

# TOWN OF COTTESLOE



## FULL COUNCIL MEETING

# MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 28 APRIL, 2009

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

The Mayor declared the meeting open at 7:00pm.

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

**Elected Members**

Mayor Kevin Morgan	Presiding Member
Cr Jay Birnbrauer	
Cr Greg Boland	
Cr Patricia Carmichael	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Bryan Miller	
Cr Victor Strzina	
Cr John Utting	
Cr Jack Walsh	
Cr Ian Woodhill	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Krystal Shenton	Executive Assistant

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Mike Owen, 61 Margaret Street, Cottesloe – Item 10.1.2 Nos. 238-240 (lots 4 & 5) Marine Parade – two-storey dwelling with undercroft and swimming pool

Mr Owen's property backs onto lots 4 & 5 Marine Parade.

Mr Owen stated that he does not wish to delay the process of the application as he is anxious to see the outcome as it affects his own investment, however, he went on to say that the mound of soil on the block in question was partly man made and that if Council permitted the owner to build on it, it would set a precedent for anyone else to do the same.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Walsh, seconded Cr Strzina

[Minutes March 23 2009 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 23 March, 2009 be confirmed.**

**Carried 11/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Morgan commented that the Council Chambers now had new lighting installed and that the Civic Centre renovations ere expected to be completed by May 2009.

**8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE****BACKGROUND**

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

**Suspension of Standing Orders**

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

**RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Walsh

**That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.**

**Carried 11/0**

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

For the benefit of the members of the public present the Mayor determined to consider the items in the following order:

Reports from Development Services Committee:

- 10.1.1 No. 14 Torrens Street – two-storey dwelling and pool
- 10.1.2 Nos. 238-240 (lots 4 & 5) Marine Parade – two-storey dwelling with undercroft and swimming pool

Reports from Works and Corporate Services Committee:

- 10.2.2 Local Government Structural Reform - Checklist
- 10.2.3 Parking and Parking Facilities Local Law
- 10.2.5 Eric Street/Railway Street Roundabout Problems
- 10.2.7 Request for Right of Way to be Named, Broome Street/Forrest Street, Cottesloe
- 10.2.8 Safety Issue - Railway Street/Forrest Street Intersection, Cottesloe

The remainder of the items from the Works and Corporate Services Committee were dealt with *en bloc*.

New Business of an urgent nature introduced by Elected Members/Officers by decision of meeting

- 12.1.1 Enquiry By Design – Summary of Building Design Controls

**10 REPORTS OF COMMITTEES****10.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 APRIL 2009****10.1.1 NO. 14 TORRENS STREET – TWO-STOREY DWELLING AND POOL**

**File No:** 1579  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
**Property Owner:** Paul Breen  
**Applicant:** Kris J Wiacek Architect  
**Zoning:** Residential  
**Use:** P - A use that is permitted under this Scheme  
**Density:** R30  
**Lot Area:** 405m<sup>2</sup>  
**Proposed Meeting Date:** 20-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The applicant is seeking the following variations to TPS 2 and/or the Residential Design Codes:

- Building height;
- Front setback;
- Setback to garage;
- Side setback;
- Wall on boundary, and
- Visual privacy.

Each of these issues is discussed in this report and refer to amended plans received on 24 March 2009.

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

**PROPOSAL**

This application is for the demolition of an existing house and construction of a two-storey dwelling and pool. The proposed dwelling is of conventional design and is relatively modest in scale comprising 3 bedroom, 2 bathrooms, an ensuite, study, lounge, family room, games room and a pool. The design of the dwelling also utilises

the lots east-west positioning by locating its main outdoor active habitable areas (alfresco area and pool) on the northern side for best solar orientation.

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

- Building Heights
- Garages and Carports in the Front Setback Area

#### HERITAGE LISTING

The existing dwelling (to be demolished) is not on the Town's Municipal Inventory

#### DRAFT LOCAL PLANNING SCHEME NO 3

No changes are proposed to the zoning of the lot

#### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Town Planning Scheme Policy/Policies

Policy	Required	Provided
Garages and Carports in Front Setback Areas	6m (may be reduced where relevant criteria are satisfied)	3m
Height	6m wall height; 8.5m roof height	<u>Main dwelling</u> Wall Height - 6.5m; Roof height - 8.5m <u>Ensuite</u> Wall height - 7.5m Roof height - 8.6m

#### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
6.2 – Streetscape	Garages setback 4.5m from the primary street	3m	Clause 6.2.3 – P3
6.3 – Boundary setback	2.3m setback from upper floor to southern boundary	2.12m	Clause 6.3.1 – P1



Design Element	Acceptable Standards	Provided	Performance Criteria Clause
6.3 – Building on boundary	Wall built up to the boundary behind the (4m) front setback	3m	Clause 6.3.2 – P2
6.8 – Visual Privacy	7.5m from raised alfresco area	3.35m; 6.21m	Clause 6.8.1 – P1

#### ADVERTISING OF PROPOSAL

The application was advertised as per Town Planning Scheme No 2. The advertising consisted of a letter to 5 adjoining property owners. 2 submissions were received.

The main points raised in the submissions are summarised as follows:

#### Kerin and Alan Tietzel, 169 Broome Street

- No concerns from an aesthetic point of view;
- Proposed pool will be required to avoid sewerage easement on the lot;
- Proposed waterfall feature should not be attached to existing common boundary wall as could cause damage. It must also not encroach boundary;
- The calculated average NGL should be 16.0;
- The proposed level of the ground floor is well above the NGL which appears excessive and will give the occupants an unacceptable view over the fence and into our home and recreation areas;
- Any build-up abutting the existing fence must protect that fence by construction of a retaining wall;
- No objection to flat roof to proposed garage but it is not to be used as a balcony as this would be invasive;

#### Mark and Kerryn Hands, 167 Broome Street

- The proposed residence will be well above the average NGL and is unacceptable relative to our property;
- We understand the height of walls, roof levels and setbacks will comply with Council requirements;
- Rear boundary wall is not on owner's property. There should be a free-standing retaining wall with appropriate damp-coursing;
- Flat roof above garage must not be used as a balcony.

#### APPLICANTS RESPONSE TO NEIGHBOUR'S COMMENTS

- Swimming pool will be constructed to the Water Corporation easement requirements (the depth of the pool is only 1m and will comply with WC retaining requirements);

- Proposed water feature will be attached to a new brick fence along the northern boundary;
- Average NGL has been calculated at 16.00;
- The alfresco area and windows above comply with cone of vision requirements of the RDC;
- There will be no access to the roof area above the garage;
- The level of the rear of the proposed residence is designed at 16.00m which is at average NGL.

### **Background**

Following an assessment of the development application, the Town has been liaising with the applicant in an attempt to address concerns regarding height, setbacks, setback to garage, visual privacy and front fencing.

The Town subsequently received a letter and amended plans on 24 March 2009 from the applicant which addresses most of the initial concerns but does not satisfy all of Council's requirements.

### **Staff Comment**

The following comments are made regarding the application and revised plans received 24 March 2009.

#### *Building height*

The calculation of building height stems from Council's determination of natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme No2 expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height.

However, provision is made for Council to depart from the formula where the natural ground forms indicate that a variation is warranted provided that the amenity of the area is not unreasonably diminished.

The NGL at the centre of the lot has been determined to be RL: 16.0 which has been derived using a site survey plan submitted by the applicant and drawn by a licensed surveyor.

Based on this NGL the maximum permitted wall height is 6m (RL: 22.0) and the maximum permitted ridge height is 8.5m (RL: 24.5).

The proposed dwelling has a wall height of 6.5m (RL: 22.5) and a roof height of 8.5m (RL: 24.5) and the proposed upper floor ensuite area has a wall height of 7.5m (RL: 23.5) and a roof height of 8.6m (RL: 24.6). Therefore, with the exception of the main roof height the proposed dwelling does not comply with TPS 2.

While TPS2 specifies the measure of wall height it is silent as to a definition of wall height, so the RDC and draft LPS3 are relied upon for guidance in this regard. This means that the effective wall height as it presents on a facade may be one measure, whereas the technical wall height by interpretation as constructed may be a greater measure. On this basis in exercising any discretion due to topography Council may choose to focus less on the actual height and more on the test of amenity as to the acceptability of the wall height.

Nonetheless, the applicant has advised that the wall heights will not exceed 6m (except for above the upper ensuite area), but this is not shown in the submitted plans based on the definition of Wall Height in the RDC and should therefore be conditioned accordingly, particularly in view of concerns regarding height raised by the owners of the properties to the rear on the lower side.

With regards to the height of the proposed upper ensuite area, the applicant has requested positive consideration of the proposed variation on the grounds that it will increase the street appeal of the dwelling and will not cause any excessive overshadowing to neighbouring properties. Council could consider allowing a concession to this portion of the building as the natural ground level of the lot slopes approximately 1.8m from the west to the east and the calculated NGL is approximately 1m below the street level, so it may be warranted in this case to provide a more attractive and articulated appearance to the street without impacting on the amenity of the area. The proposed louvred design of the upper part of the raised walls will also be less visually obtrusive than solid walls and should further contribute to the overall design of the dwelling without adversely affecting adjoining properties.

Another way of considering this turret-like feature of a louvred band is as a break or transition between the solid walls below and the roof above, which as such appears visually more as part of the overall roof structure than a true wall structure. Hence while by definition this element may be identified as a continuation of the vertical wall surface, it might otherwise be seen as a fringe to the roof, especially as the roof might otherwise be designed with a steeper pitch or different shape (eg, a Mansard or barn-type) to meet the wall height standard.

Notwithstanding this, the roof height above the proposed ensuite should be reduced by 0.1m to 8.5m (RL: 24.5) above the calculated NGL to be consistent with TPS 2 and the roof height of the main dwelling. Such a minor change is unlikely to compromise the design and should be easily achievable.

The proposed covered balcony at the front of the dwelling has a flat roof and is 7m above the calculated NGL which complies with the Residential Design Codes (RDC), as relied upon by Council in considering such designs as TPS 2 is not explicit in this respect.

#### Front setback to house

The proposed lounge and bedroom 1 has a 6.245m front setback which is consistent with Council's preference for a minimum 6m setback (Council Resolution 28/10/02).

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However, the proposed upper floor ensuite over the garage and porch/balcony have reduced setbacks of 5.5m and 5m respectively.

Under Clause 6.2.2 of the RDC the proposed porch/balcony can be considered as *minor incursions into street setback* as it has been modified so as to project not more than 1m into the street setback area and not exceed 20% of the frontage. However, the upper floor ensuite should be setback a minimum 6m as this would be consistent with the setback to the existing dwelling on the lot and the primary frontage to the dwelling to the south.

#### Setback to garage

The proposed double garage is an integral feature of the proposed dwelling but only has a 3m front setback, in lieu of 4.5m required under the acceptable development standards of the RDC.

It is considered that the reduced setback to the garage can be supported under the relevant performance criteria of the RDC which states:

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

The juxtaposition of the proposed garage to the house is sympathetic with its design and will assist in reducing the visual impact of an existing raised carport with a zero front setback that has been constructed on the adjoining lot to the north (approved 15/12/05). Two other double garages with reduced front setback have also been constructed at Nos. 4 & 6 Torrens Street and so there appears already be some precedent in the street. Furthermore, the width of the proposed garage is only 40% of the lot frontage and therefore it will not significantly obstruct views of the house from the street or vice versa.

Council's Policy for 'Garages and Carports in Front Setback Area' (Policy TPSP 003) generally requires garages to be positioned behind the 6m front setback line. However, consistent with the RDC the policy does also allow for garages to be constructed with a reduced 4.5m front setback in most cases and further variations can be considered having regard to:

- The relevant objectives of the RD Codes;
- The effect of such variation on the amenity of any adjoining lot;
- The existing and potential future use and development of any adjoining lots;
- Existing setbacks from the street alignment in the immediate locality, in the case of setbacks from the principle street.

Although this policy does not specifically address walls on boundaries (see below) it is nevertheless relevant in this case and the setback variations sought for the proposed garage can be supported for the reasons previously discussed. The applicant has

further indicated that he would be prepared to install acrylic see-through segmented garage doors if considered necessary by Council.

Side setback

The upper floor of the proposed dwelling has a minimum 2.12m setback from the southern boundary, in lieu of 2.3m required under the RDC. This variation is relatively minor and can be considered under performance criteria which state:

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

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

The side setback variation is 0.18m and will have a negligible affect on adjoining properties, especially as the dwelling to the south is separated by an existing driveway and will be approximately 6m from the southern elevation of the proposed dwelling.

Wall on boundary

The proposed double garage is to be located on the northern boundary with a 3m front setback, in lieu of a 6m front setback required under the acceptable development standards of the Codes for a wall on a boundary. The length and height of the proposed wall would otherwise be compliant with the codes.

The location of the wall on the boundary can be considered under performance criteria of the Codes which state:

*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;*
- *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.*

The location of the proposed garage on the boundary makes effective use of space and will assist in partially reducing the visual appearance of the adjoining carport. It will also be located a reasonable distance from the adjoining dwelling and being on its southern boundary it will not restrict solar access to the main habitable areas. Furthermore, there was no submission made during advertising of the proposal from the adjoining owner.

Visual Privacy

The proposed development complies with the visual privacy requirements of the RDC with the exception of the raised alfresco area on the northern side of the proposed dwelling, which has a FFL of up to approximately 1.1m above NGL and has a minimum 3.35m and 6.21m setback from the northern and eastern boundaries respectively, in lieu of the required 7.5m required under the RDC.

The relevant performance criteria of the Codes state:

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

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

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

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

The front property (11c Hawkstone St) on the northern side is raised by approximately 0.7m with a brushwood fence above a retaining wall. This raised ground level is of similar height to the level of the proposed alfresco area and therefore the existing fence will provide reasonable privacy to the adjoining owner, particularly as the adjoining property is well setback.

The applicant has suggested that due to visual privacy concerns raised by the owner to the rear (at 167 Broome Street) the common boundary fence could be raised by 0.27m to avoid any possible overlooking from the proposed alfresco area. This would seem an acceptable solution but will need the adjoining owner's agreement. It does not, however, address the potential overlooking of the rear property along the northern boundary (at 169 Broome St) which has two habitable room windows on the ground floor facing the boundary. This owner has also raised the issue of privacy.

Rather than increasing the height of the rear portion of the existing northern boundary wall (unless the adjoining owner's approval is obtained), it is recommended that the proposed alfresco area should be screened to a height of 1.6m above its floor level where required to satisfy the Visual Privacy requirements of the RDC. Alternatively, the FFL of the alfresco may be lowered so as to not exceed 0.5m above the NGL, although this may result in a number of steps being required from the proposed family room which may not be a feasible option.

**CONCLUSION**

The applicant has attempted to address Town Planning Scheme No 2 and the RD Codes and, on balance, it is considered that the amended plans have merit and should largely be supported. Notwithstanding this, further design revisions are considered necessary to ensure that the development does not detract from the amenity of the surrounds and streetscape, as conditioned in the approval.

**Voting**

Simple Majority

**COMMITTEE COMMENT**

Committee noted the tabled letter from the architect agreeing to meet certain recommended conditions and confirmed that the overall design changes would be acceptable, whereby Committee supported the proposal.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the proposed two-storey dwelling (including pool) at No. 14 (Lot 6) Torrens Street, Cottesloe, in accordance with the plans submitted on 24 March 2009, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (e) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted

shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

- (g) Any fencing to the site within the front setback area shall be of an open-aspect design in accordance with Council's Fencing Local Law.
- (h) No retaining walls or fill within 1m of a common boundary shall exceed 0.5 metres above natural ground level.
- (i) The pool pump and filter shall be located so as not to impact on adjoining properties and suitably housed or treated as may be necessary so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (j) Wastewater or backwash from pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum 1.8 metres away from any building or boundary.
- (l) Wastewater or backwash shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (m) The proposed garage roof shall not be used as an active habitable space.
- (n) The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services.
- (o) The building licence plans shall be formulated to the satisfaction of the Manager Development Services to include:
  - i. The wall height of the dwelling, except for the upper-floor en suite portion, being reduced to 6m above the calculated NGL (ie: to a maximum of RL: 22);
  - ii. The roof height above the proposed upper-floor en suite portion being reduced to 8.5m above the calculated NGL (ie: to a maximum of RL: 24.5);
  - iii. The proposed upper-floor en suite portion being setback a minimum 6m from the front boundary; and
  - iv. The proposed north-facing alfresco area being screened to a minimum height of 1.6m from the finished floor level, or otherwise suitably addressed to provide reasonable privacy to the adjoining property owners.



- (2) Advise the submitters of this decision.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Dawkins

Point (o), section iv, the words "*or otherwise suitably addressed to provide reasonable privacy to the adjoining property owners*" be deleted and replaced with "*and/or its finished floor level being reduced to no more than 0.5m above the natural ground level*"

Carried 11/0

**COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Dawkins

**That Council GRANT its Approval to Commence Development for the proposed two-storey dwelling (including pool) at No. 14 (Lot 6) Torrens Street, Cottesloe, in accordance with the plans submitted on 24 March 2009, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (e) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (g) Any fencing to the site within the front setback area shall be of an open- aspect design in accordance with Council's Fencing Local Law.

- (h) No retaining walls or fill within 1m of a common boundary shall exceed 0.5 metres above natural ground level.
  - (i) The pool pump and filter shall be located so as not to impact on adjoining properties and suitably housed or treated as may be necessary so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
  - (j) Wastewater or backwash from pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
  - (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum 1.8 metres away from any building or boundary.
  - (l) Wastewater or backwash shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
  - (m) The proposed garage roof shall not be used as an active habitable space.
  - (n) The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services.
  - (o) The building licence plans shall be formulated to the satisfaction of the Manager Development Services to include:
    - i. The wall height of the dwelling, except for the upper-floor en suite portion, being reduced to 6m above the calculated NGL (ie: to a maximum of RL: 22);
    - ii. The roof height above the proposed upper-floor en suite portion being reduced to 8.5m above the calculated NGL (ie: to a maximum of RL: 24.5);
    - iii. The proposed upper-floor en suite portion being setback a minimum 6m from the front boundary; and
    - iv. The proposed north-facing alfresco area being screened to a minimum height of 1.6m from the finished floor level, and/or its finished floor level being reduced to no more than 0.5m above the natural ground level.
- (2) Advise the submitters of this decision.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 11/0

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**10.1.2 NOS. 238-240 (LOTS 4 & 5) MARINE PARADE – TWO-STOREY DWELLING WITH UNDERCROFT AND SWIMMING POOL**

**File No:** 1631  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** William Schaefer  
Planning Officer

**Author Disclosure of Interest:** Nil

**Report Date:** 15 April 2009  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Terrex Seismic

**Applicant:** Hartree & Associates Architects  
**Date of Application:** 03 December 2008 (Amended 19 March 2009)

**Zoning:** Residential  
**Use:** P- A use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 728m2  
**M.R.S. Reservation:** N/A  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The application is for a large single dwelling on two vacant lots. The proposal has been architect-designed with special to site and setting and a range of planning controls. A four-metre high mound of earth in the north-east corner of the site has substantially influenced the design of the proposal.

Dialogue between the applicant and the Town began in March 2007, with a single dwelling being proposed for No. 240 Marine Parade in March 2008. The owner then purchased the vacant block to the south and the proposal was withdrawn.

There has been ongoing dialogue between officers, the applicants and neighbours since submission of the current proposal. The applicants have provided supporting material, including a justification report, model and diagrams. The proposal has also been considered by the Design Advisory Panel at the earlier conceptual stage.

This report presents the technical assessment of the proposal and recommends approval subject to conditions.

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**PROPOSAL**

The proposal is for a single dwelling of essentially two-storey design, with an undercroft and an integrated swimming pool at the front.

Architecturally, the proposal has been designed along modernist/contemporary lines. Similar designs are found throughout Cottesloe and notably in north Cottesloe. The dwelling has been articulated over the four-metre-high mound at the rear of the site.

A similar stepped or split-level approach has been applied to the two dwellings to the north and there is a built-up character to this stretch of Marine Parade and locality.

**STREETSCAPE APPRECIATION**

Streetscape-wise the proposal would present as a wide dwelling of large mass, with a height in keeping with the dwellings to the north and further south. This relative bulk is ameliorated by the above-average setbacks, stepping of the building, its broken-up design and detailing. In this way the dwelling is in a sense recessive, having an arrangement of layers and planes of built form which soften its impact, as well as the basement driveway cutting creating space.

It is also very visually permeable, with extensive glazing, perforated screening and the see-through pool virtually enlightening the dwelling. This is as opposed to a solid-walled design with smaller openings and a pitched roof, which would add weight to streetscape presence.

As to height, the streetscape drawing shows that the dwelling would be in line with a subtle stepping-down the street from north to south of building heights, so it would fit in with this pattern of scale. Also, when the anomalous single dwelling to the south is redeveloped, there would be better overall balance in the streetscape.

At the same time, the design has a certain thrust due to the suspended pool and forward-leaning front wall, together with some structural elements which add strength to its appearance. The locality is characterised by dwellings with interesting shapes, however, including those to the north and rear, whereby these aspects will contribute to this eclecticism.

Therefore, from a pure design perspective, despite its proportions, the proposal can be seen to be designed to suit the site and surrounds. Nonetheless it is required to be determined in relation to a number of planning parameters.

**STATUTORY ENVIRONMENT**

Town Planning Scheme No. 2  
Residential Design Codes

**POLICY IMPLICATIONS**

Building Height

**HERITAGE LISTING**

N/A

**DRAFT LOCAL PLANNING SCHEME NO. 3**

Under LPS3, it is proposed to change the density coding of the site to R25. This would allow two grouped dwellings, and similarly the existing pair of lots would allow two separate dwellings. In this respect the mass of the proposed single dwelling may be less of an impact than two dwellings, depending on the design, such as any gap or view corridor, any walls on boundaries and setbacks, the spread of the built form and its materiality, and so on.

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

TPS2 – Building height variations – refer to this section in report.

**Residential Design Codes**

<b>Design Element</b>	<b>Provision or Acceptable Development Standard</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
Building Height	7.0m (parapet wall)	8.5m	6.7.1 – P1
Front Setback	6.0m	5.0m (swimming pool only)	6.2.2 – P2
Boundary Setbacks	1.6m to South Lower Ground; 2.7m to South Upper Ground;	1.5m; 2.5m	6.3.1 – P1
Site Works	Up to 500mm	>500mm along a 4.0m of north boundary	6.6.1 – P1
Visual Privacy	7.5m from Terrace northern boundary to	3.4m	6.8.1 – P1

Solar Access for Adjoining Sites	25% max	61%	6.9.1 – P1
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**STRATEGIC IMPLICATIONS**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**CONSULTATION****Advertising**

Neighbours to the north and south of the site were notified by the applicant. Both neighbours have expressed written support for the proposal. The Town notified the neighbour to the rear (No. 61 Margaret Street) of the revised plans submitted in March 2009.

The owners of No. 61 Margaret Street have lodged a written objection, which is summarised as follows:

Mike and Lesley Owen, 61 Margaret Street

- The four-metre-high mound in the north-east corner of the site was artificially created in the late 1990s and is now being used to increase the height of the proposed residence;
- The height of the proposal exceeds Council limits;
- The rear wall of the proposed residence increases the perceived effects of building bulk and overshadows habitable spaces;
- The glass walls at the rear of the proposed residence create overlooking issues despite the fact that they are setback in accordance with the Residential Design Codes; and
- The flat roof is capable of being used as a habitable space, or being cluttered with fixtures that will further diminish the rear neighbours' amenity.

It is noted that this property has been advertised for sale, and is probably a candidate for redevelopment itself, hence while the concerns remain valid its interrelationship with the proposal is likely to change.

**APPLICANT'S JUSTIFICATION**

The applicant submitted a report in support of the original proposal in December 2008. An extract from the report is attached, as is a copy of the submission. The technical response to the concerns raised by the Town's planning staff submitted with revised plans in March 2009 is also attached.

**OFFICER'S COMMENT**

With regard to the amended plans received on March 19 2009, the main issues regarding this proposal are as follows:

Building Height

The approach to the technical assessment of building height and how the proposal responds to that has been discussed in some detail with the architects, who have had several dwelling applications in Cottesloe in recent years, including other modern, flat roof designs. The Town's advice and the architects' rationale are attached.

As described below, TPS2 prevails as the starting-point in this respect, with some provision for discretion. The RDC are also relied upon as a reference for such designs. In exercising any discretion there is a test of amenity and a question of degree. Under TPS2 the applicable discretion is due to topography. TPS2 begins as follows:

*5.1.1 Building Height (a) General Policy*

*Council's general policy for development within the district favours low-rise development of no more than two storeys to maintain privacy, views and general amenity, notwithstanding that Council may consider the circumstances and merits of each case in terms of the amenity and development control provisions of this Scheme.*

The calculation of building height is directly related to Council's determination of natural ground level (NGL). Clause 5.1.1(c) goes on to provide a basic formula for the measurement of height and to specify qualified discretion:

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

According to site surveys provided by the applicant, most of the site is relatively level, but the presence of the four-metre-high mound in the north-east corner has significantly affected the determination of the NGL datum for the site. As the mound is too large to be ignored, the method of determining the datum by finding the geographical centre of site was deemed unsuitable. The four-corner-average method of determining the datum incorporates the effects of the mound and was therefore deemed more appropriate. The

datum has been calculated to be 13.8m, as agreed between the Town and applicant in preliminary assessment to set this level for the purpose of design.

It is proposed to construct a building of up to 8.5m maximum height above the NGL datum. This entails a range of roof and associated wall heights around the dwelling, and while the TPS2 traditional (ie pitched) roof height standard is not exceeded, the wall heights are departures from the traditional 6m standard for two storeys, as well as the 3m standard for one storey. For example, the elevation plans show that two-storey wall heights range from approximately 6.5m through to the order of 7.1m, 7.3m and up to 8.5m, relative to either the upper or lower site average ground level (ie allowing for the mound effect).

While there is not doubt that these heights are in some parts sizeable variations, they are the result of the split-level design stepped-up the site. This means that in reality the constructed wall heights in relation to the ground level they sit on will tend to be lower, although some parts will still behave as high. This situation is described in the architects' submission. Notwithstanding, the stepped design has the effect that the dwelling will read as a split-level, two-storey building which is revealed as three levels from the street; as with the two dwellings to the north.

As TPS2 is not specific about flat roof designs, the method for assessing such designs in Cottesloe has been to refer to the Residential Design Codes as an appropriate guide, which provide for a maximum concealed roof / wall height of 7.0m under the Acceptable Development Standards. Draft LPS3 continues a similar height regime to TPS2 plus adopts this RDC 7m standard, so this method is considered valid.

Having regard to the RDC, as the proposed building heights exceed the 7m standard it is necessary to consider them under the relevant Performance Criteria (6.7.1 P 1), which state:

*Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including where appropriate:*

- \* Adequate direct sun to buildings and appurtenant open spaces
- \* Adequate daylight to major openings to habitable rooms; and
- \* Access to views of significance

In terms of desired height of buildings for the locality, there is a variety of dwelling types in the area including single-storey and two-storey, as well as three-storey older style flats (multiple dwellings). However, low-rise is favoured for the district and new dwellings should generally adhere to the building height provisions of TPS2 and intended LPS3.

In terms of solar access, the proposed building height will significantly overshadow the rear of the adjoining single-storey property to the south (up to 61% of the lot is overshadowed) as well as potentially reduce direct sun to major openings on the northern elevation of that dwelling.



The height will also reduce ocean views currently enjoyed by the property to the rear of the site. It is acknowledged, however, that any two-storey development would have a similar impact on overshadowing and views. In this respect TPS2 in the general policy for building height identifies views as a relevant consideration, which is echoed in the "have regard to" amenity clause:

*5.1.2 General*

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

- (a) the need for limitation of height or location of buildings to preserve or enhance views;*

It is perhaps difficult to find that the proposed building heights can be readily or wholly supported under the RDC, as it does not sufficiently satisfy the relevant performance criteria. This leaves the discretion available under TPS2 due to topography, which is considered to be of merit in the circumstances in this instance; taking into account privacy, views, amenity and the development control provisions. As assessed, privacy is satisfactory, views will be affected, general amenity is reasonable, the proposal is considered compatible with the streetscape, and the height measures will be exceeded.

In weighing-up all of this, the origin and affect of the mound in connection with the height of the design is potentially contentious, even though it is a given as a pre-existing development of the site; which is usually recognised. It is obvious that the landform of the neighbourhood rises and apparent that some sites along Marine Parade may have been levelled or excavated. The mound also is logical in relation to the retaining of the properties on the northern and eastern boundaries, even if not an engineered surcharge. Were the mound spread over the site, the rear portion of the dwelling would not occur in the same manner, although the site's ground level would be raised. Nonetheless, it is the mound which leads to the split-level design and the elevated rear portion of the dwelling which emphasises its height.

The fundamental determination required is what wall / roof heights Council is prepared to support in terms of the height controls and the degree of discretionary variation due to this topographical feature and the performance guidance of the RDC.

In other words, how much further than the 6m wall and 8.5m roof height standards of TPS2, or the 7m benchmark under the RDC, the design should go. In this respect it is observed that a variation of up to 7.5m relative to NGL would represent a practical amount of additional height that is not excessive. To vary the height to 8.5m from NGL for a flat roof design would be more extreme (although it may not be critical depending on where the height sits and what it does). However, it is arbitrary to prescribe reduced heights where the architect would need to see what could be achieved by way of a comprehensive redesign.

In summary, the proposal is significantly over-height in certain areas, albeit well-designed to be attractive and limit the impact of scale and bulk. Yet the building does

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not have to be to the additional heights other than functionally in relation to the mound and to capture extensive views, which will be panoramic in any event.

### Front Setback

It is proposed to have a setback of 5.0 metres from the Marine Parade boundary for the cantilevered swimming pool at the front of the dwelling. By resolution, Council prefers front setbacks of 6.0m.

Under the R20 density coding the R-Codes stipulate a minimum setback of 6.0 metres from the street boundary except where it can be shown that the following Performance Criteria are met:

*Setback of buildings generally*

*Buildings set back from street boundaries an appropriate distance to ensure they:*

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

At 1.4m in depth (ie thickness) and 6.0m wide, the glass-ended swimming pool is not expected to appear unduly bulky when viewed from the street. The effects of bulk are likely to be ameliorated by the pool being raised above the level of the driveway by some 3.3m. It is noted that the remainder of the dwelling is set back a minimum of 7.15m to the top of the front-most angled wall and 9m to its base, while the rest is set back at increasing distances to the various components, walls and surfaces into the site. It is therefore considered that the proposal contributes acceptably to the desired streetscape.

The proposed swimming pool does not impact on the privacy of adjoining dwellings behind their setback lines or affect open space to dwellings.

As the pool is intended to be cantilevered, the proposed incursion allows for safety clearances for easements for essential service corridors.

While this forward, raised pool in the front setback area is an unusual feature of the design, it is well-conceived as integral to the dwelling and would physically and visually float in the air in the same manner as a balcony, canopy eave or so on. The variation to 5m is effectively compensated for by the more-than-6m front setbacks to other parts of the dwelling and the L-shaped front portion in the design whereby most of the pool is located behind the 6m line and generally in line with the setbacks along this section of the street. Although in some other cases Council has been concerned about frontal or raised pools having bulk and privacy impacts, in this instance it is an elegant expression and less of a privacy concern. This is because front yards can be used in diverse ways and because Marine Parade is an exposed public beachfront environment with more activity and noise, hence a lesser expectation of seclusion or privacy.

The proposed open aspect of the front yard to the driveway ramp half of the property, as well as to the fenced half (ie of only medium height and with full-height rails) assists in the consideration of these setbacks, in not exacerbating the sense of building bulk as solid walls do.

On the above assessment basis the pool as proposed may be supported. Alternatively, it could be setback one more metre to reduce its total structural length into the site of approximately 7.5m, although that would limit the useable length of the pool to a little over 4m. This modification would not ruin the design and would increase compliance.

### Side Setbacks

The following walls do not comply with the Acceptable Development Standards of the R-Codes in relation to side setbacks.

Wall	Proposed Setback	Acceptable Development Standards Setback
<b>Southern Elevation</b>		
Lower Ground Floor	1.5m	1.6m
Upper Ground Floor	2.5m	2.7m

Where the Acceptable Development Standards for buildings set back from boundaries cannot be met it must be demonstrated that a proposal complies with the following Performance Criteria:

- \* Provide adequate direct sun and ventilation to the building;
- \* Ensure adequate direct sun and ventilation being available to adjoining properties;
- \* Provide adequate direct sun to the building and appurtenant open spaces;
- \* Assist with protection of access to direct sun for adjoining properties;
- \* Assist in ameliorating the impacts of building bulk on adjoining properties; and
- \* Assist in protecting privacy between adjoining properties

In this instance, the section of the wall does not significantly affect the provision of direct sunlight to the building, which already has ample windows facing west and north.

With regard to the property adjoining to the south, it is noted that the majority of shadow will fall on the roof of the neighbouring dwelling. As the prevailing winds are west/south westerly, it is not expected that the proposed reduced setbacks will affect ventilation to the neighbouring dwelling.

The provision of adequate direct sun to appurtenant open spaces is not applicable, as no habitable open space is proposed for the affected area.

As no major openings are proposed for either of the walls, it is considered privacy is not affected by the proposed reduced setback.

The variations being sought are relatively minor at 100mm and 200mm, whereby the reduced setbacks will not significantly contribute to the effects of building bulk.

The affected adjoining landowner has no concern.

#### Site Works (fill)

It is proposed to raise the level of the land for a distance of approximately 4.0m along the northern boundary to a maximum height of 700mm.

The Acceptable Development Standards of the R-Codes limit fill to no more than 500mm. As the proposed fill does not meet the above Acceptable Development Standards the following Performance Criterion is required to be addressed:

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

The fill is intended for a depression in the natural ground level that occurs near the boundary, and would therefore retain the visual impression of the natural level of the site when viewed from the street.

Due to the higher ground levels of the adjoining northern lot, the level of filled land will still be 1.2m lower than the neighbouring ground level. Moreover, the existing dividing fence achieves a height of 2.5m above the ground level of the lot adjoining to the north and it is expected that fill is unlikely to impact on amenity.

#### Visual Privacy

The proposed development complies with the visual privacy requirements of the R-Codes in all respects except for overlooking to the north-west and north-east from the terrace, which is setback 3.4m in lieu of the 7.5m required by the Acceptable Development Standards.

The R-Codes allow the Acceptable Development Standards to be varied where the Performance Criteria 6.8.1 P1 can be met. These criteria state that:

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

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

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

The applicant has supplied justification for the variation, stating that the cones of vision overlook the roof of the adjoining property. A site inspection and the attached photographs have revealed that overlooking would occur onto wall and roof, with no active habitable spaces affected. The neighbour has signed consent to the proposal.

Solar Access (overshadowing)

The orientation of the site makes an above-standard shadow impact inevitable, which virtually any two-storey proposal would cause, as is the experience of the locality. In the circumstances the only way to minimise shadow is to develop at single storey and low height with generous setbacks, which is not the expectation. The trend is that as properties are added to or redeveloped they all tend to generate excess shadow with a degree of tolerance or a reasonable balance between the amount of shadow, and where it falls being approved as a necessary compromise.

The proposed dwelling overshadows the lot adjoining to the south by 61%, whereas the Acceptable Development Standards of the R-Codes specify a maximum of 25%. However, Performance Criteria 6.9.1 P1 allow for:

*Development designed to protect solar access for neighbouring properties taking account of the potential to overshadow:*

- \* *outdoor living areas;*
- \* *major openings to habitable rooms;*
- \* *solar collectors; or*
- \* *balconies and verandahs.*

In this instance it is stated that the proposal does not overshadow the outdoor living areas at the rear of the affected dwelling. Whilst the neighbour has signed approval to the proposal, and an assessment of the site and examination of aerial photographs has confirmed that much of the shadow falls on the roofs of the adjoining dwelling, garage and shed, a verandah at the rear of the dwelling is overshadowed. It is thus considered that the proposal does not wholly satisfy the relevant Performance Criteria with regard to overshadowing. It should be noted that the situation would be improved were the height of the proposed dwelling reduced.

**CONCLUSION**

By reason of the proposed height and overshadowing in particular, and consideration of the pool setback, it is concluded that the application would best be deferred, so as to allow the architects and owner to review this assessment and liaise with officers towards a redesign which satisfactorily addresses the issues.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee discussed the proposal at length, having regard to the report, model, presentations and additional material from the architect, including discussion with the officers and the attendees when requested. Committee was mindful of the quality of the design in itself, even though it did not readily comply with the planning parameters. Committee did not see the overshadowing as such an issue, although it was recognised that this could be increased, and indicated support for the reduced setback to the pool. Discussion ensued in relation to the site topography, building heights and design appreciation. Options for a recommendation to Council were also discussed, including

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conditional approval. In this respect the MDS cautioned against setting arbitrary height or other standards which the architects may not be able to practically design to. On balance, Committee agreed to support a deferral to facilitate consideration of a redesign to achieve greater compliance and generate fewer concerns. *Postscript: subsequently the architect has given thought to a redesign and met with officers to consider reduced wall heights, a curved roof and other changes towards a more acceptable proposal, which is anticipated to be resubmitted in due course.*

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Walsh, seconded Cr Miller

That Council:

- (1) Due to the proposed variations sought with respect to building height, overshadowing and the front setback to the pool, defers determination of the application in order to allow the architects and owner to review the assessment contained in this report and to liaise with officers towards a redesign which satisfactorily addresses the issues.
- (2) Advise the submitters of this interim decision.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Strzina

Under point (1) after the word "*front*" that the word "*setback*" be replaced with "*and side setbacks*" and after the word "*pool*," add the words "*and to allow further consideration in relation to the natural ground level*,".

**Carried 11/0**

**COUNCIL RESOLUTION**

Moved Cr Strzina, seconded Cr Walsh

**That Council:**

- (1) **Due to the proposed variations sought with respect to building height, overshadowing and the front and side setbacks to the pool, and to allow further consideration in relation to the natural ground level, defers determination of the application in order to allow the architects and owner to review the assessment contained in this report and to liaise with officers towards a redesign which satisfactorily addresses the issues.**
- (2) **Advise the submitters of this interim decision.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 11/0**

**10.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 APRIL 2009****10.2.1 APPOINTMENT OF AUDITOR**

**File No:** SUB/134-01  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At the Council meeting of 15 December 2008 Council resolved by Absolute Majority:

*10.1 That UHY Haines Norton be offered a 3 year extension as auditors for the Town of Cottesloe.*

The Audit Committee considered an officer report in relation to the Town's current audit contract in February 2009 which highlighted the previously determined position by WESROC for the tendering of joint audit services. The proposed officer solution involved reducing the current contract for audit services to one year. The Audit Committee determined that Council should continue with its current contract arrangements.

After discussion with the Chair of the Audit Committee and in support of the joint tender process by WESROC, this report recommends that Council reconsider the Audit Committee position and rescind the December 2008 resolution and replace it with the following;

That Council

1. Rescind the motion 10.1 of 15 December 2008 to appoint UHY Haines Norton for a 3 year extension as auditors for the Town of Cottesloe.
2. Appoint UHY Haines Norton for a one (1) year extension as auditors for the Town of Cottesloe i.e. for the 2008/09 financial year.
3. Support the WESROC initiative to participate in a joint tender with the City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove for Audit Services from 1 July 2009.

**BACKGROUND**

At the WESROC Executive meeting of 2 October 2007 the matter of Audit Contracts was discussed and it was agreed;

1. *That member local governments align new audit contracts to a common expiry date of 30 June 2009.*
-

2. *That this matter be listed as an active project to be reconsidered by the executive at its first meeting in 2009.*

At the WESROC Executive meeting of 17 February 2009 the above matter was raised and discussed. Each of the participating local governments (City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove) have aligned their current Audit Contracts to end on 30 June 2009.

The Town of Cottesloe's contract for Audit Services expired on 30 June 2008 and should have, in line with the WESROC objective, been extended for one year in order to align us with all other member Councils. Unfortunately this was not followed through and the decision by Council in December has placed us "outside" of the above arrangement. The Town of Cottesloe is the WESROC delegate for this particular project and will be undertaking the administrative work for this joint tender.

#### **CONSULTATION**

WESROC Executive.  
Chair of the Audit Committee.  
UHY Haines Norton.

#### **STAFF COMMENT**

The municipal authorities of the western suburbs of Perth (WESROC) have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities. WESROC is a cooperative partnership of Council's which aims to facilitate and coordinate regional activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

The WESROC Board is comprised of the respective Mayors and Presidents of the member Councils and the board is supported by an executive comprising of the respective local government Chief Executive Officers. Each year WESROC undertakes a number of joint initiatives/projects one of which is a *Regional Tender for Audit Services*. The lead Council is the Town of Cottesloe. The aim of the project is to align Audit Services and take advantage of a joint tender and in doing so increase consistency of accounting practices across each member Council. As the lead Council Cottesloe will be administering the tender process on behalf of WESROC members.

As a consequence of this the CEO wrote to our Auditors, UHY Haines Norton, explaining the current situation and requesting their formal consideration to re-negotiate the terms and duration of the current audit contract between the Town and UHY Haines Norton Chartered Accountants. Correspondence has since been received from UHY Haines Norton advising of their preparedness to renegotiate the terms of our current contract to enable the Town can participate with the WESROC members in the joint tender process. This is the preferred outcome. There is an expectation that the Town of Cottesloe will administer the tender process on behalf of all other members regardless of the outcome of the Town being part of the joint tender. The decision of the Audit Committee was that "the Auditors contract remains unchanged" and if this were to be



Council's position there *may* be an option to potentially join the tender at a later date. Whilst this is an option for Council it is not the preferred option for reasons outlined above.

It is recommended that Council endorse the officer recommendation as outlined.

#### **POLICY IMPLICATIONS**

In accordance with Council's Local Law # 1 – Standing Orders

##### **16.20 Revoking Decisions - When This Can Occur**

*16.20.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred;*

*16.20.2 If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported-*

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

*(b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

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

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

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

*16.20.4 This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

#### **STRATEGIC IMPLICATIONS**

Nil

#### **STATUTORY REQUIREMENTS**

Local Government Act 1995 Part 7 – Audit.

##### **Division 2 — Appointment of auditors**

##### **7.2. AUDIT**

*The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.*

**7.3. APPOINTMENT OF AUDITORS**

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person to be its auditor.
- (2) The local government may appoint one or more persons as its auditor.
- (3) The local government's auditor is to be a person who is —
- (a) a registered company auditor; or
  - (b) an approved auditor.

\* Absolute majority required.

Local Government Act 1995 Part 5 – Administration.

**SUBDIVISION 3 — MATTERS AFFECTING COUNCIL AND COMMITTEE MEETINGS****5.25. REGULATIONS ABOUT COUNCIL AND COMMITTEE MEETINGS AND COMMITTEES**

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (a) the matters to be dealt with at ordinary or at special meetings of councils;
  - (b) the functions of committees or types of committee;
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
  - (c) the procedure to be followed at, and in respect of, council or committee meetings;
  - (d) methods of voting at council or committee meetings;
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
  - (g) the giving of public notice of the date and agenda for council or committee meetings;
  - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
  - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and

- (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
- (i) *tabled at a council or committee meeting; or*
  - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,*
- are to be made available for inspection by members of the public.*

### **LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996**

#### **10. REVOKING OR CHANGING DECISIONS MADE AT COUNCIL OR COMMITTEE MEETINGS — S. 5.25(E)**

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,*  
*inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
  - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The decision to vary (reduce) the current Audit contract from three (3) years to one (1) year will result in a cost to the Town of \$2,000 having already entered into a three year contact.

#### **VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council:**

- 1. Rescind the motion 10.1 of 15 December 2008 to appoint UHY Haines Norton for a 3 year extension as auditors for the Town of Cottesloe.**
- 2. Appoint UHY Haines Norton for a one (1) year extension as auditors for the Town of Cottesloe i.e. for the 2008/09 financial year.**
- 3. Support the WESROC initiative to participate in a joint tender with the City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove for Audit Services from 1 July 2009.**

**Carried 11/0**

**10.2.2 LOCAL GOVERNMENT STRUCTURAL REFORM - CHECKLIST**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Attachment** Local Government Reform Checklist  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Stage one of the Minister's Reform process involves the completion of a Reform Checklist to be returned to the Local Government Reform Steering Committee by 30 April 2009.

This report provides Council with a draft checklist as completed by the Administration for Council to consider, endorse and forward to the Reform Steering Committee.

**BACKGROUND**

The Minister for Local Government, the Hon John Castrilli MLA, announced a local government reform strategy on 5 February 2009. The announcement reforms are based on amalgamations of local governments in WA, the reduction of elected members and the formation of appropriate regional groupings of local governments. The reforms offer a tight timeframes. The Department of Local Government and regional development and the Local Government reform Steering Committee distributed *Structural reform Guidelines* on 27 February 2009. The Guidelines provide principles without parameters and a timeframe for reform submissions to the Minister. The staged timeframe proposed by the Minister requires a process to be carried out commencing in March 2009 and culminating in the lodgement of a Reform Submission by 31 August 2009. Stage one of the reform process involves the completion of a reform checklist to be returned to the Local Government Reform Steering Committee by 30 April 2009. (refer to attachment).

A special meeting of the WESROC Board was held on Wednesday 18 February 2009. The purpose of the meeting was to;

- discuss the Minister for Local Government's announcement on 5 February in relation to the Liberal-National Government package of Local Government reform strategies; and
- progress the recommendations contained within the WESROC report prepared by Professor Brian Dollery and Dr Andrew Johnson *Rising to the Challenge: Reform Options for the Western Suburbs*.

The WESROC Board meeting of 4 March 2009 focused on the Structural Reform Guidelines developed by the Minister's *Local Government Reform Steering Committee*

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and the implications for all WESROC Councils, including the request, amongst others, to complete and forward a detailed checklist by 30 April 2009 as well as a formal submission by 31 August 2009. The Board agreed that these matters required significant consideration by each local government, including communication with their respective communities.

*The Board resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits of;*

- 1. An amalgamation of the WESROC councils.*
- 2. An amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent.*
- 3. A fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.*

*The assessment is to include consideration of matters the subject of the Structural Reform Guidelines and should assume that district boundary changes are a possibility irrespective of which if any of these options were to prevail. The Board also agreed to refer these matters to each member Council for noting and information.*

At the Special meeting of Council on 9 March 2009 Council resolved to;

- 1. Endorse, in principle, the Dollery Report “Rising to the Challenge: Reform Options for the Western Suburbs” as a foundation planning document for WESROC member council’s and use it to support a submission to the Minister, in response to his proposed reform strategies for restructuring of Local Government.*
- 2. Advise WESROC of its position.*
- 3. Note that the WESROC Board has resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits (including social costs and benefits) of;*
  - 3.1 an amalgamation of the WESROC councils,*
  - 3.2 an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent, and*
  - 3.3 a fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.*

*This assessment is to include consideration of matters the subject of the Structural Reform Guidelines assuming that district boundary changes are a possibility irrespective of which if any of the above options were to prevail.*

4. *Request a report by April 2009 on two possible options to reduce elected member numbers in the Town of Cottesloe; (i) eight members over four wards and (ii) six members with no wards, both options exclusive of a directly elected Mayor, for either the 2009 or 2011 October elections.*

**CONSULTATION**

Nil

**STAFF COMMENT**

The Dollery report provides a sound foundation document and plan for the continuation of resource sharing and cooperation across the western suburbs. The recommendations put forward by WESROC will, if all Council's participate and provide a united front to the Minister, demonstrate a commitment to reform and resource sharing whilst maintaining local participation and democracy. There may however be some reservations as to the level of commitment of the western suburbs councils to actively pursue these recommendations.

Local governments in the Western Suburbs have previously been singled out for potential amalgamation and all councils will be forming their own views on amalgamation proposals in the next few months. At the mayoral level within WESROC whilst there is less enthusiasm for a creating a large single Western Suburbs Council there may be some willingness to consider a merger between Nedlands and Claremont, and/or another merger between Cottesloe, Mosman Park and Peppermint Grove. Some concern has been expressed at any alternative which would involve creating another level of government at a formal regional level without knowing the net benefits that are to be gained in terms of improved governance, cost savings and service improvements. It has also been acknowledged that elected member representation *could* be reduced at the local Council level and that local government boundaries *could* be redrawn to better align with existing, rather than historic, communities of interest. Although both of these matters might quite properly be addressed at local council and community level any realignment of boundaries might be best addressed at the WESROC level in the first instance, before any proposed changes are then considered at local council and community level. It may be helpful if Council were to at this stage indicate any preference in that regard.

At its Special meeting in March 2009, Council requested a report by April 2009 on two possible options to reduce elected member numbers in the Town of Cottesloe; (i) eight members over four wards and (ii) six members with no wards, both options exclusive of a directly elected Mayor, for either the 2009 or 2011 October elections. Given the time constraints it is proposed that the presentation of that report be deferred until the May meeting.

The officer recommendation and draft checklist has been made with a view to specifically acknowledging the government's reform agenda and the Town's position as a Local Government Authority. Council consideration of the checklist is required prior to it being endorsed and submitted to the Local Government Reform Steering Committee.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The potential strategic implications for Council are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2008-09 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform. The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position with regard to the Ministers call for;

- voluntary amalgamations to form larger local governments,
- reduce the total number of elected members to between six and nine and
- local governments to form appropriate regional groupings of councils to assist with the effective delivery of services.

The Town is required to formally respond to the Minister outlining its intentions on these matters by 31 August 2009. The Minister has established a Local Government Reform Steering Committee who will, through the Department of Local Government and Regional Development, be providing additional details with regard to the implementation of these strategies.

**STATUTORY REQUIREMENTS**

Local Government Act 1995, particularly section 2.1 and Schedule 2.1.

*Division 1 — Districts and wards***2.1. STATE DIVIDED INTO DISTRICTS**

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
  - (a) *declaring an area of the State to be a district;*
  - (b) *changing the boundaries of a district;*
  - (c) *abolishing a district; or*
  - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*



**Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts***[Section 2.1(2)]***1. Interpretation**

*In this Schedule, unless the contrary intention appears —*

**“affected electors”**, in relation to a proposal, means —

- (a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*
- (b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

**“affected local government”** means a local government directly affected by a proposal;

**“notice”** means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

**“proposal”** means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

**2. Making a proposal**

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister;*
- (b) *an affected local government;*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
  - (i) *are at least 250 in number; or*
  - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal and the effects of the proposal on local governments;*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

**3. Dealing with proposals**

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board’s opinion —*

(a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*

(b) *the proposal is frivolous or otherwise not in the interests of good government.*

*\* Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is —*

(a) *one of a minor nature; and*

(b) *not one about which public submissions need be invited,*

*the Board may, in a written report to the Minister, recommend\* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

*\* Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

#### **4. Notice of inquiry**

(1) *Where a formal inquiry is required the Advisory Board is to give —*

(a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*

(b) *a report to the Minister.*

(2) *The notice and report under subclause (1) are to —*

(a) *advise that there will be a formal inquiry into the proposal;*

(b) *set out details of the inquiry and its proposed scope; and*

(c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*

(i) *the proposal; or*

(ii) *the scope of the inquiry.*

(3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides\* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*

(a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*

(b) *another report to the Minister.*

(4) *The notice and report under subclause (3) are to —*

(a) *set out the revised scope of the inquiry; and*

(b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

*\* Absolute majority required.*

**5. Conduct of inquiry**

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
  - (a) *community of interests;*
  - (b) *physical and topographic features;*
  - (c) *demographic trends;*
  - (d) *economic factors;*
  - (e) *the history of the area;*
  - (f) *transport and communication;*
  - (g) *matters affecting the viability of local governments; and*
  - (h) *the effective delivery of local government services,**but this does not limit the matters that it may take into consideration.*

**6. Recommendation by Advisory Board**

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend\* —*
  - (a) *that the Minister reject the proposal;*
  - (b) *that an order be made in accordance with the proposal; or*
  - (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

*\* Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
  - (a) *given\* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so;*
  - (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
  - (c) *considered any submissions made.*

*\* Absolute majority required.*

**7. Minister may require a poll of electors**

*In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.*

**8. Electors may demand a poll on a recommended amalgamation**

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

**9. Procedure for holding poll**

*Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —*

- (a) *the Advisory Board is to —*
  - (i) *determine the question or questions to be answered by electors; and*
  - (ii) *prepare a summary of the case for each way of answering the question or questions;*

*and*
- (b) *any local government directed by the Minister to do so is to —*
  - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
  - (ii) *conduct the poll under Part 4 and return the results to the Minister.*

**10. Minister may accept or reject recommendation**

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
  - (a) *at least 50% of the electors of one of the districts vote; and*

- (b) *of those electors of that district who vote, a majority vote against the recommendation,*

*the Minister is to reject the recommendation.*

- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

**10A. Recommendations regarding names, wards and representation**

- (1) *The Advisory Board may —*

(a) *when it makes its recommendations under clause 3 or 6; or*

(b) *after the Minister has accepted its recommendations under clause 10,*

*in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*

- (2) *In making its recommendations under subclause (1) the Advisory Board —*

(a) *may consult with the public and interested parties to such extent as it considers appropriate; and*

(b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

**11. Transitional arrangements for orders about districts**

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*

(a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*

(b) *the extinguishment of rights of a local government;*

(c) *the winding up of the affairs of a local government;*

(d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*

(e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*

(f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*

(g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*

- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*

- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) compensation acceptable to the person is made; or*
  - (b) a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
- (a) any written law made after the order was made; and*
  - (b) any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

*[Schedule 2.1 amended by No. 64 of 1998 s.52.]*

### **SUSTAINABILITY IMPLICATIONS**

The final outcome in regard to the Dollery report and the Minister's reform agenda may have an impact upon Council's future objectives and plans however this is unknown at this stage.

### **FINANCIAL IMPLICATIONS**

Council currently contributes, as part of its annual budget, to a number of WESROC initiatives. The budgeted allocation for 2008/09 is approximately \$65,000 however the current proposal from WESROC, including the appointment of an Executive Manager and/or secretariat support, may involve a modest increase in that allocation.

The resources required to address the issues contained within the Dollery report may have a significant impact upon Council's future budgets whilst the potential cost of any future amalgamation or shared services arrangement is unknown.

In the immediate term there will be significant human resource costs (officer time) to Council in responding to the Minister's Structural Reform agenda.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

*This item was dealt with after item 10.1.3.*

The CEO asked for guidance from the committee on question 13 of the attached Structural Reform Checklist. The Mayor with the endorsement of Committee suggested that the answer be 'no' on the basis of the supporting comments provided in the checklist.

Committee also noted that the reference in question four be amended to reflect two uncontested elections in 2007 and that the reference to question 12 be "yes" on the basis of Councils ongoing involvement with WESROC and WMRC.

Committee agreed that these amendments be made administratively prior to the Council meeting on 28 April, 2009.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Strzina

That Council receive and endorse the Reform Checklist as per attachment W&CS 10.1.2 and forward to the Minister's Local Government Reform Steering Committee.

**AMENDMENT**

Moved Cr Carmichael, seconded Mayor Morgan

That the comment on page three, principle two, first dot point include the word "*Plan*" after "*Natural Areas Management.*"

That the affirmative response "Y" on page seven, principle six, dot point three be included.

That the comment on page ten, principle ten include the words "*monitored by community survey and workshops*"

Carried 11/0

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Carmichael

That the comment of page six, principle five, dot point seven, have the following words added "*and in some cases by agreement with the applicant for an extension of time*".

Carried 11/0

**COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Carmichael

**That Council receive and endorse the Reform Checklist with amendments and forward to the Minister's Local Government Reform Steering Committee.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 11/0



**10.2.3 PARKING AND PARKING FACILITIES LOCAL LAW**

**File No:** SUB/176  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment** Updated Parking and Parking Facilities Local Law  
**Proposed Meeting Date:** 17-Mar-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to approve the proposed amended parking laws.

**BACKGROUND**

The purpose for these changes are:

- to rationalise the Town of Cottesloe parking laws;
- to formalise the residential parking permit process;
- to include clauses to facilitate the management of the new technology that has been installed; and,
- to include a required clause from the state government to prohibit the Town of Cottesloe making local law to include fees and charges at the beachfront (Sector B).

There are currently inconsistencies in the penalties between sectors. For example, the penalty for overstaying a time restriction at the beachfront attracts a \$100 infringement notice whereas the same offence in the town centre incurs a \$35 penalty. In addition, there is also a discrepancy between the level of severity of offences and the resulting penalties. For example, the penalty for overstaying a time restriction attracts a \$100 infringement notice whereas stopping in a 'no stopping' area incurs a \$60 penalty ('no stopping' areas are considered high risk areas for accidents if vehicles stop).

The Local law has been reviewed by our lawyers and minor amendments made. The proposed changes have been sent to the Department for Local Government and Regional Development. These were advertised statewide on April 5 2008.

There have been no submissions received following advertising for public comment Consultation Public Statewide advertising.

**STAFF COMMENT**

The proposed changes will provide a fairer and more consistent approach to traffic management within the Town of Cottesloe. The residential parking permit process has been an ongoing bone of contention as a result of grey areas of understanding. The suggested changes clarify exact entitlements and conditions for residents and tenants.

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The attached local law has all the changes highlighted in red.

The current local laws were based on WALGA's model Parking local law. This was done in an endeavour to ensure consistency throughout the metropolitan region.

There have been concerns raised regarding parking on median strips, including at Grant Street. It is important to note that there are no changes to the Parking Law regarding parking on verges. The Senior Ranger has confirmed that no infringements have been issued during his 7 year tenure for parking in this area.

Clause 4.5 (2)(b) of the local law prohibits parking on or adjacent to a median strip. However, Clause 7.8 adds that a driver can stop in such an area if a parking control sign applies.

To alleviate any concerns regarding the Grant Street median strip parking, signs should be placed near the area to formally notify that parking is permitted.

#### **POLICY IMPLICATIONS**

Parking and Parking Facilities Local Law (attachment).

#### **STRATEGIC IMPLICATIONS**

Nil

#### **STATUTORY REQUIREMENTS**

Section 3.5 & 3.12 of the Local Government Act applies.

### **3.5. Legislative power of local governments**

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
4. *Regulations may set out –*
  - (a) *matters about which, or purposes for which, local laws are not to be made;*  
*or*
  - (b) *kinds of local laws that are not to be made,*

*and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind*

5. *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

### **3.12. Procedure for making local laws**

1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
3. *The local government is to –*

*(a) give Statewide public notice stating that –*

- (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

*(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*3a. A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

4. *after the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

**\* Absolute majority required.**

5. *after making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

6. *After the local law has been published in the Gazette the local government is to give local public notice –*

*(a) stating the title of the local law;*

- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.*

7. *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

8. *In this section –*

*making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Regulation 3 of the Local Government Functions and General Regulations provides the following.

**3. Notice of purpose and effect of proposed local law - s. 3.12(2)**

*For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*

*the minutes of the meeting of the council include the purpose and effect of the proposed local law*

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The budget for 2008/2009 includes a provision for \$585,0800 for parking revenue. There are a number of increases for penalties for the town as well as some new infringements relating to damage of council property. It is estimated that these changes will result in approximately \$16,000pa increased income.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council:

1. adopt the proposed amended parking laws as per attachment 10.1.3.
2. approve the installation of signs permitting parking on the median strip in Grant Street west of Curtin Avenue.

**COMMITTEE COMMENT**

Committee discussed the report and in particular the issue of parking on median strips and agreed to amend its Parking Policy to permit parking on the median strip in Grant Street hence the amended part 2 of the recommendation.

**COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Strzina

That Council:

1. Adopt the proposed amended parking laws as per attachment 10.1.3.
2. Amend the Parking Policy to permit parking on the median strip in Grant Street west of Curtin Avenue.

*Cr's Woodhill, Walsh and Cunningham declared an interest in Item 10.2.3 due to Proximity and left the meeting at 7:35pm.*

**AMENDMENT**

Moved Cr Strzina, seconded Mayor Morgan

That the words in part two of the Committee recommendation "*Curtin Avenue*" be replaced by "*Mann Street*".

Carried 6/2

**COUNCIL RESOLUTION**

**That Council:**

- 1. Adopt the proposed amended parking laws as per attachment 10.1.3.**
- 2. Amend the Parking Policy to permit parking on the median strip in Grant Street west of Mann Street.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 8/0

*Cr's Woodhill, Walsh and Cunningham returned to the meeting at 7:40pm*

**10.2.4 2008/2009 BLACK SPOT PROJECTS - RAILWAY STREET/STATION STREET AND  
RAILWAY STREET/JARRAD STREET/BRIXTON STREET**

**File No:** SUB/494  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment** Black Spot Projects  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In its 2008/09 budget, Council has included the modification of the Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street intersections under the Main Roads WA State Black Spot program, with two thirds of the costs being grant funded from that program.

Due to the site problems with modifications required on site, and other issues, it is recommended that Council resolve to inform Main Roads WA that it will not be undertaking approved State Black Spot works at the intersections of Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street for 2008/09 and that grant provision for both of these works can now be re allocated.

**BACKGROUND**

At its meeting in September 2007, Council was informed of the proposed Black Spot submissions for 2008/2009. Both of these projects were included in submissions to Main Roads WA and both received approval for funding. The approved State Black Spot grant for Railway Street/Station Street was \$20,000, with Council to contribute \$10,000.

The Street/Jarrad Street/Brixton Street project was approved for \$40,000, with Council to contribute \$20,000.

A surveyor was arranged to survey both sites. This information was given to a consultant road designer who provided design plans, which were sent to Main Roads WA for approval for the line marking and signage. In due course, both drawing were returned with modification required. These changes were made and sent back to Main Roads WA. The Main Roads WA response has not yet arrived.

**CONSULTATION**

Nil

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**STAFF COMMENT**

Both intersections are complex and carry substantial traffic, particularly Railway Street/Jarrad Street.

In regards to Railway Street/Station Street, the redevelopment of 1 Station Street has yet to commence and will require heavy machinery and materials entering and exiting the site, which could damage any new installation.

The submissions for the 2008/09 Black Spots closed July 2007. Costs have now substantially increased. With the Benefit Cost Ratio for this job being only 1.02, it was barely acceptable as a Black Spot project in 2007, when submissions were required.

For the above reasons, staff now believe that the original benefits of this work are outweighed by the negatives, particularly the high potential to over spend and the upset to users of this intersection being high, during the construction period.

The same factors apply to the Railway Street/Jarrad Street/Brixton Street job but to a much higher degree. Main Roads WA changes to the original design have made the works more complex, at an intersection that is difficult to work 'on a good day'

Since the submissions were made in July 2007, there have been new service installations occur on the east side Railway Street footpath alignment, at the intersection, which will probably increase the complexity and costs of creating the proposed left turn lane from Railway Street into Jarrad Street.

For this intersection, the general public will expect that this work will solve all of the problems of the intersection and the section of Jarrad Street through Stirling Highway. It has only been aimed at the Railway Street/Jarrad Street intersection and reducing the accidents caused by turning traffic. The main factors of this total section of Jarrad Street from Curtin Avenue to Stirling Highway will remain until the total West Coast Highway extension takes place.

Therefore, staff would recommend that both projects be discontinued, Main Roads WA be informed and the advance 40% of grant recoup funds be returned to Main Roads WA.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Originally, Council was to contribute \$30,000 for the two projects and Main Roads WA \$60,000. Approximately \$3,000 has been spent on survey and design so far. This would come out of Councils \$30,000 leaving \$27,000 saved. The Main Roads WA \$60,000 would be reallocated by Main Roads WA for other works.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council resolve to inform Main Roads WA that it will not be undertaking approved State Black Spot works at the intersections of Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street for 2008/09 as per attachment W&CS 10.2.1 and that grant provision for both of these works can now be re allocated.**

**Carried 11/0**



**10.2.5 ERIC STREET/RAILWAY STREET ROUNDABOUT PROBLEMS**

**File No:** SUB/446  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment** Eric Street/Railway Street Roundabout  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A complaint letter has been received in relation to the owners of a property immediately south of the Railway Street/Eric Street roundabout, on Railway Street.

The complaint centres on the operation of the roundabout, the speed of traffic leaving Eric Street to proceed south on Railway Street and the safety problems of reversing from the crossover onto Railway Street.

The recommendation is that Council inform the property owners that consideration should be given to the creation of a three point turn apron on their property to allow exit onto Railway Street in a forward direction and that no changes to the roundabout, Eric Street or Curtin Avenue are considered possible or appropriate at this time.

**BACKGROUND**

The Eric Street/Railway Street roundabout was constructed in the 2005/2006 financial year, funded totally from Federal Government Black Spot funding. Prior to the construction, the intersection was one of the highest rated Black Spot sites in the Town of Cottesloe. Since the construction, it has not featured as a black spot site, indicating that vehicle crashes have been substantially reduced. Prior to the roundabout, 'Stop' signs on both sides of Eric Street in Railway Street meant that there often were numbers of vehicles parked on Railway Street unable to cross Eric Street or turn right into Eric Street particularly during peak times. This led to risks being taken and collision accidents.

**CONSULTATION**

Nil

**STAFF COMMENT**

The received letter raises a number of points about this roundabout and the entrance/exit for their property:

1. How can school children be safely delivered to school with the quantity and speed of vehicles causing a traffic jam at the roundabout?

2. The crossover is now so close to the roundabout that reversing out into traffic could cause an accident.
3. There is no traffic calming device for traffic speed and noise around the corner of Eric Street into Railway Street to reduce or control speed and noise.
4. When Railway Street had a stop sign on the south side of Eric Street, drivers did not speed around the corner. Now speed is a major problem.
5. The only safe option is to reverse across the double white line and drive north to the roundabout. At peak times, traffic jams prevent this movement.
6. Hoons see the roundabout as a place to spin wheels, skid over the verge and knock over rubbish bins. Pedestrians are in danger.
7. The Eric Street/Curtin Avenue intersection should be a roundabout, to reduce the clogged entry problem, similar to Curtin Avenue/Marine Parade.
8. What is the point of a roundabout so close to a set of lights?
9. Rental of this property is difficult due to the safety issues caused by the roundabout.

The suggestions made for a solution are:

- A. Convert the traffic lights on Curtin Avenue to a roundabout.
- B. Build a bridge for Eric Street over Curtin Avenue.
- C. Build a reversing area on the verge outside the neighbouring property, including a one metre widening.
- D. Block the outlet of traffic on the roundabout from Eric Street into Railway Street.

Comments on the issues raised in the letter are:

- I. Traffic jams occurred at this intersection for years before the roundabout was built caused by a number of factors including the location of the lights on Curtin Avenue, the volume of traffic, traffic slowing down to access the school parking area and the original four way intersection configuration. The accident level at that time was very high due to this problem.

Accidents have now been greatly reduced in number and all four 'legs' of this intersection now have a chance of clearing traffic stockpiles.

The site is no longer a 'Black Spot' which was the reason for the black spot funds being made available to build the roundabout.

- II. Roundabouts are not designed to cope with the volume and make-up of traffic at the Curtin Avenue /Eric Street intersection. Traffic lights are installed once roundabouts fail due to traffic volume. The Curtin Avenue/Marine Parade roundabout carries approximately half of the traffic to the Curtin Avenue/Eric Street light controlled intersection.

Main Roads WA was requested to modify the time settings at the lights to allow more vehicles to be cleared from the Eric Street railway bridge section at each green phase. This occurred, but not to the extent originally requested.

- III. With regards to this roundabout, its impact on both street, the railway bridge and the Curtin Avenue intersection, Councils Traffic Study adopted in 2008 provides the following comments:

*"5.11 Eric Street*

*Specific issues identified from the workshop and public consultations were speed; Eric Street bridge is too narrow and has poor pedestrian facilities; queuing from Railway Street to Curtin Avenue on the bridge and McNamara Way blocked by queuing on Eric Street.*

*A roundabout was recently constructed at the intersection of Eric Street and Railway Street. This has assisted to minimise unsafe manoeuvring and provide greater opportunity for vehicles to enter and exit the bridge traffic queue at this intersection. Further a roundabout is listed for State Black Spot funding in 2008/09 at the intersection of Eric Street with Marmion Street.*

*The Eric Street railway bridge is under the control of Main roads WA. Until such time as the future geometry of Curtin Avenue has been determined, the bridge is unlikely to be funded to for major improvements.*

*The McNamara Way intersection with Eric Street is approximately 50 metres from the Stirling Highway intersection. In that short distance it is not possible to alleviate queuing past the intersection. However, residents of McNamara Way have alternative routes available to them for access onto Stirling Highway."*

*Recommended treatments:*

- 1. Install coloured anti-skid textured road pavement surfacing on all approaches to improve skid resistance on the approach gradients to the Eric Street intersection with Curtin Avenue. The colouring will also assist to improve definition and highlight this intersection.*
- 2. Resurface the road pavement in a contrasting colour at Eric Street/Railway Street roundabout to highlight and deter motorists from forming stationery traffic queues through the roundabout.*

Various other issues were commented on by residents during both advertising periods for this study, in regards to Railway Street. No comments were received regarding the safety issue for exit from this property onto Railway Street. This is the only known comment from this property since the roundabout was built three years ago.

- IV. With regards to any major changes to the Curtin Avenue intersection, Eric Street and the railway bridge crossing, this will eventually be a major Main roads WA project involved with the West Coast Highway extension through Cottesloe. Traffic numbers are not projected to decrease and will probably continue to rise.

The roundabout has, in the three years that it has existed, greatly reduced accidents, the major reason for its construction. Congestion at this site will continue

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given that there are no proposed changes for the base causes of this congestion, with solutions being outside the powers of local government.

- V. Speed of vehicles driving south on Railway Street from Eric Street could be controlled with the installation of rubber speed cushions, which are currently being pushed as a solution for 'hoon' behaviour by the State Government. Such units have been installed elsewhere on roundabouts both for entering and exiting vehicles.

Alternatively, the applicants could construct, on their property, an apron to allow a three point turn to allow a forward rather than reverse entry from their property onto Railway Street. This is the case with the property to the south.

The property on the corner of Eric Street and Railway Street exits onto Eric Street.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Approximately \$4,000 if a rubber speed cushion plus advisory signs are to be installed. No cost to Council if a private three point turn apron is built on private property.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council inform the applicants that consideration should be given to the creation of a three point turn apron on their property to allow exit onto Railway Street in a forward direction and that no changes to the roundabout as per attachment W&C S 10.2.2, Eric Street or Curtin Avenue are considered possible or appropriate at this time.**

**Carried 11/0**

**10.2.6 RELOCATION OF ATHELSTAN ROAD ALLOCATED VISITOR PARKING AREA**

**File No:** SUB/421  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment** Relocation of Athelstan Road Parking  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Council of Owners of the Flour Mill have requested the relocation of the Athelstan Road visitor's car park to the Charles Street verge area where Fig Trees were removed several months ago.

The recommendation is that Council:

1. Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road.
2. Give general support to the Council of Owners of the Flour Mill if the Council proposes to self fund the car park relocation, dependant upon support from the residents opposite the new site in Charles Street.
3. Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.

**BACKGROUND**

This brick paved visitors car parking area was provided as part of the original redevelopment of the Flour Mill site. One reason given as to why Charles Street was not used at the time of redevelopment of the site years ago was that the Council of the day wished the fig trees to remain.

**CONSULTATION**

Nil

**STAFF COMMENT**

Street tree replacements are proposed to be installed approximately in May/June, along the Charles Street road reserve to replace the original fig trees.

The use of Council funds to relocate the visitor's car parking facility is not seen as a priority when many other Council projects await funding.

If the Council of Owners of the Flour Mill wish to fund this work, as an alternative to Council funding, then this option is supported by staff, prior to new street trees being planted.

However, property owners on the west side of Charles Street opposite the proposed new car parking area should first be asked for comments, if the Council of Owners of the Flour Mill wish to self fund the relocation proposal.

The site for a new visitor's car park area is on the east side of Charles Street, between Millers Court and Athelstan Road, with the existing car park to be removed.

**POLICY IMPLICATIONS**

Council's policies on 'Parking – Residential' and Maintenance of Road Reserve Verge Parking Areas both apply to this item.

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has no forward plan to relocate this car park. If Council agreed to the request, budget allocation of approximately \$20,000 would have to be made in the 2009/10 budget.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road as per attachment 10.2.3.
2. Give general support to the Council of Owners of the Flour Mill if the Council proposes to self fund the car park relocation, dependant upon support from the residents opposite the new site in Charles Street.
3. Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council:**

1. **Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road as per attachment W&C S 10.2.3.**
2. **Give general support to the Council of Owners of the Flour Mill if the Council of Owners proposes to self fund the car park relocation, including the removal of the old car park and the inclusion of a footpath, (space permitting,) dependant upon support from the residents opposite the new site in Charles Street and subject to the Manager of Engineering Services approving the design and materials.**
3. **Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.**

**Carried 11/0**

**10.2.7 REQUEST FOR RIGHT OF WAY TO BE NAMED, BROOME STREET/FORREST STREET,  
COTTESLOE**

**File No:** SUB/421  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment** Broome Street Forrest Street Laneway  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A request has been received for the marking, by naming, of the laneway on the east side of Broome Street running parallel with Forrest Street and John Street, because of the difficulty in finding the laneway and the potential use by taxis and ambulances.

The recommendation is that Council

1. Arrange for the installation of a sign stating "ROW 32" on the east side of Broome Street where the Right of Way connects with Broome Street.
2. INFORM THE APPLICANT OF THIS DECISION.

**BACKGROUND**

Council has previously discussed the proposal to both name and signpost all the unnamed laneways or signpost the laneway as "ROW\_\_\_" using only the assigned number. No action has been adopted on this proposal other than the policy stating that Council will consider the naming of Right of Ways/Laneways, with no obligation to improve the condition of the laneway, once named.

The basis for the request is that the applicant is aged, with no car or drivers license. Taxis and an ambulance have had problems finding the entrance to the laneway off Broome Street to access the property. This property has no vehicle access off Forrest Street due to the large vertical wall on the north side of that street.

**CONSULTATION**

Nil

**STAFF COMMENT**

The request proposes naming this laneway John Forrest Lane. Landgate would not approve a lane or road name which is already in use nearby and also the use of a 'Christian' name is not approved by Landgate.



A short sign with "ROW 32" would provide the required marking to ease the problem of finding the laneway access off Broome Street, without Council becoming involved in a discussion on the most appropriate name, with the required advertising and public comment period.

**POLICY IMPLICATIONS**

Council's Right of Way/Laneways policy applies.

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Minimal.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council

1. Arrange for the installation of a sign stating "ROW 32" on the east side of Broome Street as per attachment 10.2.4 where the Right of Way connects with Broome Street.
2. Inform the applicant of this decision.

**COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Strzina

That Council

1. Commence the process for the legal approval to use 'Pine Court Lane' for the 'Right Of Way 32' on the east side of Broome Street as per attachment W&C S 10.2.4 where the Right of Way connects with Broome Street.
2. Inform the applicant of this decision.

**AMENDMENT**

Moved Cr Carmichael, seconded Cr Cunningham

Under point 1 of the Committee Recommendation that the words "Pine Court" be replaced with "Doscas".

**Carried 10/1**

**COUNCIL RESOLUTION**

Moved Cr Carmichael, seconded Cr Cunningham

**That Council**

- 1. Commence the process for the legal approval to use 'Doscas Lane' for the 'Right Of Way 32' on the east side of Broome Street as per attachment W&C S 10.2.4 where the Right of Way connects with Broome Street.**
- 2. Inform the applicant of this decision.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 11/0**

**10.2.8 SAFETY ISSUE - RAILWAY STREET/FORREST STREET INTERSECTION, COTTESLOE**

**File No:** SUB/222  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment** [Railway Street/Forrest Street Intersection](#)  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A visitor to Cottesloe has made comments regarding what is seen as *“the most dangerous intersection that I have come across in the local metro area”*. This relates to the Railway Street/Forrest Street intersection. This visitor recommends a roundabout construction.

The report recommendation is that Council undertake an Intersection Safety Audit for the intersection of Railway Street and Forrest Street in 2009/2010, with an allowance of \$4,500 to be included in the 2009/2010 budget for this study.

**BACKGROUND**

This intersection has existed in its current design for many years. Staff know of no serious accidents at the site and it has not featured as a Black Spot site because of the low level of intersection accidents.

No complaints were received during the public comment period of the Traffic Study 2008, regarding the need for any changes to this intersection.

However the TAPSS Manager has made comment in the past on the need for this intersection to be changed. One option, to resolve the perceived level of danger existing, is to have an Engineering Safety Audit undertaken by a traffic Consultant, possibly the Consultant responsible for the original Traffic Study. From that audit would come any recommendations for intersection improvements.

**CONSULTATION**

Extensive consultation took place as part of the formulation of the 2008 Traffic Study.

**STAFF COMMENT**

The points made in this letter are:

- Five roads connect at this intersection, including two lanes of Forrest Street, Railway Street and the connection to the railway parking area.
  - The intersection lacks street signage and has no markings to assist and warn drivers.
-

- A roundabout would fix the problem.
- The TAPSS building exists at the intersection. Elderly drivers have problems navigating and parking at the site.

If this intersection was "one of the most dangerous intersections in the local metro area", it would be expected that many accidents would have occurred at the site and many comments would have been received during the public comment period for the Traffic Study.

There were no comments received about this site during the comment period. The lack of accidents has meant that this is not a black spot site.

If a roundabout was to be installed at this site, it would not be able to connect all of the intersections mentioned in the received letter.

Other problems with the site include the position of a major high voltage pole close to the site and the position of Forrest Street car parking area for the TAPSS user, which would possibly be removed with the construction of a roundabout.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

A new roundabout at this site would be in excess of \$150,000 to build. An Intersection Safety Audit would cost approximately \$4,500 to be undertaken by a consultant Engineer.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council undertake an Intersection Safety Audit for the intersection of Railway Street and Forrest Street, as per attachment W&C S 10.2.5, in 2009/2010, with an allowance of \$4,500 to be included in the 2009/2010 budget for this study.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council acknowledge the comments of the visitor to Cottesloe in relation to the intersection of Forrest Street and Railway Street and take no further action at this time.**

**Carried 11/0**

**10.2.9 ACCOUNTS FOR THE PERIOD ENDING 31 MARCH 2009**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment** Financial Statement  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 March 2009 to Council.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 10 of the Financial Statements:

- \$15,163.99 to WA Local Govt Super Fund for staff deductions
  - \$11,640.43 to BCTIF for levies from November 2008
  - \$417,557.94 to Office for State Revenue for rebate error
  - \$16,272.92 to WA Local Govt Super Fund for staff deductions
  - \$258,652.50 to FESA for ESL levies for 3<sup>rd</sup> quarter
  - \$15,652.16 to Surf Life Saving WA for contract for February 2009
  - \$10,613.90 to All Tuff Products for handrails for access ramp at North Cottesloe
  - \$12,182.50 to Maunsell Australia for EbD consultancy
  - \$11,540.10 to Key2Design for 1000 shower timers and 4,000 seedstick pack
  - \$19,776.50 to WATC for loan repayment
  - \$26,000 to Sculpture by the Sea for 2009 acquisition
  - \$16,500 to West Coast Shade for shade sails at Grant / Marine Park
  - \$47,638.25 to Transpacific Cleanaway for domestic & commercial waste disposal in February 2009
  - \$22,242.00 to Rocla for boardwalk system for access ramp to North Cott
  - \$27,206.52 to Landscape Elements for progress claim for Cottesloe boardwalk
  - \$13,657.22 to WMRC for disposal and tipping fees
  - \$64,315.37 and \$70,537.04 for staff payroll
-

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council receive the List of Accounts, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21 April, 2009 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**10.2.10 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2009**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment** Financial Statement  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March 2009, to Council.

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$211,085 as at 31 March 2009. Operating Revenue is ahead of budget by \$31,087 (.4%). Operating Expenditure is \$14,507 (.2%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 March 2009 is shown on pages 7-8.

The Capital Works Program is listed on pages 23 - 25 and shows total expenditure of \$3,851,056 compared to YTD budget of \$8,026,602. The reason for the significant difference is the delay with the library.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

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

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**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21April 2009 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**10.2.11 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD  
ENDING 31 MARCH 2009**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment** Financial Statement  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 March 2009 to Council.

**BACKGROUND**

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

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$1,214,640.60 was invested as at 31 March, 2009.

Reserve Funds make up \$1,206,227.34 of the total invested and are restricted funds. Approximately 78% of the funds are invested with the National Australia Bank, 22% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$548,711.12 as at 31 March, 2009. There is \$495,960.94 included in this balance that relates to self supporting loans.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

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

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**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council receive the Schedule of Investments and Schedule of Loans, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21 April 2009 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**10.2.12 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 MARCH 2009**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment** Financial Statement  
**Proposed Meeting Date:** 21-Apr-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 March 2009 to Council.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 20-21 of the Financial Statements shows a balance of \$107,972.06 of which \$12,291.87 relates to the current month. The balance of aged debt greater than 30 days stood at \$95,680.19 of which \$82,023.83 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 22 of the Financial Statements and show a balance of \$391,027.01. Of this amount \$222,519.55 and \$63,983.41 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$163,476 in 2009 compared to \$173,745 last year.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Woodhill

**That Council:**

1. **Receive and endorse the Property Debtors Report, as per attachment W&C S 10.3.1, for the period ending 31 March 2009; and**
2. **The Sundry Debtors Report for the period ending 31 March 2009 as submitted to the 21 April 2009 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

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

Nil

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

Moved Cr Miller, seconded Dawkins

That the following item be considered as Urgent Business

Carried 11/0

**12.1 ENQUIRY BY DESIGN – SUMMARY OF BUILDING DESIGN CONTROLS**

**File No:** SUB/719 & SUB/720  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 28 April 2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report requests that Council consider additional community advertising arrangements related to the proposed Enquiry by Design Building Design Controls and seeks support to use the attached “summary” document as the basis for that advertising. It specifically requests feedback on the form and substance of the summary and recommends that Council agree to advertise it through a paid advertisement in the POST, an article in the Cottesloe News page and promotion through Council’s website, notice boards, Administration Office and Library.

**BACKGROUND**

In February 2009 Council received a report on the proposed Enquiry by Design (EbD) Building Design Controls (BDC) in order to progress the completion of Local Planning Scheme No. 3 (LPS3) and to give direction on those matters to be addressed outside of the Scheme. Council resolved to;

*Note the status report on the draft outcomes and progress of the Enquiry by Design so far and agrees to recommit this item to a special Meeting of Council, tentatively scheduled for Monday the 9 March 2009, to enable completion of the consultant reports and formulation of agreed proposed Building Design Controls, for consideration of approval to advertise the proposed Building Design Controls and to pursue the other components of the Enquiry by Design.*

At the 9 March 2009 Special Council meeting, Council received a follow up report on the proposed LPS3, EbD and BDC's and resolved to;

- 1. Agree to advertise the draft Building Design Controls for Special Control Area 2 of Local Planning Scheme No. 3, as set out in this report and illustrated in the Hames Sharley report, (subject to the fourth dot point in schedule 14 being revised to accord with the uses shown on page 64 of the report) for three weeks during March and April 2009 as outlined in the previous report.*
- 2. Agree to pursue the Preliminary Structure Plan for Development Zone 'E' of proposed Local Planning Scheme No. 3, including a preferred solution for future Curtin Avenue, overall improved connectivity and indicative future development of the railway lands, through further liaison with relevant agencies towards an agreed structure plan to be formalised under the Scheme after it becomes operative. That a supplementary report be sought from Rawlinson's that reconsiders costings for option 2, within the Town Centre Transport Options section of the report, on the basis that the rail line cover does not need to extend from Jarrad Street to Forrest Street, but is confined to a traffic bridge over Jarrad Street and a pedestrian bridge between Napoleon Street and Station Street above the new railway station, and addresses Cr Cunningham's other concerns related to traffic management.*
- 3. Agree to pursue realisation of the Foreshore Concept Plan on an ongoing basis, through further examination of the indicative proposals for the preparation and approval of detailed plans and implementation programs.*

## **CONSULTATION**

The EbD was a major and successful consultation exercise. It was devised whereby the outcomes would undergo wider consultation so as to contribute to the final decisions. In particular, proposals intended to be incorporated into LPS3 are to be advertised for submissions, which Council is to have regard to in determining its recommendations to the WAPC and Minister for Planning. This is consistent with the advertising of LPS3, which left out identified EbD aspects subject to further study and consultation. In addition to that, Council can give consideration to continuing consultation in advancing the more strategic initiatives under the EbD.

It is emphasised that it is the outcomes for LPS3 which are the subject of advertising for submissions, rather than the EbD reports themselves. The reports form the information background to the Scheme proposals and the broader planning matters. While some comment on the EbD reports may be attracted, they are not under review and it is their outcomes, especially those proposed to be incorporated into the Scheme, upon which submissions are sought.

It is important to maintain the momentum of and enthusiasm for the EbD process. In this respect Council is encouraged to concentrate on the recommended Scheme measures and the other outcomes, rather than to dwell on the history of deliberations which led to the EbD. This is because there is a statutory imperative to complete the Scheme and an impetus to define solutions for the other matters being studied.

**STATUTORY REQUIREMENTS**

Proposed LPS3 when advertised for public submissions contained two requirements for additional study and consultation:

1. Under clause 6.4. Special Control Area 2 (SCA2) – Cottesloe Beach Hotel and Ocean Beach Hotel:

*The objectives of this Special Control Area are to —*

- (a) ensure that development of these sites is compatible with the beachfront location, surrounding development and amenity of the locality; and*
- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.*

*In this Special Control Area, the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid —*

- (a) adverse building bulk impacts;*
- (b) adverse overshadowing impacts; and*
- (c) adverse streetscape character impacts;*

*and shall conform to the requirements for three-storey development as set out in clause 5.7.2.*

*This Special Control Area is intended to be subject to Building Design Controls. Further consideration of the Building Design Controls is to occur through an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure during the advertising period for this scheme.*

*Following additional public advertising and consideration of submissions, the Building Design Controls formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.*

2. Under Schedule 14 Development Zone Provisions; for Development Zone E:

*Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development.*

*Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8.*

*The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes and the potential for integration with the nearby Town Centre zone on the eastern side of the railway line.*

*The Structure Plan will provide for car parking in accordance with clause 5.8.*

*The Structure Plan will provide for development in accordance with the Residential Design Codes and any Design Guidelines. The Design Guidelines will be formulated*

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*following an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure. Guidelines for the height of buildings will have regard to the Town of Cottesloe Town Centre Study (2005) Concept Plan. Following public advertising and consideration of submissions, the Design Guidelines formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.*

It is emphasised that the EbD was required to produce only a *preliminary* structure plan, as a final structure plan cannot be formalised until LPS3 is operative (and because the full structure planning process is more complicated, allowing for greater detailed design). That process would again involve public advertising and agency consultation.

### **STRATEGIC IMPLICATIONS**

The EbD inputs to LPS3, which is Council's core planning instrument guiding and managing land use and development in the district for at least five years. The EbD also deals with regional and local planning matters apart from LPS3, which are to be pursued by a range of other strategic and statutory actions.

### **POLICY IMPLICATIONS**

The EbD does not directly affect Council's policies at this point, but may give rise to new planning policies in time.

### **SUSTAINABILITY IMPLICATIONS**

The EbD relates generally to sustainability in terms of planning mechanisms and proposals which would link to sustainability at the more detailed level of design, approval and development.

### **FINANCIAL IMPLICATIONS**

A scheme review is a statutory necessity and the EbD became a critical component of the process. The EbD has been a lengthy, complex and intensive endeavour and a major expense, as forecast in a report on the cost implications to Council in July 2008. Council expenditure to get to this stage amounts to some \$205,000 (which is considerably more than contributed by the DPI). This has consumed most of Council's current budget for town planning. Remaining costs to Council during 2009 associated with conclusion of the EbD for finalisation of LPS3 are variable subject to the need for any more consultancy inputs, additional study, negotiations and so on, but could account of some tens of thousands of dollars. It can be appreciated that allowing for Council and DPI staff time the total cost of the EbD would be in the order of half a million dollars. Future implementation represents further costs over several years which are yet to be estimated depending on what eventuates.

The direct costs in further advertising the attached summary of the BDC's to the community will be dependent upon the process(s) used however indicative costs would be: mail out - \$4, 000, letter box distribution - \$1,000, advertisement - \$1,000, website – nil cost, media article (Cottesloe News) – nil cost.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Walsh, seconded Cr Strzina

**That Council agree to advertise the “summary” of the Building Design Control Guidelines as attached to this report through a paid advertisement in the POST, a media article in the Cottesloe News and promotion through Council’s website, notice boards, Administration Office and Library.**

**AMENDMENT**

Moved Cr Carmichael, seconded Mayor Morgan

That in the summary, the second dot point of the Provisions for the Ocean Beach Hotel site after the word “Storeys” the following words be added “*will be permitted for redevelopment*”.

**Carried 11/0**

**COUNCIL RESOLUTION**

Moved Cr Carmichael, seconded Cr Mayor Morgan

**That Council:**

**Agree to advertise the “summary” of the Building Design Control Guidelines as amended through a paid advertisement in the POST, a media article in the Cottesloe News and promotion through Council’s website, notice boards, Administration Office and Library.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 11/0**

**13 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7:50pm

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