required additional training. Work output levels can be improved with more applicable machinery, particularly the skid steer loader compared to the Fermec agricultural tractor loader.

Cottesloe only has the financial capacity to own and operate one loader type. The main reason the Fermec tractor /loader is required is to have a machine big enough, with enough engine power to run the "Boss" beach cleaner.

This function requires less than 25% of the available machine time. The rest of the time it is available for a range of works for which it is generally not suited.

A skid steer loader will more efficiently complete the following tasks, which now make up the majority of the loader functions required by a loader in Cottesloe

- *Unsealed laneway maintenance*- a skid steer loader will undertake a levelling operation on the spreading of surface material in a small part of the time it takes a tractor, because it can turn within the narrow width the tractor has to drive to the road intersection to turn around.
Currently a private skid steer loader is hired at least once every fortnight for such duties, at a high cost, while the tractor sits unused
- *Back filling of new kerb lines*: Originally undertaken by a Town of Mosman Park skid steer loader. This work needs very sharp turning capacity normally provided by a skid steer loader. The work is currently completed by manually shovelling sand off the back of a truck-very inefficient.
- *Removal of heavy sand build up on Marine Parade and the access road to the beach and beach groyne*: This work is needed at least weekly though winter. The existing tractor is poorly suited to the work. A skid steer loader, with a variety of buckets (4 in 1 and sweeper) with a very small turning circle is of much greater use.
- *Verge Maintenance*- The large tractor loader is not used on verges for removing piles of debris from Norfolk Island pine trees, storm debris and tree prunings. A skid steer loader is lighter and more manoeuvrable. A 4 in 1 bucket as an attachment or a plant forks system will speed up the collection, compared with mostly heavy labour at present.
- *Spreading of sand, soil, woodchips, mulch for landscaping and rehabilitation*: A skid steer loader, with its manoeuvring capacity and a variety of attachments is much more suitable than a large tractor/loader. More of this type of work is being undertaken on areas such as new roundabouts and intersection treatments.

With regards to the use of Oz-Tek Agencies, this contractor has worked with the City of Cockburn for over 4 years, beach cleaned at Swanbourne Beach for several years, undertaken works at Rottnest Island and performed various clean up works for CALM. The machinery is specialized towards beach maintenance works, hence, the company does not get involved in much general contracting works not associated with beach works.

Cockburn and Nedlands have no negative comments on the availability or quality of works undertaken over several years.

Oz-Tek Agencies are willing to enter a long-term contract on the service of beach cleaning.

The Town of Cottesloe, unlike large Councils, is not capable of funding specialist machines for various needs, due to the smaller scale of operations.

The ownership of the large tractor/loader is restricting improvements in the growth areas of infrastructure development and maintenance. Forward plans propose no increase in the scale or status of beach cleaning, but do propose major increases in

efforts involving a variety of infrastructure upgrading, requiring increased use of a loader.

A skid steer type loader is capable of more flexibility in its operations due to the large variety of attachments available, the cost to own and operate is less and maintenance functional use is areas such as laneways and verges is greatly improved.

With regards to the cost comparison of staff versus contract rates, the cost for the beach cleaning operation in 2004/05 was approximately \$21,000.

The quoted contractor rate for the same service is fractionally below that figure.

In addition if a skid steer loader was operated by Council, the plant hire normally paid for this type of machine would be saved, a total of \$17,000 in 2004/05. Council is therefore "winning back" business from contractors by the use of its own skid steer loader.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Engineering Services provided further information in relation to the proposed contractor:

- is a specialist beach cleaner,
- has more than one machine,
- has agreed to give priority to Cottesloe (ie New Years Day),
- will be available for extra urgent cleaning,
- repairs own machines,
- in emergency machines may be borrowed from larger Councils,

The skid steer loader which will be purchased can be driven on the beach.

The Mayor queried whether performance criteria will be set and assessed.

OFFICER RECOMMENDATION

That Council:

- (1) Agree to sell the Fergemec 660B tractor/loader and the "Boss" beach cleaner to Oz-Tek Agencies for a total of \$35,000.
- (2) Manage a 3 year agreement for Oz-Tek Agencies to beach clean the Cottesloe Beach at the quoted rate of \$450 per clean (ex GST)

12.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Agree to sell the Fermec 660B tractor/loader and the “Boss” beach cleaner to OZ-Tek Agencies for a total of \$35,000.**
- (2) Trial a 2 year agreement for Oz-Tek Agencies to beach clean the Cottesloe Beach at the quoted rate of \$450 per clean (ex GST)**

Carried 9/0

12.2.2 MAINTENANCE OF ROAD RESERVE VERGE PARKING AREAS POLICY

File No: E17.1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

This report covers the results of community consultation regarding the draft "Road Reserve Verge Parking Areas" policy and recommends the adoption of the policy.

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

Nil.

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

BACKGROUND

The proposed policy was considered by Council in its June 2005 meeting in-principal, with the requirements of the Consultation policy to apply.

The policy was advertised in the "Post" newspaper, and on Councils webpage. Letters were also sent to all known private properties with verge car parking areas serving their properties, with a request for comment.

Two letters have been received after a 2 month period.

CONSULTATION

This report deals with the results of a public consultation effort on the matter.

STAFF COMMENT

One of the letters received agrees to the content of the proposed policy.

The other comment covers the large, very poor quality sealed parking on the west side road verge of Salvado Street. The parking area was originally in front of the Crippled Childrens Home, but when the land was sold and redeveloped, the parking area was then used to service the new unit development.

The vast majority of use for this parkway area is by the residents of the unit development at No 22 Salvado Street. All other properties appear to have their own accesses, with kerbside parking being similar in number and nature to other similar streets in the area.

The surface condition of this parking area is very poor, with urgent works required. The kerbing requires a variety of repairs, particularly where the roots extend under the kerb and asphalt surface.

Some years in the past, a shared cost patching effort apparently took place to remove the worst of the potholes.

Council has no reason to build or maintain the carpark for general public use. However, its condition is such that it requires urgent repairs or the total area to be so as to reduce the public liability issue regarding injuries or vehicle damage occurring on a road verge parking area.

Staff can see no reason for Council, on behalf of all ratepayers, to enter into a shared cost arrangement to improve this parking area, when the only apparent use is made by the owner and residents of 22 Salvado St.

VOTING

Simple Majority

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council resolve to:

- (1) Adopt the 'Maintenance of Road Reserve Verge Parking Areas policy unchanged;**
- (2) Have a standard agreement form drawn up, and checked by Councils lawyer, to cover the long-term maintenance and upgrading responsibilities of the private property owners, with this agreement form to be sent to all affected landowners with private parking infrastructure on the road verge; and**
- (3) Inform the Montpeliano Strata Company that no public benefit is seen to exist by Council for the general public's use of the car parking area in front of 22 Salvado St, and that total maintenance and upgrading of the area must be the Strata Company's responsibility, with the standard agreement requirements to apply.**

Carried 9/0

12.2.3 REAR LANEWAY / ILLEGAL ENCROACHMENT – ROW 20, FLORENCE STREET, COTTESLOE

File No: E13.1.20
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 13 September 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

In April 2005, Council resolved not to adopt the following Officer and Committee recommendation.

That Council:

- (1) *Advise the applicants (and similarly affected property owners) that Council is prepared to commence the partial closure of the fenced in portions of ROW 20 as they exist at present;*
- (2) *Prior to commencing the partial closure of ROW 20, under Section 52 of the Land Administration Act, the affected property owners are to agree in writing to pay for the cost of closure process, including a Council service fee as set out in Section 6.16 of the Local Government Act; and*
- (3) *Subject to (ii), engage the services of a Licensed Surveyor to prepare the necessary plans to commence the progress.*

No alternative resolution was adopted. All affected owners were informed of this result and requested to remove the various encroachments on the laneway.

A letter from a legal firm representing the affected landowners has been received requesting Council's reconsideration of this matter, failing which legal action would be taken to pursue ownership of the various encroachment areas.

This report recommends, subject to Council confirming that it wishes to defend its stand on this matter, that a budget change be approved to allocate up to \$20,000 for legal defence of its rejection of proposals to legalise the encroachments on ROW 20, Florence St.

STATUTORY ENVIRONMENT

The total length of this laneway is owned 'fee simple' by Council. A sewer main owned by Water Corporation exists in the laneway. A legal opinion has been received on ROW's / laneways within the Town of Cottesloe regarding adverse possession.

Council is obligated to maintain the laneway for public access even though it is not Crown land vested in Council

POLICY IMPLICATIONS

Council's policy *Rights of Way/Laneways* applies.

1. Council's attitude towards the status of Rights of Way/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of Rights of Way/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a Right of Way or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the Right of Way or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act 1995.
5. The design of the Right of Way or Laneway must recognise the need to minimise vehicle speeds and maximise safety and security.
6. When a Right of Way is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.
7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or Right of Way.
8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the Local Government Act 1995.
9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimise vehicle speeds and maximise safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.

- (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
- (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
- (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
- (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
11. As a general rule it is Council policy to keep laneways open, even if un-constructed. Applications for closure are to be considered by Council.
12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of Laneways/ROW's showing the ROW number is supported.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

All affected owners were informed in May 2005 of Council's resolution not to support the partial closure of encroachment areas within ROW 20. Residents were informed of the requirement to remove encroachments from this laneway and their response was to retain a legal firm to pursue the matter.

CONSULTATION

All affected landowners have received letters in the past on this matter and are currently involved in correspondence to the Town of Cottesloe.

STAFF COMMENT

No new information is available on this matter, since Council last gave consideration in April, 2005; apart from the detailed survey plans showing the exact encroachments for the affected laneway.

The legal advice received points out that most of these encroachments have been in place for over 50 years, that the available current width is suitable for all normal access needs, that various buildings, a pool etc, have been built in these encroachments with Council approval and that the affected owners believe it is a reasonable request for these encroachment areas to be closed and amalgamated into their private properties.

If Council is still of the opinion that all encroachments are to be removed, including buildings, fences etc, then it appears inevitable that a Court action will have to be defended.

There has been no allowance made in the 2005/06 budget for such legal costs to be funded, and therefore a budget change is required to fund this legal defence, if and when it is required.

VOTING

Absolute Majority (Budget change required)

COMMITTEE COMMENT

The CEO suggested that the item be deferred to allow for further information to be obtained on the value of the land. The Council needs to be properly informed prior to making a decision.

A legal opinion will be sought and the item referred back to Council.

The Mayor requested that the affected residents be notified when the report is due to come back to Council.

OFFICER RECOMMENDATION

That Council resolve to approve a budget change to allocate up to \$20,000 for the legal defence of Council's position of the rejection of proposals to allow the closure of encroachment areas from private properties onto the area of ROW 20, Florence Street, in the 2005/06 financial year.

12.2.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council defer the matter in order to obtain legal advice on how best to quit the land in question to adjoining landowners.

Carried 8/1

12.2.4 RIGHTS OF WAY/ LANEWAYS POLICY NOTIFICATION

File No: E13.1.14
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 12th September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

In its July 2005 meeting, Council considered a request from 35 Grant St - supported by 9 adjacent residents - requesting that ROW14 not be sealed and that a general survey be conducted on the level of support for the sealing of Cottesloe laneways.

Council resolved the following:

That Council

- (1) *Inform the owners of properties fronting Right of Way No. 14 who have made comment on the possible sealing of Right of Way No.14 that:*
 - (a) *Council has no long term plans to fund the sealing of all laneways in the Town of Cottesloe;*
 - (b) *There are no plans or budget allocations for the sealing of ROW No.14;*
 - (c) *48% of all Town of Cottesloe laneways are already sealed, brick paved or concreted, with this percentage increasing due to development conditions;*
 - (d) *Current development conditions requiring the sealing of laneways have been in place for many years and only apply if a landowner wishes to get vehicle access to a new development or sub-division via the laneway;*
 - (e) *There are no plans to conduct surveys of landowners regarding sealed laneways;*
- (2) *Thank the provider of the survey details for the provided information regarding Right of Way No. 14; and*
- (3) *Request staff to develop a property modification which will:*
 - (a) *Allow laneways to remain unsealed subject to the support of two-thirds of adjoining owners; and*
 - (b) *Make it clear that any future request to seal these affected laneways will only be funded by differential rating subject to the support of two-thirds of adjoining owners or not proceed at all.*

STATUTORY ENVIRONMENT

There are no statutory requirements for Council to seal or not seal laneways. However, Council is responsible for the condition of laneways used by the public, apart from privately owned ROW's or laneways.

Council's town planning scheme requires that the development of land for residential purposes shall conform to the provisions of the *Residential Planning Codes*.

With regards to vehicular access, the *Residential Planning Codes* item A4.1 provides for:

Access to on-site parking to be provided, where available, solely from a right of way available for the use of the relevant lot and adequately paved and drained from the property boundary to a constructed street, or from a secondary street where a right of way does not exist.

Council's existing policy seeks to comply with this statement.

POLICY IMPLICATIONS

Council's *Right of Way / Laneways* policy was adopted in December 2004. A copy is included as an attachment.

STRATEGIC IMPLICATIONS

The areas of the strategic plan most applicable to this item are:

Governance – Consistency – All decisions made are consistent with relevant statutes, Council policy and the aims of this plan.

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

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council adopted its *Rights of Way / Laneways* policy in December, 2004. Its provisions for the sealing of the ROW surfaces relate to development or sub divisional applications involving private properties which seek to gain access from these rear laneways/ROWs. In December 2004, approximately 48% of all laneways in the Town of Cottesloe were already sealed. This proportion would now be approaching 50%.

The existing policy is in support of Councils Town Planning Scheme No 2 which under the policy "5.2.1 Residential Planning Codes" section (c) reads

Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of these codes.

The Residential Design Codes referred to, under section 3.5.4 “Vehicular Access” has a performance criteria “P4”:

Vehicular Access provided so as to minimize the number of crossovers, to be safe in use and not detract from the streetscape.

The “Acceptable Development under the “R” Codes, section A4.1 is listed as

Access to on-site parking to be provided, where available, and solely from a right of way available for the use of the relevant lot and adequately paved and chained from the property boundary to a constructed street, or from a secondary street where a Right of Way does not exist.

The Council policy also seeks to put the cost of sealing and draining a laneway / ROW section onto the developer gaining most from the laneway’s increased use, to service that development. It then removes that cost from ratepayers and residents who will have the negative impact of dust, erosion, potholing, drainage problems and the increased inconvenience of increased traffic on unsealed ROWs.

CONSULTATION

Any proposed change to a Council policy, once agreed to in principal by Council, would be advertised for public comment before being returned to Council for the final ratification of any policy changes.

STAFF COMMENT

As provided for in Council’s town planning scheme and the *Residential Design Codes*, staff will continue to promote and approve access to new developments from any available rear access i.e. ROWs / laneways.

Council has requested staff to provide changes in the policy for the situation where there is a substantial (two-thirds) demonstrated support for a laneway to remain unsealed and that any further sealing of that laneway would only occur if two-thirds of the affected adjoining owners requested the work and agreed to fund it by differential rating.

Over many years with the ongoing approval of rear access to new developments, the traffic build-up on these laneways will cause a variety of increased maintenance problems.

The question is posed “Is it fair for a group of landowners to reject the private sealing of a laneway and yet expect all ratepayers in the Town of Cottesloe to fund the increased maintenance inevitably requested by landowners due to increased use?”

It would be possible to design a policy provision requiring the installation of drainage soak pits and at least the provision of an unsealed base material to reduce expected maintenance costs from increased laneway use, if sealing is not to be pursued. The possibilities include one-off maintenance payments from developers equal to the sealing costs or annual extra maintenance payments from affected land owners to cover any extra maintenance caused by the lack of a sealed surface.

These possibilities would become difficult to administrate for the particular laneways where the two-thirds support had been demonstrated compared to those not in that category.

Therefore, any extra maintenance required because the landowners served by a laneway had rejected privately funded sealing would be forwarded from normal budget maintenance allocations from ROWs / laneways.

Therefore the additional items are proposed to be included in Councils Rights of Way/Laneways policy:

- (14) Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW / Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW / Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
- (15) Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council with the case to prevent such sealing and drainage.
- (16) The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two-thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two-thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

VOTING

Simple Majority

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That (16) be amended to read as follows:

- (16) The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two-thirds of all **responding** landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two-thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

Lost 2/7

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council advertise its intention to change its policy for Right of Way/Laneways by the addition of extra points 14, 15 and 16.

- (14) Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.**
- (15) Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council with the case to prevent such sealing and drainage.**
- (16) The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least 2/3rds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of 2/3rds of those owners for a differential rating payment system for those properties to fund such improvement works.**

Carried 9/0

12.2.5 TENDER NO. 88: SUPPLY OF SKID STEER/MINI LOADER

File No: E 1. 2. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

In its 2005/06 budget allocations, Council provided for the replacement of the Ferrec tractor/loader. Options were considered for this replacement and tenders were called for a skid steer loader, with attachments or a mini loader of a similar size.

Tenders were required for this purchase because of the expectation that the total deal would be in excess of \$50,000.

This item provides details on the tenders received and recommends the purchase of a Caterpillar 226BAC Skid Steer Loader from Westrac.

Note: This item has been "carried forward" from the August 2005 meeting. The "business case" for the beach cleaning to be undertaken by a contractor has been provided as a separate item.

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.

PURCHASING**OBJECTIVE**

Provide guidance to Council officers when purchasing goods or services.

PRINCIPAL

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.

Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will

base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

ISSUES

While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:

- ensure that expenditure is cost effective;
- promote ethical behaviour;
- seek value for money over the life cycle of the product;
- promote open competition between suppliers; and
- encourage regional cooperation.

POLICY

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.

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.

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: April, 2003

REVIEW: April, 2011

(Replaces P25, 28/10/96)

STRATEGIC IMPLICATIONS

Areas applying from Council's Strategic Plan are:

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

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

District Development – Asset Management – Appropriate Planning: Produce and implement a realistic five year plan for the maintenance of all major assets. (This machine is included for replacement on Year 1 of Council's Plant & Machinery Five Year Plan).

FINANCIAL IMPLICATIONS

Council has budgeted to expend \$75,000 on the new machine less \$25,000 received from the trade-in of the existing Fermec tractor/loader, giving a changeover cost of \$50,000.

The recommended machine purchase is within this budget allocation.

BACKGROUND

The Fermec tractor/loader and the 'Boss' Beach Cleaning Machine, combined as one operation, are the most expensive of Council's various machines, to operate and maintain. Part of this cost is the general age and condition of both machines. The beach cleaner is seven years old and the tractor 6 years. Both machines have had various major repairs and rebuilds. The beach cleaner, if retained, is proposed for replacement in 2006/07, with a trade-in value of \$10,000 and a new machine cost of \$50,000.

Because of the proposed changeover of the Fermec tractor in 2005/06, staff have investigated alternatives regarding the new machine type, the heavy-wear use of the tractor and beach cleaner in cleaning the beach sand several times a week and the possibility of having a contractor undertake all beach cleaning operations. If a contractor was engaged, then the 'Boss' Beach Cleaner could be sold, no new replacement beach cleaner would be required in 2006/07 and the Fermec

tractor/loader replacement would not need to include a power take off/3 point linkage capacity. A skid steer/mini loader alternative would then be seen as the most appropriate.

Staff investigated, with other coastal Councils, any existing contractors undertaking beach cleaning works. The Town of Nedlands use Oz-Tek Agencies to clean Swanbourne Beach as does City of Cockburn for its main beach areas. Oz-Tek Agencies have provided a cost schedule which is similar in cost to the annual cost of staff using the tractor/cleaner combination for the same work.

However, that contractor would have to upgrade in capacity to perform the extra works. Therefore, a tender has been received from Oz-Tek Agencies to purchase the trade-in Fermec tractor. In addition the tendered figure has included the purchase of the 'Boss' Beach Cleaner because the tractor without the beach cleaner would be of no use to this contractor.

For the purposes of comparison, the tractor purchase value has been put at the budgeted trade-in value (\$25,000) with \$10,000 being put to the beach cleaner purchase.

Apart from the private purchase offer for the tractor/loader, a total of 17 machines have been offered from 10 different companies. The 17 machines offered covered: 9 true skid steer type loaders, 3 'mini' articulated loaders, 3 small construction loaders and 2 telescopic load 'handlers'.

If a skid steer loader was purchased, a tandem trailer with loading ramps would be required, to be towed by Council's truck fleet.

In addition, several options were requested, as attachments to the skid steer loader to be costed within the tenders. These were: an air conditioned cabin, a 4 in 1 bucket, pallet forks, a road sweeper and steel or rubber tracks over the wheels (for beach use).

Whatever is chosen for purchase, the total package is proposed to be within the budget allocation.

CONSULTATION

No resident/ratepayer consultation would be required for this item. The tender was advertised in a locally available newspaper, on Council's web page and copies of the documentation were sent to all who requested copies.

STAFF COMMENT

Without the requirement to beach clean, the most useful form of loader for the Town of Cottesloe use is a skid steer loader. Depot staff agree that a beach cleaning contractor would be the most suitable application, thereby reducing machine maintenance and overtime costs.

The skid steer loader, with its various attachments would:

1. Save the cost of machine hire when a skid steer loader is used.

2. Allow for backfilling of new kerb lines and the removal of old kerbing during road upgrading.
3. Allow for street sweeping on particular locations, particularly for clean-up after storms and during street or drainage construction works.
4. For collection of pruning debris, stockpiles of debris from Norfolk Island pine trees and levelling operations for works on footpaths, landscaping and verge improvements.
5. Allow loading/unloading at the depot, of pallets, pipe sections, slabs and other materials.
6. For back blading/levelling on unsealed laneways.

A tandem trailer with loading ramps would allow all Council's trucks to move this unit to job sites, rather than permanently committing one truck to its movement.

On this basis, staff have concentrated on assessing all suitable skid steer type loaders.

The mini loaders, articulated construction loaders and the telescopic 'material handlers' were not pursued to test operating stage, mainly due to the high prices involved, plus the better applicability of the skid steer loader to Council's requirements.

Staff, after the consideration of all tendered information, arranged for demonstrations of five different 'short listed' skid steer loaders. These machines were operated by several depot based staff.

Staff have recommended the Caterpillar 226BAC Skid Steer loader, with a standard air conditioned ROPS/FOPS cabin plus (in conjunction with the standard GP bucket), 4 in 1 bucket and a road sweeping broom.

It is also recommended that the Ferrec tractor/loader trade-in machine be sold to Oz-Tek Agencies with the 'Boss' Beach Cleaner for a total of \$35,000. If a trade-in situation is not required of Westrac, then that company has stated in writing that a \$2,000 discount would apply to a 'no trade-in' situation. It is noted that the inclusion of the 'Boss' Beach Cleaner sale in this report is separate to the sale of the tractor/loader, as covered in the tender.

The sale of the tractor/loader, as well as the 'Boss' Beach Cleaner, would yield Council the \$25,000 budget allowance for the trade-in machine plus an extra \$10,000 for the beach cleaner, which is additional to budget provisions. Staff will then arrange an agreement for contract cleaning of the beach sand.

The total cost of the Caterpillar 226BAC Skid Street loader, plus the road sweeping broom and the 4 in 1 bucket, is \$60,250, less \$25,000 as the changeover cost of the machine, less \$2,000 new machine cost reduction by Westrac due to a 'no trade-in' situation.

This allows \$16,750 to purchase a heavy tandem trailer, with ramps, to transport the skid steer loader on. The cost of this trailer will be less than \$11,000, which will mean the total 'package' will be below the budget allocation.

VOTING

Simple Majority

12.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council:

- (1) Accept the tender lodged by Westrac for the purchase of a Caterpillar 226BAC Skid Steer loader, with a road sweeper and a 4 in 1 bucket as attachments, for a total cost of \$58,250, including a \$2,000 'no trade-in' discount; and**
- (2) Thank all tenderers for the work put into the submission of tenders.**

Carried 9/0

12.2.6 THREE YEAR TRAVEL SMART PROGRAM

File No: X 8.25
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 14 September, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A letter has been received from the City of Nedlands requesting Council's commitment to a 3 year program for the existing Travel Smart program, including the current 2005/06 budget year.

This report recommends a commitment to the requested 3 year program.

STATUTORY ENVIRONMENT

There are no statutory or mandatory requirements for Council to be involved in the Travel Smart Program

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

District Development – Environment – Traffic Management and Safety-
A system which promotes safety and the 'Travel Smart' concept, incorporates widespread use of 50kph speed limits and a community bus service, removes through freight traffic and resists any move to a 4 lane highway on Curtin Avenue.

FINANCIAL IMPLICATIONS

Council has budgeted to expend \$27,550 on Travel Smart in 2005/06. This includes the salary and overhead costs for one day per week of the officer's time. A similar level of funding would normally be required over the next 2 years, however in 2006/07, DPI have agreed to be involved in a major Travel Smart Household Project covering Claremont and Cottesloe valued at \$588,200, with a requested Town of Cottesloe contribution of \$26,460.

BACKGROUND

The Town of Cottesloe has funded one day per week (0.2 FTE) for the Travel Smart officer for several years, with the Cities of Nedlands and Subiaco each funding 2 days per week (0.4 FTE)

This financial year, Subiaco has chosen to expand their Travel Smart involvement and also add other 'environmental' type duties to the job description. This has meant a full time officer will be required by the City of Subiaco.

The City of Nedlands has now committed to a 3 year program, as has the recently involved Hollywood Private Hospital at a cost of \$10,000 per year. Nedlands expect

to make up the 'shortfall' in funding with other partnerships similar to that with Hollywood Private Hospital.

CONSULTATION

The Travel Smart program itself involves substantial community involvement and consultation. No particular community consultation is proposed on this matter

STAFF COMMENT

Travel Smart involvement in cycle paths, dual use pathways, the 'Cott Cat', the promotion of alternative transport modes, access guides / maps, 'Cycle Instead/ Bikeweek' initiatives and the Walking School Bus has removed a percentage of the cars from local roads, pushed healthier lifestyles and gained access to a variety of grant funds.

The proposed major project in 2006/07 (Travel Smart Household Program) will mean a major investment of DPI funds into Claremont and Cottesloe to reduce community commitment to the use of vehicles.

Therefore, for the cost of an officer one day per week plus a portion of different project costs, the expenditure appears worthy of support.

VOTING

Simple Majority

12.2.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council inform the City of Nedlands that it will agree to continue to fund one day per week for a Travel Smart officer for another 2 years beyond the current 2005/06 financial year.

Carried 9/0

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST, 2005**

File No: C7.4
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2005
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, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It will be noted from the Operating Statement on page 3 that operating revenue is ahead of budgeted figures by an amount of \$210,882, the main reason for this being grant monies for roadwork's paid in advance.

Overall expenditure is \$323,856 less than budgeted, however depreciation has not been run yet in 2005-06 and this would account for approximately \$220,000 of this amount and this is highlighted on the Nature and Type Statement on page 10 of the Financial Statements. Also note on page 3 that the 2004-05 allocation for Area Promotion has been disbursed ahead of forecast. Other variances relate mainly to timing differences.

VOTING

Simple majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 August, 2005, as submitted to the September 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, 2005

File No: C12 and C13
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2005
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, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on Page 37 of the Financial Statements shows that \$3,742,996.57 was invested as at 31 August 2005. Of this, \$690,095.12 was reserved and so restricted funds. Approximately seventeen per cent of the funds were invested with the Home Building Society, seventy seven per cent with National Australia Bank, and six per cent with Bankwest. The bank account shows a large balance of \$1,031,000.81 due to the high volume of rates monies due at this time. Most of these funds have since been transferred to term deposits.

The Schedule of Loans on Page 38 shows a balance of \$411,203.57 as at 31 August 2005. Of this \$198,572.05 relates to self supporting loans.

VOTING

Simple majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 August, 2005, as submitted to the September meeting of the Works and Corporate Services Committee.

Carried 9/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST, 2005

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 August, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 30 of the Financial Statements, brought to Council's attention include:

- \$10,811.12 & \$10,749.22 to West Australian Local Government Superannuation Plan being for employer contributions to the plan.
- \$13,508.00 to WALGA for Council's annual membership and subscriptions.
- \$30,698.80 to Main Roads WA being the return of grant funds.
- \$37,370.01 to BCITF being monies held in trust for the building and construction industry training fund.
- \$21,172.76 to Fitzsimmons & Co for a variety of drainage works in the Town.
- \$23,265.55 to Claremont Asphalt for asphalt work at No 2 Car Park etc.
- \$10,180.50 to Jaymar Pumps for flow tests etc to bore pumps.
- \$13,743.00 to Metro Count for equipment and software relating to traffic monitoring.
- \$31,300.69, \$135,683.63 & \$62,065.41 to Perth Auto Alliance and Shacks Holden respectively for the purchase of seven new passenger vehicles.
- \$33,290.04 to Roads 2000 for roadwork's mainly along Curtin Avenue.

- \$143,643.32 to the Town of Mosman Park for roadwork's mainly the intersection of Curtin Avenue and Grant Street.
- \$35,547.26 to the Valuer Generals Office for revaluation services provided.
- \$31,888.00 to the Municipal Workcare Scheme being the first instalment of workers compensation insurance for 2005-06.
- \$26,042.50 to the Municipal Liability Scheme being the first instalment of public liability insurance for 2005-06.
- \$30,550.84 to Trum Pty Ltd (t/a Wasteless) being for domestic and commercial waste collection services for the month of August 2005.
- \$11,987.53 to WMRC being for transfer station tipping fees.
- \$17,589.53 to FESA being levies collected for June 2005.
- \$22,870.53 to Fuji Xerox for a new document centre/photocopier.
- \$84,615.03 to the Shire of Peppermint Grove being Council's quarterly contribution.
- \$51,092.88 & \$47,314.34 for August payroll.

VOTING

Simple majority

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the List of Accounts for the period ending 31 August, 2005, as submitted to the September 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, 2005**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2005
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, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on page 35 of the Financial Statements shows a balance of \$150,938.34 of which \$48,766.48 relates to the current month. Of this, \$45,500.00 relates to the sale of a truck. The balance of aged debt greater than 30 days stood at \$102,171.86 of which \$54,997.80 relates to Pensioner Rebate claims and \$14,516.15 relates to disputed legal expenses incurred with the Sea View Golf Club lease.

The Property Debtors Report on page 32 of the Financial Statements shows a balance of \$2,484,137.57. Of this amount \$167,734.83 and \$7,040.25 are deferred rates and deferred ESL respectively. As was the case last year, the first instalment date was on 30th August, though rates outstanding as at the end of the month is \$218,435 when compared to the same time last year. Many more ratepayers are taking advantage of the phone and internet methods of payment offered by Council.

VOTING

Simple majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 August, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 August, 2005.**

Carried 9/0

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

12.4.1 COTTESLOE SURF LIFE SAVING CLUB STRATEGIC ADVISORY BOARD

The Mayor was advised that the CSLSC has set up a strategic advisory board to look at their long term strategic direction. The club requested a Council observer on the board.

12.4.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council appoint Cr Cunningham to the position of Council observer on the Cottesloe Surf Life Saving Club Strategic Advisory Board.

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

14.1 REQUEST FOR DONATION – JOHN HAYES

Cr Walsh asked Council consider a request for donation to resident John Hays, who has been selected for the Junior State Lacrosse Team. The donation would be towards new equipment for the upcoming tournament.

14.1 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Utting

That the matter be accepted as urgent business.

Carried 8/1

Moved Cr Walsh, seconded Cr Strzina

That John Hayes be congratulated by Council upon his selection onto the Junior State Lacrosse Team and donate \$50 towards new equipment.

Carried 9/0

MEETING CLOSURE

The Deputy Mayor announced the closure of the meeting at 8.00pm.

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