

# 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, 2015

**MAT HUMFREY**  
A/Chief Executive Officer

5 May 2015

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

The Presiding Member announced the meeting opened at 7:00 PM.

**2 DISCLAIMER**

The Presiding Member drew attention to the town's disclaimer.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor congratulated and gave credit to all those involved with the Wanslea House work which was awarded with the prestigious Gerry Gauntlet Award at the 2015 WA Heritage Awards on 15 April 2015. The work was a partnership between the National Trust WA, Lotterywest, BHP and the Brady Cancer Support Foundation. Bernard Seeber was the Architect and Colgan Industries Western Projects was the builder. It is a beautiful building and now houses the Wanslea Cancer Wellness Centre which is made of four groups, Breast Cancer WA, Melanoma WA, Brady Cancer Support Foundation, and Cancer Support WA.

The Mayor advised that this year's ANZAC day which was held in the Main Lawn of the Civic Centre had record attendance, in excess of 600 people. The service was a joint event between Cottesloe RSL - Sub branch, the Town of Cottesloe and the Cottesloe Surf Life Saving Club. On behalf of the Council, the Mayor extended her thanks to Dr Neville Green AM, and the members of Cottesloe RSL sub branch who coordinated the event, together with Sherilee Macready from the Town of Cottesloe. The Australian and New Zealand flags were raised.

The Cottesloe Surf Life Saving Club (CSLSC) this year sailed in the Gallipoli 100 surfboat race at ANZAC Cove in this Centenary Year. A replica of the Gallipoli 100 surf boat was a wonderful addition on the main lawn this year at the service. The Mayor also acknowledged the Cottesloe Beach Hotel which baked over 400 ANZAC biscuits for the Gunfire Breakfast plus donated \$1 for each Australian beer sold on ANZAC day to the Cottesloe RSL.

The Mayor advised she had just received an email from Mr Tom Locke - a member of the CSLSC Gallipoli 100 Crew and read sections of it.

*"Dear Jo,  
a wonderful ANZAC experience. Did very well in the 2 day row. Experienced a unique landing at ANZAC Cove with our flotilla of Australian surfboats. The Scots College Pipers were there to welcome us and a bunch of worn out boaties shared a unique moment at our impromptu ceremony on that historic beach. The Ode was recited by a good mate and Vietnam Vet Warwick Archer, a former CSLSC member. Deeply moving.*

*The following day a full orchestra and choir from Barker College at our Dawn service at the Town of Gallipoli with a very big crowd of Aussies and Turks. All boats rowed ashore at dawn to meet descendants of original Turkish WWI veterans. The morning was as "Cold as a mother in law's kiss" but it was*

*another unforgettable experience. We flew the Town of Cottesloe and CSLSC flags proudly on our surfboat during all events. Warm meeting with the Mayor of Gallipoli and he gratefully received our gift of the Cottesloe surfboat and flags .*

*Warm regards, and sincere thanks from the CSLSC "Coo-ee" Crew for all your support*

*Tom Locke".*

#### **4 PUBLIC QUESTION TIME**

##### **4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

##### **4.2 PUBLIC QUESTIONS**

###### Mr Dougal Mclay – Warnham Road, Cottesloe – Re. Cottesloe Beach Hotel Noise Issue

Mr Mclay stated that he recently visited the Department of Racing, Gaming and Liquor (DRGL) for various documents in relation to decisions made by the Department about noise from The Beach Club at Cottesloe Beach Hotel. In the decision by the Department the issue of noise abatement pursuant to the Environmental Protection Noise Regulations 1997 was the jurisdiction of the Town of Cottesloe. Mr Mclay pointed out that the TOC is aware that noise levels at The Beach Club have been measured at significantly in excess of the Regulations, but has never issued a noise abatement notice.

Mr Mclay read out the following summary of minutes of a meeting between an Inspector of the DRGL and the TOC PEHO, dated 29 August 2013: The Inspector stated that he had a meeting with PEHO, the thrust of which was to determine how the current noise levels issue is being considered by the Council. Mr Mclay stated that the bottom line is that current sound levels fall outside the acceptable range provided by the Regulations. Unfortunately the Council's position is that having approved the works in the first place their residents are left to take action against the licensee.

Q1: Does that mean that the Council doesn't want to do its job, or does that mean that once it makes a mistake, it doesn't want to do its job?

Mr Mclay referred to the Council's ability to issue infringement notices, and stated that the concerned residents are pressing the Council to take action against the licensee, and that the PEHO indicated that he does get some pressure in this regard. Mr Mclay believes that the PEHO seemed unaware of the DRGL's reliance on the Council's noise readings as a significant factor in making their assessment and determining any action to be taken.

Q2: Does that mean the Council doesn't know what it should be doing in regards to noise and premises in the TOC?

Mr Mclay stated that even if Council is reluctant to take action under the Regulations by issuing a noise abatement notice, possibly in the future the Environmental Protection Authority could issue a noise abatement notice.

Q3: I ask Council does that mean the Council is trying to pass-on the matter.

This was because he has spoken with the EPA and they are of the opinion that the Council is to start the process.

The Mayor took the questions on notice

Mrs Rosie Walsh – 35 Grant Street, Cottesloe – Re. Indiana's Toilets

Mrs Walsh stated that about a year ago she emailed the Council proposing to investigate WC Innovation. She referred that the company design and provide public toilet facility 'Exeloo' which provide a free standing restroom. She suggested that Council completely gutted the Indiana toilet and replace it with pre-fabricated Exeloo restroom facility. She stated that she received an answering email from one councilor and no follow up was done.

She stated that Carnarvon, Mosman Park, Stirling, Melville, Rockingham, Subiaco, Bunbury, City of Perth, Joondalup, Geraldton, Bayswater and Tom Price had Exeloo. There are more than 400 in the eastern states and 214 in New Zealand. It is equipped with user friendly electronically controlled doors, self cleaning system and monitoring service assists managing the hygiene and security. They claimed to save water and provide almost touchless environment toward hygiene. WC Innovation offers to provide consultation on lay out, site and building plan, construction and installation, and a safe secure operation of complete facilities. She asked that Council to look into this proposition which she believed will provide solution of the problem. She suggested that public be charged a user fee which will go toward cleaning and up keep and which will discourage vandalism.

Mrs Walsh asked question with regards to funding. She stated that it is unquestionable that the majority users of the Indianas restrooms are visitors to the area rather than Cottesloe residents. She asked that Council to make request to the State Government for funding towards construction and upkeep for an accessible public toilets facility at the Indiana toilet.

The Mayor took the questions on notice

**5 PUBLIC STATEMENT TIME**

Ms Shirley Primeau – 208 Marine Parade, Cottesloe – Re. Item 10.4.5 - Investigation into Complaints about Speeding Traffic and Request for Additional Traffic Calming – Marine Parade, Sydney Street and North Street

Not surprising, last weeks, Works and Corporate Services Meeting, 21 April 2015, motioned that no immediate action is required for the traffic problems on Sydney Street, North Street and Marine Parade. Again, not surprising, the report was heralded by Councillor Rowell, as "the best report the committee had ever seen", which does not necessarily reflect the quality of the report, it may reflect his understanding in these matters and the fact that the council itself commissioned and paid for it. I don't believe the report is valid due to the time of year the data was collected, the conclusions provided and - there were no measurement devices placed south of Pearse Street on Marine Pde in the survey, ignoring the interests of 70 or so households along that stretch. Also only using numbers obtained over the three months during the height of tourist season, to reflect year round conditions, is akin to measuring the traffic speed on Mitchell Freeway at rush hour and saying that the posted speed is much too high as everyone measured drives at 50 km/hr. Residents along Marine Pde might feel some sympathy for Sydney St and its rat run but they are far more concerned about speeding on Marine Pde itself. The measures proposed to prevent rat running will have no effect on speeding on Marine Parade. Mayor and Councillors, the 3 fatalities on Marine Parade should be enough evidence to alter road conditions. I ask that the Mayor and councillors to:

1. Back the motion to alter the speed limit to 40km/hour for the entire stretch of Marine Parade, north and south.
2. Recognise that traffic-calming solutions, including speed humps in front of the Golf Course, in front of Little Marine Parade, and in front of the hotels, will make the road safer.
3. Recommend a comprehensive review for the North Street traffic problems. and,
4. Move and approve a resolution to open community dialogue on the matter.

Thank you.

Ms Sally Nelson – 228 Marine Parade, Cottesloe – Re. Item 10.4.5 - Investigation into Complaints about Speeding Traffic and Request for Additional Traffic Calming – Marine Parade, Sydney Street and North Street

I write to you as a resident of Marine Parade. Would you please consider the following points when discussing this agenda item at Council on Tuesday.

The report that was commissioned by Council, often made mention of the affect that traffic calming changes would make on the beachside businesses. I would contend, that much of the 'through' traffic that we are trying to discourage would not be patronizing any of these businesses as the beach is not their destination



By making the beachfront a more pedestrian/cyclist friendly environment, these businesses would in fact reap the benefit in the higher amount of people who are treating the beach as their 'destination', not a thoroughfare. I would ask Council to also consider that different lengths of Marine Parade have differing uses. The road should not be considered as a whole. While the argument has been put forward that a change to the road would adversely affect businesses- I would contend that there are no businesses on the majority of the Marine Parade strip. The core of the businesses are at the central beach area. The other lengths of Marine Parade are residential areas who deserve just as much consideration.

Please also in your deliberations consider, that as residents, we also pay rates and taxes, and deserve to be heard and considered along with the beachfront businesses.

A long, straight stretch of road, such as is presently designed, will always encourage those individuals who like to put their foot down.

In addition, the straight stretches of Marine Parade lull drivers into the belief that they can alternate their vision between the road, and the beach view. As confirmed by Councils report so many accidents are caused by drivers looking out to the ocean and not to the road. If drivers were presented with a series of traffic calming measures they would be forced to concentrate on navigating the road environment and not sightseeing whilst driving.

While we cannot change an individual's driving behaviour, we can change the road layout to make it more difficult to speed or hoon along these stretches.

The current report states that by fixing the problems on Marine Parade, there is a risk it could impact on streets further back from the beach. Given that the view is the main reason for using Marine Parade (the great number of rear end accidents attest to this), would this be the case? It may not be as appealing to use Broome Street or Marmion Street as an alternative to Curtin Ave, which is designated and designed to carry high numbers of vehicles effectively and efficiently.

The Council's report on a few occasions makes mention that residents should enjoy the vibrancy that a busy beachfront offers. I couldn't agree more. I don't however see how screeching motorbikes and roaring cars make a vibrant environment – they only detract from the scene.

When we have called Police in the past regarding anti social driving, one policeman laughed and said "since Scarborough have stopped the hooning, they have to go somewhere and guess what – Cottesloe is the new Scarborough".

Is not about trying to engineer an environment that would mean an increase in property prices as suggested by the author of the report- I would like to know which of the traffic counting devices gave him that information! It is about being able to enjoy an environment that should be safer, quieter, accessible and more enjoyable for the majority to use.

We have had road deaths on Marine Parade. Council does have the power to affect how individuals behave on our roads, by ensuring that the built environment is one that encourages safe and responsible movement of traffic, through the beachfront environment.

Thank you for your consideration.

Dr Sam Luttrell – 7B Balfour Street, Cottesloe – Re. Item 10.3.1- No. 35 (Lot 23) Elizabeth Street – Two-Storey Dwelling with an Alfresco, Swimming Pool and Shed at the Rear and a Front Boundary Fence

Dr Luttrell spoke on behalf of the owner, Amelia Cann. He had reviewed the Minutes of the Development Services Committee meeting regarding how the boundary wall was not supported and the northern side neighbour had objected. The amended recommendation indicates to Council that there are no other aspects of the proposal requiring additional consideration, and he noted that this was about the fourth round of design revisions made. As the parapet wall in question abuts a carport and driveway it would not affect northern light or the outdoor area of the neighbouring dwelling so the Residential Design Codes seem satisfied. This leaves only clause 10.2.2(g) of LPS3 for consideration (which he quoted) as a basis for not approving the wall. In considering this relationship of the proposal to development on adjoining land, height is not seen as an issue, nor bulk and scale according to the officer report, while shadow is not a concern. In terms of the appearance, while this may be in the eye of the beholder, it would seem difficult to object to a contemporary beach-house style, designed by his brother-in-law the architect, which ought to be approved. As Cottesloe locals their aim is to build a family home to raise a family and be good neighbours. Overall the proposal is submitted to be suitable and Council is requested to approve the application without further ado.

Mr Reece Whitby – 55 Curtin Avenue, Cottesloe – Re. Indiana's Toilets

Mr Whitby is speaking as a representative of the Cottesloe Ratepayers Association. He presented the Mayor and Council with the inaugural toilet seat of shame award. He stated that the toilet seat is in recognition of the terrible condition of the toilet at the Cottesloe beach under Indianas. He was hoping that with the presentation of this award Council will finally put an end on the issue which has been affecting Cottesloe for many years.

He stated that the issue of the state of the toilets is no joke and it has been worrying and upsetting the ratepayers association, residents and visitors for many years and serious issue that the council has to resolve. Mr Whitby acknowledged that there is issue with the lease with Indianas but he asked that Council to take responsibility and solve the issue

He drew the attention to an article posted in the Trip advisor website (an internationally known website which visitors to Cottesloe consulted this website). He advised that this issue is not for only local residents or people who read it in The Post newspapers, but potentially residents or visitors from

all around the world were aware of this issue also through Trip Advisor. The headlines posted on December 2013 reads "Paradise spoilt by filthy toilets below Indiana Restaurant." It talks about how wonderful Cottesloe is. *"...but beware the lavatories below Indiana. Cottesloe Council and Indiana Restaurant are alleged to be in some kind of agonisingly extended barney about who is responsible for keeping the toilets and showers in hygienic working order. Be Warned. Don't use them! Or better yet, make an official complaint to both the Indiana and the Council. Its time they stopped the head butting and fixed the problem. Cottesloe Beach at Indiana is an iconic international destination. Lets have a correspondingly international level of care and business ethics displayed for locals as well as visitors from all around the world".*

He thinks that it was a good account of what been happening. He thanked the Mayor for the spirit in which she received the award and hoped that the award has an impact.

The Mayor stated that she took the message on board.

Ms Ruth Harms – 37 Elizabeth Street, Cottesloe – Re. Item 10.3.1 - No. 35 (Lot 23) Elizabeth Street – Two-Storey Dwelling with an Alfresco, Swimming Pool and Shed at the Rear and a Front Boundary Fence

Ms Harms thanked Council for listening to her at last week's Committee meeting and responding to her concerns. She referred to the future residents at 35 Elizabeth Street and wondered how they would feel were such a boundary wall proposed opposite their front door. The one metre setback is not very much to ask to be provided on such a large lot. Ms Harms said she had lived in the street peacefully for many years with good neighbour relations and I would like for that to continue.

Mr John Hammond – 90 Railway Street, Cottesloe – Re. Item 10.4.5 - Investigation into Complaints about Speeding Traffic and Request for Additional Traffic Calming – Marine Parade, Sydney Street and North Street

Mr Hammond stated that he supported the attempt by Cr Pyvis to reduce speed limit on Marine Parade. He thought that it was a fantastic idea. It is a worldwide trend to reduce speed, particularly in western countries such as Sweden and Germany and referred to the eastern state on city of Yarra, which is Richmond, Collingwood and Fitzroy, have reduced their speed limit to 40 km/hr. The heart foundation in South Australia also has put up a number of proposals for speed reduction.

He believed that at the Marine Parade beach front the Council would be putting the pedestrians, cyclists, and most importantly children first. At the moment the cars are taking priority when it should be the children, pedestrians and cyclists. He thought that it would create a much better feel for the beachfront if the speed limit is lower. He endorsed what Cr Pyvis was trying to do and hoped that there were some other councillors supported her.

Ms Patricia Carmichael – 228 Marine Parade, Cottesloe – Re. Item 10.4.5 - Investigation into Complaints about Speeding Traffic and Request for Additional Traffic Calming – Marine Parade, Sydney Street and North Street And Re. Item 10.4.3 - Agreement with Natsales Advertising Bin Enclosures and Improvements to Beach Infrastructure

Ms Carmichael spoke with regards to traffic flow on Marine Parade it has been covered on many occasions. She stated that the danger for children, as John Hammond pointed out earlier, to the families and to cyclists, and those living near beach front on Marine Parade.

With regards to the Natsales advertising on bin enclosures; she hoped that when Council sign this contract it will see fit to place photos of Cottesloe Beach and its surrounds on some of these bins as she noticed an email from one of our councillors, because she believed it really does seem to fit to the area. It creates a far more pleasant atmosphere than what the residents usually see, which is just plain advertising.

She mentioned that having just came back from the Margaret River surfing championships she noticed whilst she was down there, that the bins have these beautiful photos of the area, Neerabup, Surfers Point, and it looked absolutely magnificent. It was a selling point as were the beautiful state of the toilets, which she had read about and she took a particular note as to why that Council was doing something about this and Cottesloe, as one of the wealthiest councils in Australia, was so far behind the 8 ball.

She believed that council needs to stipulate in the contract and really not deal with this at later stage as the Principal Environmental Health Officer advocated. Council really need to look contract, not just purely advertising.

The other issue she wished to talk about was with regards to the speeding traffic complaint which she eluded to earlier. She can recall a few incidents. She came back from the surfing championship on Sunday 26<sup>th</sup> April. She was sitting at Beaches Café, when a car pulled to a stop at the pedestrian crossing as at the last second as he had seen these two pedestrians stepping out at the crossing. Ms Carmichael stated that she has seen these incidents at the beachfront all too frequently and she hoped that Council is going to do something about it before somebody is killed, as had happened at Sydney Street.

She referred to another more recent event seen by a Beaches Café patron. A hoon speeding at the wrong side of Marine Parade and the patron told her about that as she arrived at the coffee shop at 7:00am. She believed that Council cannot keep on navel gazing and has got to take action.

Ms Rosalin Sadler, 2/120 Marine Parade, Cottesloe – Re. Item 10.4.5 – Investigation into Complaints about Speeding Traffic and Request for Additional Traffic Calming – Marine Parade, Sydney Street and North Street

Ms Sadler stated that she would like to support what she heard on tonight about traffic problems on Marine Parade. She also wished to support what has been said about the toilets.

She stated that she has her own experiences as a resident living on Marine Parade and so she was wandering from what she hearing on tonight, whether or not it might be a good idea to get the people who live on Marine Parade actually into a group that Council wish to interview. She had nearly been knocked over a couple of times at the pedestrian crossing at Napier Street. From her point of view, she thinks it would be good if there was some form of traffic calming, which she believed that it could take place at a lot of pedestrian crossings. She thinks that we cannot stop people from staring at the ocean as they come along the Marine Parade to stare at the ocean. She believe that Council has to reduce the speed limit so people can stare at the ocean with less damage to children, cyclists and local and all the thousands people that come to enjoy Sculptures by the Sea and others things.

Ms Patricia Carmichael – 228 Marine Parade, Cottesloe – Re. Blue Water Café

Ms Carmichael asked this question because she lives adjacent to the redevelopment site. She wished to find out when the redevelopment is likely to start, as living next door she will experience noise, dust, etc so would like to make forward plans as to whether to stay in Cottesloe during that time.

The Mayor referred to the Manager Development Services to respond.

The Manager Development Services advised that the development was approved and certain details were being addressed to gain the building permit. At this stage the timing of development is unclear but it is not anticipated to commence for at least 3-4 months.

## 6 ATTENDANCE

Present

Mayor Jo Dawkins  
Cr Jack Walsh  
Cr Helen Burke  
Cr Jay Birnbrauer  
Cr Philip Angers  
Cr Katrina Downes  
Cr Sally Pyvis  
Cr Robert Rowell  
Cr Peter Jeanes

**Officers Present**

Mr Mat Humfrey	A/Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Doug Elkins	Manager Engineering Services
Ms Lydia Giles	Executive Officer

**6.1 APOLOGIES**

Nil

**Officer Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Birnbrauer, seconded Cr Jeanes**

**That Cr Birnbrauer request for leave of absence from the May round of meetings be granted.**

**Carried 9/0**

**Moved Cr Rowell, seconded Cr Angers**

**That Cr Rowell request for leave of absence from the May round of meetings be granted.**

**Carried 9/0**

**7 DECLARATION OF INTERESTS**

Cr Jeanes declared financial interest in items 10.4.2 due to due to receiving remuneration for being a member of the Curtin Care Board.

Cr Rowell declared financial interest in items 10.4.2 due to due to receiving remuneration for being a member of the Curtin Care Board.

**8 CONFIRMATION OF MINUTES**

**Moved Cr Rowell, seconded Cr Burke**

**The Minutes of the Ordinary meeting of Council held on Monday, 23 March, 2015 be confirmed.**

**Carried 9/0**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of public present, the Presiding Member advised that item 10.3.1 (Development Services Committee) and items 10.4.3, 10.4.2, and 10.4.5 (Works and Corporate Services Committee) had been withdrawn with the remainder items to be dealt with 'En Bloc'.

**10 REPORTS****10.1 REPORTS OF OFFICERS****10.1.1 APPOINTMENT OF THE TOWN'S AUDITOR**

**File Ref:** SUB/534  
**Responsible Officer:** Mat Humfrey  
A/Chief Executive Officer  
**Author:** Mat Humfrey  
A/Chief Executive Officer

**Proposed Meeting Date:** 28 April 2015

**Author Disclosure of Interest:** Nil

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**SUMMARY**

The current appointment of the Town's Auditors has expired and the Committee is being asked to consider two submissions prior to appointing an auditor.

**BACKGROUND**

Council is required to appoint an appropriately qualified person to be their auditor from time to time. The engagement of an auditor is done via agreement, which should contain the scope of the audit, methodology and the cost of the audit.

The Town's current agreement with UHY Haynes Norton has expired and as such, an auditor(s) needs to be appointed. While this would normally be done earlier in the financial year, it was seen as inappropriate to be approaching companies for audit quotes, while the current year audit was still in progress. Delays due to the implementation of fair value accounting have effectively meant that the appointment of an auditor could not be set in place until this round of meetings.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**7.3. Appointment of auditors**

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person, on the recommendation of the audit committee, to be its auditor.

*\* Absolute majority required.*

- (2) The local government may appoint one or more persons as its auditor.
-



- (3) The local government's auditor is to be a person who is —
- (a) a registered company auditor; or
  - (b) an approved auditor.

**FINANCIAL IMPLICATIONS**

The costs of audits is met within current operational budgets.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Officers consulted WALGA's preferred supplier panel for companies that could be approached to provide a proposal for audit services. Three companies were approached, being UHY Haynes Norton, Grant Thornton and Delloite. Delloite did not provide a proposal.

**STAFF COMMENT**

The two proposals received were very close in their content. Both companies (and all person's put forward accordingly) were qualified to be auditors for local governments and the prices supplied were extremely close. Both submissions are attached for the committee's consideration.

As the submissions were so close, an assessment was made of the reasons why a local government may wish to switch auditors. The main reason would be to have "a fresh set of eyes" look at the Town's accounts and compliance requirements to ensure that nothing is being missed. While such an approach is worth considering, it has not been recommended at this stage.

The recommendation to stay with UHY Haynes Norton is based on the two proposals being within \$1,000 of each other and the following;

1. The Town is two thirds of the way through the implementation of fair value accounting for its assets. The administration and auditors have worked together to ensure the smooth implementation of the first two sections, and ideally the last section (infrastructure) will be done using a very similar methodology;
2. UHY have three partners, and many audit managers, that are able to operate on a rotational basis to ensure integrity and to prevent familiarisation;
3. There will be significant pressure on finance and administration staff in the next six to nine months as Council embarks on an ambitious program of infrastructure upgrades and renewals as a result of the sale of the former depot site and in the appointment and starting of a new Chief Executive Officer. A new auditor with a varied approach, timeframes and style, would add to this.

Grant Thornton are regarded as a very reputable company with many high quality referees. It is thought they would make very capable auditors, that would provide a high level of assurance. However, for reasons of stability and consistency of approach, it has been recommended that the Town re-appoint the partners from UHY Haynes Norton as its auditors.

**VOTING**

Absolute Majority

**OFFICER & AUDIT COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**That the Committee recommend to Council that Mr Greg Godwin and Mr David Tomasi of UHY Haynes Norton be appointed as the Town's Auditors for the years ended 30 June 2015 and 30 June 2016.**

**Carried 9/0**

**10.2 REPORTS OF COMMITTEES****10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 APRIL 2015****10.3.1 NO. 35 (LOT 23) ELIZABETH STREET – TWO-STOREY DWELLING WITH AN ALFRESCO, SWIMMING POOL AND SHED AT THE REAR AND A FRONT BOUNDARY FENCE**

<b>File Ref:</b>	<b>3066</b>
<b>Attachments:</b>	<a href="#">35 Elizabeth Aerial</a> <a href="#">35 Elizabeth Submission</a> <a href="#">35 Elizabeth Plans</a> <a href="#">35 Elizabeth Property Photos</a>
<b>Responsible Officer:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Ronald Boswell</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 April 2015</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Churchill Court Pty Ltd</b>
<b>Applicant:</b>	<b>Churchill Court Pty Ltd</b>
<b>Date of Application:</b>	<b>6 November 2014</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Lot Area:</b>	<b>961m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

This application complies with LPS3, the RDC and the Fencing Local Law and is being referred to Council due to a neighbour objection to the proposed northern single-storey parapet wall.

This aspect is discussed in this report and refers to revised plans received 2 and 8 April 2015.

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

**PROPOSAL**

The proposed two-storey dwelling comprises:

- Four bedrooms, three bathrooms, WC, powder room, two living areas, games room, two studies, games room and a courtyard.
- Alfresco.
- Swimming pool.
- Void to living room and courtyard.
- Shed.
- Double carport
- Open-aspect front fencing.

**BACKGROUND**

Following the initial plans submitted on 6 November 2014 and discussions with the applicant, the plans have been changed in order to comply with LPS3, the RDC and the Fencing Local Law. The plans are now at a stage where they can be supported by the Town and conditionally approved.

The applicant lodged a previous planning application for two dwellings for a potential subdivision of the lot on 25 August 2014 which was approved under delegation on 18 September 2014. The proposed two dwellings each had a single-storey parapet wall on the northern boundary totalling a length of 19.5m.

Advertising was undertaken to the surrounding neighbours and there was no objection to the two boundary walls. Therefore the current proposed dwelling with one boundary wall totalling a length of 10.5m is an improvement representing a reduction in the total length of 9m.

**STATUTORY ENVIRONMENT**

- LPS3
- RDC
- Fencing Local Law

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

This development application has nil non-compliance.

The Town has worked closely with the applicant to produce plans that are compliant with LPS3 and the RDC and the Fencing Local Law.

**ADVERTISING OF PROPOSAL**

The application was advertised by letter to five adjoining owners. One submission was received from the northern neighbour and the comments are summarised below:

R M Harms, 37 Elizabeth St

- Objects to the parapet wall on the boundary between Nos 35 and 37 Elizabeth Street.
- Objects to the parapet forming a fence and being part of two rooms.
- Objects to the balcony on the north-west side of the dwelling.
- Concerned that the dwelling's bulk and scale is overpowering.

**APPLICANT'S JUSTIFICATION**

The applicant has considered the Town's advice and the concerns raised by the northern neighbour, and in response provided revised plans that are compliant with LPS3 and the RDC. No further justification against the 'design principles' of the RDC is required in this instance.

The Town has liaised extensively with the objecting neighbour, including showing the neighbour the plans and explaining the planning rules, detailing that the northern

single-storey parapet wall complies with the RDC and will be conditioned to reinforce such.

### **STAFF COMMENT**

The following technical assessment is made in respect of the proposal:

#### Boundary wall

This application includes one single-storey boundary wall on the northern boundary.

The applicant is permitted a boundary wall to one boundary if it complies with clause 5.1.3 (C3.2) (ii), which states:

*In areas coded R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only.*

The proposed boundary wall does not exceed 3.5m in height and has an average height of 3m. The maximum permitted length is 14.77m and 10.5m is sought. Therefore, the proposed boundary wall complies with the RDC but as mentioned will be conditioned to ensure this.

The proposed boundary wall is abutting the neighbouring carport and a driveway. The boundary wall will not affect northern light and does not adversely affect any outdoor living areas or habitable rooms of the neighbouring property.

#### Building heights

The proposed dwelling wall and roof heights comply with LPS3 clause 5.7.2(b)(i)(ii) and shall be conditioned to ensure building height compliance occurs.

#### Setbacks/visual privacy setbacks

The proposed dwelling complies and is in accordance with the RDC setbacks.

#### Bulk and scale

In addition to matters addressed in the RDC, Council may have due regard to matters it considers relevant to a development proposal.

In accordance with clause 10.2.2(g) of LPS3 this includes:

*The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

The proposed dwelling is on a large lot greater than 900m<sup>2</sup>. Overall, the dwelling is adequately setback from neighbouring boundaries and would not have an adverse affect on neighbouring properties as it is located centrally with large open spaces at the front and rear. Its bulk and scale as a complying and conventional two-storey single dwelling is considered acceptable in the streetscape.

Overshadow

The proposed dwelling complies with the RDC.

Fill

The former dwelling has been demolished and observations of the site reveal that a sand pad for the proposed dwelling has been created that is raised above the NGL, before development approval has been granted. The level of the sand pad appears to exceed 0.5m above NGL on the north-east corner then grade back to approximate the NGL at the rear. The owner has advised that this has occurred due to excavating the former pool and possible excavation for a new pool, although the extent of formed fill (photos attached) indicates that there may be added sand.

As excavation and fill constitute development requiring prior approval, this earthwork is unauthorised and premature, also potentially interfering with the determination of NGL based on the survey plan submitted.

To address this, the level and amount of fill intended to comprise part of the development will need to be clarified and shown on the Building Permit plans, in order to ensure that any approved fill does not compromise the Scheme or RDC requirements in relation to building height and design aspects related to fill such as privacy and shadow. A condition is recommended accordingly.

**CONCLUSION**

The design of the proposed dwelling is in conformity with the LPS3 building heights, the RDC and the Fencing Local Law. However, the unauthorised fill requires rectification as discussed.

In summary, the proposed dwelling is well-setback from the front boundary and represents a contemporary design for the streetscape, which has a mix of old and new dwellings including traditional bungalows, Tuscan styles and modern designs. The application is supported to be conditionally approved by Council.

**COMMITTEE COMMENT**

Committee discussed the application at some length and considered that the proposed boundary wall was unnecessary on such a large lot in an R20 single residential area, where ordinary and complying setbacks could readily be achieved without compromising dwelling design, while producing better interrelationships between properties and appropriately attractive streetscapes.

Committee was also concerned that the unusual design of the dwelling, with its extensive, lop-sided roof was not so desirable but would have less impact if located off the boundary. The one metre minimum setback required under the RDC is not a lot to provide, yet has the advantages of preserving the normal dividing fence arrangement and being less overbearing to both the neighbouring property and the streetscape. Therefore an amendment to the recommendation was made in favour of an adequate setback to address these considerations.

Committee went on the express concern about the fill/sand pad in relation to determining natural ground level hence building height compliance. The Manager

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Development Services drew attention to condition 6 to control this aspect and the Planning Officer confirmed that the design and assessment was based on the survey levels provided prior to the excavation and spreading of sand.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Mayor Dawkins, seconded Cr Angers

THAT Council GRANT its approval to commence development for the proposed two-storey dwelling with an alfresco, swimming pool and shed at the rear and a front boundary fence at 35 Elizabeth Street, COTTESLOE, in accordance with the plans received on 2 and 8 April 2015, subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height requirements of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.
6. The application for a Building Permit shall include detailed, dimensioned plans which clearly demonstrate that the pre-existing natural ground level of the site has been used to determine the approved wall and building (roof) heights in accordance with the requirements of Local Planning Scheme No. 3, including how the unauthorised sand pad fill forms part of the approved design and the extent to which it is compliant, to the satisfaction of the Manager Development Services. Alternatively, all fill not consistent with the natural ground level of the site or in accordance with the approval shall be removed from the site prior to an application for and the issue of a Building Permit, all to the satisfaction of the Manager Development Services
7. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate that the design and construction of the northern boundary wall complies with the Residential Design Codes, to the satisfaction of the Manager Development Services.

8. The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.
9. In accordance with the Town's Fencing Local Law, fencing to the front boundary shall ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.
10. The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified in the Environmental Protection (Noise) Regulations 1997.
11. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
12. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
13. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation's sewer.
14. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
15. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.



## AMENDMENT

Moved Mayor Dawkins, seconded Cr Angers

The proposed northern boundary wall shall be setback a minimum of 1m, with revised plans being submitted for a building permit, to the satisfaction of the Manager Development Services.

Carried 6/0

**COUNCIL DISCUSSION**

Council referred to the additional information provided by Manager Development Services inclusive of an alternate amendment to the motion.

**COMMITTEE RECOMMENDATION**

Moved Cr Birnbrauer, seconded Cr Downes

**THAT Council GRANT its approval to commence development for the proposed two-storey dwelling with an alfresco, swimming pool and shed at the rear and a front boundary fence at 35 Elizabeth Street, COTTESLOE, in accordance with the plans received on 2 and 8 April 2015, subject to the following conditions:**

- 1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- 2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. The roof surface being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 5. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height requirements of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.**
- 6. The application for a Building Permit shall include detailed, dimensioned plans which clearly demonstrate that the pre-existing natural ground level of the site has been used to determine the approved wall and building (roof) heights in accordance with the requirements of Local Planning Scheme No. 3, including how the unauthorised sand pad fill forms part of the approved design and the extent to which it is compliant, to the satisfaction of the Manager Development Services. Alternatively, all fill not consistent with the natural ground level of the site or in accordance with the approval shall be**

removed from the site prior to an application for and the issue of a Building Permit, all to the satisfaction of the Manager Development Services

7. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate that the design and construction of the northern boundary wall complies with the Residential Design Codes, to the satisfaction of the Manager Development Services.
8. The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.
9. In accordance with the Town's Fencing Local Law, fencing to the front boundary shall ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.
10. The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified in the Environmental Protection (Noise) Regulations 1997.
11. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
12. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
13. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation's sewer.
14. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
15. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
16. The proposed northern boundary wall shall be setback a minimum of 1m, with revised plans being submitted for a building permit, to the satisfaction of the Manager Development Services.

**Advice Notes:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
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2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

#### AMENDMENT

Moved Cr Walsh, seconded Mayor Dawkins

That conditions 7 and 8 of the recommendation be deleted.

Carried 7/2

#### COUNCIL RESOLUTION

THAT Council GRANT its approval to commence development for the proposed two-storey dwelling with an alfresco, swimming pool and shed at the rear and a front boundary fence at 35 Elizabeth Street, COTTESLOE, in accordance with the plans received on 2 and 8 April 2015, subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height requirements of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.
6. The application for a Building Permit shall include detailed, dimensioned plans which clearly demonstrate that the pre-existing natural ground level of the site has been used to determine the approved wall and building (roof) heights in accordance with the requirements of Local Planning Scheme No. 3, including how the unauthorised sand pad fill forms part of the approved design and the extent to which it is compliant, to the satisfaction of the Manager Development Services. Alternatively, all fill not consistent with the natural ground level of the site or in accordance with the approval shall be removed from the site prior to an application for and the issue of a Building Permit, all to the satisfaction of the Manager Development Services

7. In accordance with the Town's Fencing Local Law, fencing to the front boundary shall ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.
8. The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified in the Environmental Protection (Noise) Regulations 1997.
9. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
10. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
11. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation's sewer.
12. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
13. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
14. The proposed northern boundary wall shall be setback a minimum of 1m, with revised plans being submitted for a building permit, to the satisfaction of the Manager Development Services.

**Advice Notes:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 7/2**

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 APRIL 2015****10.4.1 EXTENSION OF WASTE AND RECYCLING COLLECTION AND PROCESSING CONTRACT WITH PERTHWASTE**

**File Ref:** SUB/1755  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Darrell Monteiro  
Principal Environmental Health Officer  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The initial two year term of the Town's waste collection and processing contract with Perthwaste Green Recycling (Perthwaste) expires in November 2015.

Perthwaste have formally requested an extension for a further 12 months as permitted by the contract.

The contract is mutually beneficial, has been running smoothly and Perthwaste has provided very good customer service. Accordingly, acceptance of the request to extend the contract has been recommended.

**BACKGROUND**

In November 2013, following Council approval, the Town of Cottesloe entered into a contract with Perthwaste for kerbside waste collection and recycling processing for a term of two years with an option to extend the contract for up to a further 12 months.

The contract is extensive and covers kerbside and laneway residential, commercial and litter bin collections; and collection and processing of recycling and greens. Perthwaste has operated well and maintained good customer service. Service charges are also in line with industry average and competitive.

To plan ahead for its fleet and staffing, Perthwaste has formally requested a decision on the extension of the contract, under the existing terms and conditions before 30 June 2015.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. The annual value of the contract is approximately \$575,000.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Not required.

**STAFF COMMENT**

The contract has been well managed and effective. Therefore, it has been recommended that Council accept the request for an extension of the contract.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Committee queried whether the Town requested quotes for the waste collection and processing services and sought assurance that the contract was competitive. The Principal Environmental Health Officer reminded Committee that the request is for the current contract to be extended and advised that the value of the contact has only increased with CPI and therefore it is still competitive.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council authorise the Chief Executive Officer to approve the extension of the contract with Perthwaste Green Recycling for kerbside waste collection and processing services until 28 November 2016.**

**Carried 9/0**

*Cr Jeanes declared a financial interest in items 10.4.2 due being a member of the Curtin Care Board and left the meeting at 9:30PM.*

*Cr Rowell declared a financial interest in items 10.4.2 due being a member of the Curtin Care Board and left the meeting at 9:30PM.*

#### **10.4.2 REQUESTED DISPOSITION OF 1 GIBNEY STREET COTTESLOE TO CURTIN CARE INC.**

**File Ref:** PR54687  
**Attachments:** [Letter from Curtin Care Business Plan](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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#### **SUMMARY**

The Town has received a formal request from the current lease holders of 1 Gibney Street, Cottesloe (Wearne) to dispose of the Town's share in the land (25%) to Curtin Care Inc. for nominal consideration.

#### **BACKGROUND**

Since the early 1980's Curtin Care (previously Curtin Aged Person's Home or CAPH) have used the Wearne Site to provide care and accommodation services for aged persons. In that time, the site has seen significant improvements and expansion, such that the facility that is there today is a modern aged care facility.

Prior to being owned by the four local governments (Claremont, Cottesloe, Mosman Park and Peppermint Grove), the site was owned by the State, and administered by the Fremantle Hospital Board. In 1999, work began on having the site transferred to the four local governments, however the site didn't settle until 2009.

The ownership of the site is a conditional tenure, under section 75 of the *Land Administration Act 1997*. The tenure allows the local governments to assume ownership, so long as the conditions on the title are met. In this instance, the title limits the use of the land to "*the provision of care, accommodation and residential facilities for aged persons and all activities and matters relating to the provision of such care, accommodation and residential facilities*". Letters from the relevant department state that this includes the provision of a facility under the *Retirement Villages Act 1992*. There are also restrictions on using the land for commercial purposes, however it is believed that so long as the land is used for the provision of aged care, the return (or any profit) would not be considered a commercial use, unless it was for the benefit of a private, for profit, company.

When the land was transferred to the four local governments in 2009, it was immediately leased to Curtin Care (CAPH) for a period of 20 years for nominal rent.

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In the second half of last year, Curtin Care began its approaches to the four local governments to have the land transferred to Curtin Care for nominal consideration.

### **STRATEGIC IMPLICATIONS**

Within Priority Area 4 of the Town of Cottesloe's Strategic Community Plan, strategy 4.3 states:

*"Consider undeveloped Government owned land for higher density development, provided there is both public support and benefit for the Cottesloe community".*

There are two projects/actions listed in the Corporate Business Plan for this strategy which relate to the disposition in question, being;

- c. *"Create structure plans and impact assessments for high priority land or development zones in partnership with the State Government" and*
- d. *"Lobby and negotiate with relevant partners, such as the Department of Lands and LandCorp to instigate development in identified priority areas".*

As the land in question is zoned "development zone" and is capable of supporting higher density development, as well as its location adjacent to major transport infrastructure, it would be considered high priority for such development.

If the land is disposed of outright or leased for a period of 99 years, the ability of the Town to meet this obligation would be determined by Curtin Care, not the Town. This would be due to the fact that Curtin Care would control the land and while the Town may make it clear that its preference would be that the site be developed, if Curtin Care were not able to or were unwilling to develop the land, then Council would not be able to resume the land and initiate development.

Further, divesting of the land, either through the 99 year lease or outright disposition, would prevent the Town receiving any benefit through such a development.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

Section 3.59 of the *Local Government Act 1995*, provides the mechanism which must be followed for the advertising of business plans for major land transactions. As this would be considered a major land transaction for the purposes of the Act, s3.59 must be complied with.

### **FINANCIAL IMPLICATIONS**

The exact financial implications of disposing of the land for nominal consideration are difficult to calculate. The restrictions on the title make providing a market valuation difficult and without costed redevelopment plans, or detailed financial plans, it would be difficult to calculate any future earnings or returns.

However, the current fair value of the land is recorded in the Town's Statement of Financial Position as \$7,893,750 and if the land were sold, this asset would be removed. If the land were leased for 99 years, the new accounting standard for



leases would be used to calculate the impairment of the asset required to reflect the reduction in value the lease has on the land's value to the Town.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Various meetings have been held with representatives of Curtin Care during the past 12 months.

Meetings between the four affected local governments have also been undertaken.

**STAFF COMMENT**

The decision on the future tenure of the Wearne Site is one of the most complex decisions that the Council will need to make in the short to mid-term. On one hand, a community organisation is seeking to secure tenure over the land from which they provide services, so that they can expand their services and provide long term security to their residents. On the other hand, the land in question represents a development opportunity that could be used by the local government to provide higher density accommodation for aged persons while generating a return that would allow it to provide other services and facilities.

As the site itself is of significant value, the intended disposition, either by lease or outright disposition would need to be done under the mechanism provided by section 3.59 of the *Local Government Act 1995*. In short, this section requires the development and advertising of a business plan for the disposition, with an associated period for submissions. The first step of agreeing to advertise such a business plan, is the purpose of this report.

Section 3.59 is also clear, that until such a business plan is made, advertised and subject of a period where submissions can be made, the local government cannot consider the proposed disposition. As such, no decision needs to be made at this stage on whether the disposition should go ahead, or in what format.

Following the advertising period, a further report will be provided to the Council, summarising the feedback received. At this point Council will need to consider whether or not to adopt the business plan, with or without changes. The changes to the business plan can only be of a minor nature, any substantial change will result in the process effectively being restarted.

If Council were to approve the business plan following the submission period, at that point it can begin to consider the merits or the disposition. While this is true in a technical sense, there will likely be an assumption in the community that the mere act of advertising the business plan indicates that the Council is considering accepting the proposal. While this isn't the case, it could create a reaction within the community and result in negative feedback.

As the approval from the Minister of Lands is required for any disposition of this land, it may be worth approaching the Minister's Office for comments or a submission on the proposed business plan, if Council resolves to advertise it. While the Minister is not obliged to provide a comment, or indeed required in any way to act in accordance with any comment given, such comment could be useful to the Council in considering the Business Plan following the closure of the submission period.

### **VOTING**

Simple Majority

### **COMMITTEE DISCUSSION**

Cr Rowell provided Committee with a detailed history of 1 Gibney Street, emphasising that the ownership of the land was changed from the Fremantle Hospital Board to the four local governments at no cost to the Councils. Cr Rowell further advised that the Department of Lands transferred the land to the four Councils to secure the provision of aged care in the area.

Cr Rowell explained the changing nature of aged care and informed Committee that Curtin Care is seeking to improve the service it provides.

*Cr Rowell left the room at 6:59 PM prior to the item being moved.*

The Mayor queried whether if the four Councils proceeded with the disposition of the land to Curtin Care, Curtin Care could then sell the land. The Acting Chief Executive Officer (A/CEO) advised that theoretically that could be a possibility, however, Curtin Care would have to seek permission from the Minister for Lands to have the current conditions placed on the Title removed.

Committee discussed potential consequences of disposing of the land at length. The A/CEO reminded Committee that at this stage the recommendation is to advertise the Business Plan and call for submissions on the proposals contained within the Business Plan.

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

**Moved Cr Birnbrauer, seconded Cr Angers**

**THAT Council:**

- 1. Authorise the Chief Executive Officer to advertise the Business Plan for both of the requested options for the disposition of land at 1 Gibney Street, Cottesloe as required by section 3.59 of the *Local Government Act 1995*, and to call for submissions on both of the proposals contained within the Business Plan accordingly; and**
- 2. Advise the Minister for Lands of the advertised Business Plan and seek comment.**

**Carried 7/0**

*Crs Jeanes and Rowell returned to the meeting at 9:31PM following the conclusion of the item.*

**10.4.3 AGREEMENT WITH NATSALES ADVERTISING BIN ENCLOSURES AND IMPROVEMENTS TO BEACH INFRASTRUCTURE**

**File Ref:** SUB/373  
**Attachments:** [August 2014 report on Natsales Bins](#)  
[Current spread of Litter Bins A3 Cadastral Map](#)  
[Proposed spread of Litter Bins A3 Cadastral Map](#)  
[Proposed Memorandum of Agreement Cottesloe and Natsales](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Darrell Monteiro  
**Principal Environmental Health Officer**  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The advertising litter bin enclosures along the beach and other areas in Cottesloe are emptied by the Town's contractor and maintained by Natsales Australia Pty Ltd (Natsales).

This report:

- details proposed changes to the location of the bin enclosures;
- summarises the costs associated with replacing the current bins and enclosures with appropriate and aesthetically pleasing enclosures; and
- recommends that the Chief Executive Officer (CEO) be authorised to sign a revised five year agreement with Natsales.

**BACKGROUND**

Natsales has maintained an ongoing agreement with the Town since 2001. The Town provides the inner 240L bins and organises the frequency that the bins are emptied by the current waste contractor. Natsales provides the advertising bin shells and maintains them. Three of the four panels are used for advertising and one is available to the Town to promote litter reduction messages and campaigns. Attached is a copy of the current agreement.

The agreement with the Town and Natsales was last considered by Council in August 2014 and it was resolved -

*THAT Council:*

1. *Endorse the Town of Cottesloe entering into an amended Memorandum of Agreement with Natsales Australia Pty Ltd with a reduced term of 1 year.*
2. *Authorise the CEO to sign the amended Memorandum of Agreement on behalf of Council.*
3. *Request administration to undertake a review of the number, locality and cost of replacing the current bins with appropriate and aesthetically pleasing bins.*

Natsales have requested a continuation of the expired Agreement for a further five + five years. With the expiry of the current Agreement and completion of the review as resolved in August 2014 a suitable agreement now needs to be negotiated between both parties.

Currently, around the Town (as per the attached map), there are four types of litter receptacles:

1. The double 240L bin, stainless steel (SS) enclosures that are concentrated at the main beach area. There are 30 of these accommodating 60 bins.
2. Exposed 120L mobile garbage bins stayed by blue stands. There are 25 of these along Marine Parade and 20 interspersed elsewhere.
3. 20 Natsales advertising bin enclosures are present along Marine Parade and a further 21 around the Town, totalling 41. These contain 240L bins.
4. Designer bin enclosures holding 80L bins in an around the Napoleon Street shopping precinct area. There are 15 of these in total.

Pending Council's decision on signing a new agreement with Natsales, the CEO has negotiated in-principle that:

- The 20 Natsales enclosures from the Marine Parade area will replace the 20 exposed 120L bins within the Town except for Marine Parade and in the shopping precinct.
- Natsales will continue to service the 41 enclosures around the Town with potential to increase this number as required by the Town.
- 40 new SS single bin enclosures for 240L bins will replace the existing exposed 120L bins and Natsales advertising enclosures. This is to be done by the Town.

The attached map shows the spread of litter bins once the recommended changes have taken effect.

The above agreement would mean that Natsales continues to benefit from the revenue generated by advertising. The Town would benefit from having no maintenance costs associated with Natsales enclosures and the aesthetics on the beachfront would be improved.

### **STRATEGIC IMPLICATIONS**

- Maintenance of street furniture installed to prevent litter.
- Endorsement of advertising panels for local businesses.

### **POLICY IMPLICATIONS**

The type of bin surrounds provided by Natsales are similar to those recommended in the Streetscape Policy and Manual that was adopted in 1999.

### **FINANCIAL IMPLICATIONS**

It is important, however, for Council to note that this improvement comes at a cost. Quotes indicate that supply and delivery of 40 new SS enclosures will cost the Town

approximately \$95,000 + GST. Installation of the bins can be managed by the Town's depot staff with \$6,000 to be budgeted for cement.

The provision of the new SS bin enclosures was not budgeted for in the 2014-2015 financial year. However, funds from the mid-year budget review can be used to manage this expenditure.

**STAFFING IMPLICATIONS**

It is estimated that it would take 200 man hours for depot staff to install all of the 40 bin enclosures.

**CONSULTATION**

Nil

**STAFF COMMENT**

Considering the background, the changes as set out in this report are believed to be a benefit for both the Town and for Natsales.

It is therefore recommended that Council approve the changes by authorising the CEO to sign a revised agreement with Natsales for a term of five years and authorising the expenditure on the new SS bin enclosures.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Pyvis referred to Council's resolution of August 2014 to "*Request administration to undertake a review of the number, locality and cost of replacing the current bins with appropriate and aesthetically pleasing bins.*" and queried whether administration had researched aesthetically pleasing bins. The A/CEO advised that at this stage replacements had not been selected or purchased and that such consideration would be made at that time.

Committee queried whether the Town can have input into the advertisements on placed on the bins. The A/CEO advised that there is a clause in the contract that states that if the Town deems an advertisement inappropriate or offensive, it will be removed.

Cr Rowell sought assurance that the actions required at the completion of the contract are adequately addressed in the Memorandum of Agreement. The A/CEO stated that the bins belong to Natsales and Natsales would remove the bins if the contract ended.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Rowell, seconded Mayor Dawkins

**THAT Council:**

1. Endorse the Town of Cottesloe entering into an amended Memorandum of Agreement with Natsales Australia Pty Ltd; in line with proposed changes in this report for a five year term;
2. Authorise the Mayor and Chief Executive Officer to sign the amended Memorandum of Agreement on behalf of Council and affix the common seal; and
3. Approve the expenditure for supply and installation of new stainless steel bin enclosures along the coastal strip of the Town of Cottesloe.

**AMENDMENT**

Moved Cr Walsh, seconded Cr Pyvis

That a new point 4 be added to read: “Explore having photos of iconic beach scenes on four strategically located stainless steel bins at Cottesloe Beach and two at the North Cottesloe Beach”.

Carried 5/4

**AMENDMENT**

Moved Cr Walsh, seconded Cr Pyvis

That a new point 5 be added to read: “Explore with Natsales the possibility at having photos of iconic beach scenes on five bins along the pedestrian path by Forrest Street”.

Carried 9/0

**COUNCIL RESOLUTION**

**THAT Council:**

1. Endorse the Town of Cottesloe entering into an amended Memorandum of Agreement with Natsales Australia Pty Ltd; in line with proposed changes in this report for a five year term;
2. Authorise the Mayor and Chief Executive Officer to sign the amended Memorandum of Agreement on behalf of Council and affix the common seal;
3. Approve the expenditure for supply and installation of new stainless steel bin enclosures along the coastal strip of the Town of Cottesloe;
4. Explore having photos of iconic beach scenes on four strategically located stainless steel bins at Cottesloe Beach and two at the North Cottesloe Beach; and

5. Explore with Natsales the possibility at having photos of iconic beach scenes on five bins along the pedestrian path by Forrest Street.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

**10.4.4 THE BLOODY LONG WALK - PERTH**

**File Ref:** SUB/1929  
**Attachments:** [Event Application Form The Bloody Long Walk](#)  
[Event Plan](#)  
[Cottesloe Course Map](#)  
[Finish Line Archway](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Sherilee Macready  
**Community Development Officer**  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Australian Mitochondrial Disease Foundation is seeking approval to hold The Bloody Long Walk – Perth event at Cottesloe Beachfront, on Sunday 16 August 2015, from 7.00am to 6.00pm. The event raises awareness and funds to support the Australian Mitochondrial Disease Foundation's journey in finding a cure for Mitochondrial Disease.

**BACKGROUND**

The event, the first of its kind in Western Australia, consists of a 35km walking challenge, commencing at Sir James Mitchell Park, South Perth, and finishing at Cottesloe Beach. The walking challenge presents as an extreme endurance activity, representing the physical challenge faced daily by sufferers of this relatively unknown Mitochondrial Disease which affects the energy capabilities of the body.

The event has been held annually in New South Wales since 2013, and in Victoria, and Queensland since 2014. Organisers are looking to increase the reach of the event to Western Australia and South Australia in 2015, and have stated that they not only aim to raise \$1,000,000 in funds and raise awareness of Mitochondrial Disease, but also to encourage the local communities of Perth and Adelaide to challenge themselves to compete in the walking challenge.

Entry fees to the event for competitors range from \$80 to \$100.

Organisers are expecting approximately 650 competitors entering the event in total, with approximately 170 competitors expected to walk through Cottesloe per hour from approximately 12.00pm onwards, with all competitors finishing the walking challenge at Cottesloe Beach. The busiest time for competitors to walk through Cottesloe is expected to be between 2.00pm and 4.00pm.

Competitors will be sent off in waves of 50 at a time so as to avoid any interference with the general public's use of shared pathways. Competitor information packs will provide clear instruction for competitors to walk mostly single file or two abreast, and to maintain awareness of other users, particularly runners and cyclists using the shared pathways. Marshals will be allocated at crossing points to advise the competitors of safety.



Event commentators will make brief announcements at Cottesloe Beach from 10.00am – 5.00pm during the competition.

During the event times, event volunteers will remind competitors that they are walking through reserves, beaches and places of cultural and historical significance and therefore to keep hold of any rubbish, or dispose of it in bins provided by the Council. Clean Event, who specialise in event waste management, will be engaged to collect waste from all check points as well as the start and finish lines.

Organisers have provided a course map showing the Cottesloe portion of the event, together with the full course map.

Six feather banners will be displayed at Cottesloe Beach, and will feature the Australian Mitochondrial Disease Foundation logo, together with factual information about Mitochondrial Disease.

Organisers will address traffic management in Cottesloe by looking into options to provide shuttle buses for the spectators to be transported to and from the Cottesloe train station.

An Emergency and Safety Management Plan, and Public Liability Insurance Certificate will be provided prior to the event. Relevant authorities, such as the local Police will be notified of the event taking place.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Beach Policy – This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

**STATUTORY ENVIRONMENT**

*Beaches and Beach Reserves Local Law 2012* has provisions for the maintenance and management of beaches and beach reserves.

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Adequate arrangements are made for rubbish collection and removal, including options for recycling.

**CONSULTATION**

Officers contacted Cottesloe Surf Life Saving Club to gage whether the event would affect any planned Club activities. It was advised that August is the low season for the Club and therefore the event would not pose an issue for the Club.

**STAFF COMMENT**

If Council charges beach hire for this event, under community classification, it would total \$550 per day. As this event raises money for a worthy charitable organisation, the recommendation would be to class this event as a “Charitable Event” and charge no fee.

As the event’s main purpose is to fundraise for a charitable organisation, and is taking place during Cottesloe Beachfront’s “offseason”, the event is recommended for approval.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council approve the application to hold The Bloody Long Walk – Perth at Cottesloe Beachfront on Sunday 16 August 2015 from 7.00am to 6.00pm, subject to the following conditions:**

- 1. Provision of a transport or parking plan and appropriate access/signage to and from the event, prior to the event;**
- 2. Adequate arrangements for rubbish removal and collection, including the provision for recycling;**
- 3. The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
- 4. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 5. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;**
- 6. The event complies with the Town’s *Beaches and Beach Reserves Local Law 2012*;**
- 7. All signage to be approved by the CEO one month prior to the event; and**
- 8. Class this event as a “Charitable Event” and charge no fee.**

Carried 9/0

**10.4.5 INVESTIGATION INTO COMPLAINTS ABOUT SPEEDING TRAFFIC AND REQUEST FOR ADDITIONAL TRAFFIC CALMING – MARINE PARADE, SYDNEY STREET AND NORTH STREET**

**File Ref:** SUB/479; SUB/486; SUB/506  
**Attachments:** [Attachment 1 Marine Parade Accidents](#)  
[Attachment 2 North Street Accidents](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In response to complaints regarding speeding, road safety and hoon behaviour along Sydney Street, Marine Parade and North Street, officers have undertaken an investigation. The report presents the finding of the investigations and makes a number of recommendations in response to the findings.

**BACKGROUND**

Between late November 2014 and early March 2015, the Town received 56 requests for Council to install additional traffic calming devices along Marine Parade and North Street. Within these requests were several requests for preventing the use of Sydney Street by non-local traffic. Notably, the requests received were generally form letters written by one resident and forward to other residents to sign and forward. In addition, in response to the form letter, one resident wrote to dispute the complaint and request that no action be taken.

The purported justification for the desire for additional traffic calming devices is safety, on the basis that the existing traffic calming devices are ineffective. The letters claim that there is a speed problem on Marine Parade and North Street. In addition, the complaints are suggesting that Sydney Street, Marine Parade and North Street are being used as a 'rat run' (inappropriate use of a local street to avoid bottlenecks or congestion, on a major road).

In response to the complaints, Officers have undertaken speed, volume and traffic mix surveys along Marine Parade and Sydney Street, with the City of Nedlands completing similar surveys along North Street. Officers have also reviewed the five year crash history for Marine Parade and have met with the initiator of the complaints.

The purpose of this report is to present to Council the results of investigations to date, and to provide a recommendation on the appropriate response, in the context of the results. Depending on Council's ultimate decision, the outcome of this report may be additional investigations, public consultation and reports to Council.

**STRATEGIC IMPLICATIONS**

Marine Parade and the Cottesloe foreshore is an iconic feature of Cottesloe, Perth and Western Australia. An adverse change to the character of the road and foreshore could affect the economic sustainability of local business, the value of properties in Cottesloe generally, and the value of Cottesloe as a local, national and international tourist destination. Accordingly, any decision to fundamentally change Marine Parade needs to be carefully considered.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Sydney Street, Marine Parade and part of North Street are under the care, control and management of the Town of Cottesloe. Accordingly, the Town can make geometric changes to the roads. The Town does not, however, have powers to enforce driver behaviour legislation or vehicle design legislation.

**FINANCIAL IMPLICATIONS**

The major recommendations are funded as part of the planned foreshore redevelopment, and current plans to update the Town of Cottesloe Bike Plan. Bike Plan recommendations will be funded as part of normal budgetary processes.

There is a recommendation to investigate opportunities to slow traffic approaching the Curtin Avenue and Marine Parade intersection from the north leg of Curtin Avenue. This should only progress if it is funded through the Blackspot program.

**STAFFING IMPLICATIONS**

There may be additional investigation as a result of Council's decision. Substantial time has already been spent investigating the complained issues.

**SUSTAINABILITY IMPLICATIONS**

As noted above in Strategic Implications.

**CONSULTATION**

Officers have met with the initiator of the complaint and discussed the desires of the residents and the constraints on the ability for a local government to respond. Officers have created a mailing list so that, once Council has provided officers a direction, should it be required, detailed consultation can be undertaken. Finally, should additional consultation be required, it is appropriate to expand the consultation to include affected business owners along Marine Parade, and property owners on surrounding streets.

**STAFF COMMENT**

Before considering the data, it is important to understand the relevance of the data obtained.

The traffic surveys are capable of providing a range of results. The most relevant results are the 85<sup>th</sup> percentile speed, traffic volumes and possibly the traffic mix (vehicle type).

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The relevance of the 85<sup>th</sup> percentile speed is that it is considered to represent the road speed environment, or the 'natural' speed of the road. This, therefore, is the speed that can be controlled by road geometry, and the roadside and on-road environment. As such, this is the speed that is within the sphere of influence of a road authority. Where the 85<sup>th</sup> percentile speed greatly exceeds the desired road speed (often the speed limit), it is appropriate for a road authority to consider geometric changes to a road.

A change to the speed environment will change the 85<sup>th</sup> percentile speed along the road. Consequently, the road environment change will also change all speeds along the road on the basis that the speed spectrum will follow a Normal Curve (Bell Curve). This also suggests that the bulk of the traffic travelling at greater than the 85<sup>th</sup> percentile speed is not travelling at a speed excessively greater than the 85<sup>th</sup> percentile speed. Road geometry will not change driver behaviour, particularly 'hooning' or dangerous driving.

The traffic volume component of the traffic surveys can be used to indicate 'rat running', remaining road capacity and, in some cases, may be an indicator of traffic purpose (visitor to the area, or using a road as a through route).

The final relevant output of traffic surveys is traffic mix, which is usually described as the percentage of commercial vehicles. The commercial vehicle percentage could be an indicator of 'commuter' traffic, unless there is some other commercial vehicle generator.

In addition to traffic data, accident data is also useful when reviewing the safety of a road or current road use. Accident histories are used to identify crash patterns at a location or along a road length. Where a pattern is identified, a review of the road geometry and road use is completed to determine the possibility of reducing the prevalence of a particular crash type. Relevantly, a crash pattern does not indicate a departure from Australian Standards, nor does a crash pattern indicate an inherent deficiency in the road.

The assessment of traffic accident data, for the purpose of reviewing road safety, is standardised. Accident data for the most recently available consecutive five year period is used. The currently available data is for the years of 2009 through 2013.

#### Results of Traffic Surveys

The below table provides the results of the completed traffic surveys. The survey shows that the 85<sup>th</sup> percentile speeds for the three roads are close to the speed limit. In the case of Sydney Street, the 85<sup>th</sup> percentile speed is 42km/hr, while the speed limit is 50km/hr. The only 85<sup>th</sup> percentile speed that is a little high is one of the North Street counts, at 56km/hr. This latter speed is not considered to warrant intervention.

It is important to note, as mentioned above, the 85<sup>th</sup> percentile speed does not suggest that there is no dangerous driving or hoon behaviour. However, the low 85<sup>th</sup> percentile speeds do indicate that the road environment is consistent with the desired limit. Accordingly no further intervention is required to control speed, with the result of additional traffic calming devices likely to be a reduction in the 85<sup>th</sup> percentile speed to lower than the speed limit.

Relevantly, the traffic surveys on Marine Parade were undertaken through the busy summer holiday period, and again when school had returned and normal traffic patterns were resumed. The consistency of the 85<sup>th</sup> percentile speeds across the traffic surveys emphasises the efficacy of the speed environment. The corollary seemingly being that the speed environment is correct. However, while it is apparent that the speed environment is consistent with the speed limit, the traffic surveys do not indicate whether or not the speed is suitable for the road.

Street	Location	Date	Speed Limit	85% Speed	Commercial %	Weekday Daytime Average VPH	Weekend Daytime Average VPH
Sydney St	Curtin to Marine	11 March 2015 to 27 March 2015	50km/hr	42km/hr	2.5	43	47
Marine Pde	Forrest to Pearse	19 December 2014 to 31 December 2014	50km/hr	48km/hr	2.6	602	689
		28 February 2015 to 12 March 2015	50km/hr	46km/hr	3.4	497	501
		28 February 2015 to 10 March 2015	40km/hr	38km/hr	2.7	609	630
	Eric to Grant	19 December 2014 to 1 January 2015	40km/hr	40km/hr	2	569	633
		9 January 2015 to 22 January 2015	40km/hr	41km/hr	2.7	532	685
		28 February 2015 to 20 March 2015	40km/hr	40km/hr	Discard Volume		
	North to Grant	19 December 2014 to 4 January 2015	50km/hr	48km/hr	3.3	462	522
		28 February 2015 to 16 March 2015	50km/hr	49km/hr	5.6	489	583
North Street	Federal to Kathleen	30 January 2015 to 10 February 2015	50km/hr	56km/hr	3.6	695	749
	Kathleen to Griver	30 January 2015 to 10 February 2015	50km/hr	51km/hr	6.2	654	690
	Elizabeth to West Coast	30 January 2015 to 10 February 2015	50km/hr	47km/hr	5.9	709	755

Table 1 – Traffic Survey Summary – VPH = Vehicles Per Hour

The other aspects of the traffic survey data are the volumes and traffic mix. With limited data, it is not possible to make definitive findings with regard to the purpose of trips along the route. However, prior to considering the trip purpose, it is necessary to understand the road classification.

The claim made in the complaints is that Sydney Street, Marine Parade and North Street are being used as a 'rat run'. The term 'rat run' suggests that the use of the three roads by much of the traffic is inappropriate in that it is use of a local road to avoid traffic problems on a distributor road. However, in the case of Marine Parade and North Street, the roads are classified as distributor roads under the Regional

Road Hierarchy. Accordingly, they are intended to carry higher traffic volumes and it is incorrect to term the use as 'rat running'. Notably, the section of Marine Parade between Curtin Avenue and Eric Street is classified as a Distributor B (district distributor), which are intended to be significant traffic routes. Sydney Street, however, is a local road.

While a road has a particular classification and purpose, it is possible for this to change. Council could make a decision to downgrade the strategic importance of a road and enforce this decision with engineering changes that deter the high traffic volumes. To make such a decision, though, Council will need to understand the consequences to the remainder of the road network, and the social and economic consequences of such a decision.

Not clear in the traffic counts is the extent of the use of Marine Parade and North Street as a commuter route. The table above shows that the traffic volumes are greatest on the weekend, suggesting that a major part of the traffic is tourist based, visitors to Cottesloe/Swanbourne, or residents. Not shown in the table above is the traffic spread across the day. The Marine Parade counts show consistent volumes across the day. Between 7am and 8am, the hourly counts are generally lower (compared to the remainder of the daytime counts), with the counts between 8am and 6pm being reasonably consistent hourly volumes across the whole day. To put this in context, Curtin Avenue has a definite morning and afternoon peak traffic flow, with hourly volumes being in the order of double the non-peak daytime hourly counts. The lack of a definite morning and afternoon peak on Marine Parade suggests that the use of Marine Parade as a commuter route is either not significant, or the use is not based on a desire to avoid congestion on Curtin Avenue. This is supported by the low commercial traffic use of Marine Parade, suggesting that the route is inconvenient as an alternative to Curtin Avenue.

It might be considered reasonable to take traffic surveys around the Curtin Avenue and Marine Parade intersection, in order to determine the volume of traffic leaving Curtin Avenue to use Marine Parade. The problem with this approach is that it does not take into account that Marine Parade is a destination. Accordingly, such an approach, if viewed in simple terms, may suggest a significant problem of traffic leaving Curtin Avenue to avoid congestion, when, in reality, the vehicles are leaving Curtin Avenue to arrive at Marine Parade, or to travel Marine Parade for reasons other than congestion.

The North Street counts show an identifiable morning peak with a less identifiable afternoon peak. When considered in the context of the Marine Parade counts, the North Street counts suggest that much of the morning peak is school traffic, being local traffic, consistent traffic from Marine Parade, and the channelling of local commuter traffic from Swanbourne and the north end of Cottesloe, rather than significant commuter traffic avoiding a congested Curtin Avenue.

While the traffic data does not suggest a significant volume of through commuter traffic, for the reasons afore-noted, the author has no doubt that there is a component of traffic using North Street and Marine Parade as an alternative to Curtin Avenue (the author has followed vehicles along North Street and Marine Parade using the route as an alternative). In view of the significant traffic peaks on Curtin Avenue, compared to the consistent traffic volumes on Marine Parade, it is likely that the

views along Marine Parade are a component of the use of Marine Parade as an alternative. In support of this likelihood, Councillors can drive along Curtin Avenue, between North Street and Marine Parade, after 10am in the morning, and then make the same drive along Marine Parade. Outside of peak times, Curtin Avenue has similar traffic volumes to Marine Parade. Despite the signalised intersections, the Curtin Avenue route is quicker, being a kilometre shorter, and flowing faster, due to the general lack of traffic trying to stop, the lack of pedestrian crossings, and the superior bicycle facilities.

The relevance of the use of Marine Parade as a through route, when the Curtin Avenue route is superior, is that it shows the value of the views and atmosphere of the Cottesloe foreshore to the general public. Clearly, a component of traffic values the views and atmosphere of the Cottesloe foreshore over the inconvenience of using a longer and slower route. Accordingly, measures to reduce non-local through traffic may not be effective, as the target traffic is willing to accept the inconvenience to enjoy Cottesloe. The consequence of effective measures to reduce through traffic, however, may be a reduction in tourist traffic.

Finally, some of the complaints include a claim that Sydney Street is being used as a 'rat run' and that the use of the road is dangerous. The recent fatal motorcycle accident is being used as a demonstration of the unsafe situation. Unlike North Street and Marine Parade, Sydney Street is a local road, and the use of the road to avoid the main route does fit the definition of 'rat running'. To determine the existence and extent of the problem, traffic counts were made of traffic turning left from Victoria Street into Curtin Avenue and then right into Sydney Street, during the morning peak. Traffic counters were also placed on the road to collect the usual traffic data.

As noted in table 1, the hourly traffic volumes are not great (compare the volumes to Marine Parade) and, similar to the remainder of the road, the weekend traffic volumes are greater on Sydney Street than during the week. While the traffic volumes on Sydney Street exceed the traffic generated by the street itself, they could not be considered excessive or in any way dangerous. As also noted in Table 1, the 85<sup>th</sup> percentile speed of traffic is only 42km/h, which is a speed equivalent to a higher risk school zone.

Table 2 shows the results of morning traffic counts of left turns from Victoria Street into Curtin Avenue and then right turn into Sydney Street.

Date	Time	Count	Ave per hour
12 December 2014	7am to 8am	18 vehicles	18 vehicles
15 December 2014	7am to 8am	14 vehicles	14 vehicles
5 February 2015	7am to 8:30am	47 vehicles	31 vehicles
17 March 2015	7am to 8am	26 vehicles	26 vehicles

Table 2 – Traffic Counts – Left from Victoria Street into Curtin Avenue and Right into Sydney Street

In addition to the counts of the Victoria Street to Sydney Street movement, vehicles making a left turn from Victoria Street into Curtin Avenue and then doing a u-turn at the railway station car park or using a crossover, were also counted on 5 February 2015. Between 7am and 8:30am, 15 vehicles made left turns and then did a u-turn. Councillors are aware of the difficulty of making a right turn at the Victoria Street and



Curtin Avenue intersection. The empirical data supports this anecdotal understanding.

Finally, the author tested the Victoria Street to the Curtin Avenue roundabout route a number of times during the 7am to 8am morning peak. During these tests, it was determined that traffic on Curtin Avenue, heading south, backs up through the Marine Parade roundabout. This is likely the reason some traffic is using Sydney Street, rather than continuing onto the roundabout.

### Accident History

As noted above, compliance with Australian Standards is not a determinant of road safety. Possibly not well understood is that some intersection treatments are known for having an increased likelihood of an accident type, but are considered superior to alternatives as a result of the accident type being considered safer. As an example, roundabouts are recognised for having a larger number of rear-end type accidents on the through road, where this type of accident would not have previously existed. However, the increased rear-end type accident is considered superior to the higher speed right angle accidents, more commonly occurring at traditional tee intersections.

It is also relevant to note that it is not always possible to meet the prescribed requirements of Australian Standards when roads or intersections are designed. Particularly when undertaking upgrades of existing roads, sites are constrained, and there are competing demands for the use of land. Finally, over time, minor modifications are made to roads and intersections, in response to specific demands or desires, and often these modifications are made outside of the context of the bigger picture.

The relevance of the above comments is to reinforce the practice of reviewing accident histories to determine the effectiveness of a road. Also relevant is that, it is accepted that there is an inherent risk in using a road and this risk can be compounded by unsafe vehicles and unsafe cars, the latter two of which are outside a road authority's sphere of influence. Finally, the above provides the background for the understanding that an isolated accident, even where it has resulted in a fatality, is not considered to be a reflection on the safety of a road. It is accepted that a more serious accident will result in a review of the risk equation, but often will not result in any interventions.

Finally, prior to reviewing the accident history for the subject roads, it is important to consider the placement of the recent fatal accident, at the Sydney Street and Marine Parade intersection, in the picture. This accident occurred outside of the accident history window currently available. While this might appear to be strange, the reason for this exclusion is that the review of accident histories, as noted above, is based on looking for accident patterns over a fixed time period, not a practice of adding accidents outside the review period due to a desire to achieve a particular conclusion. Also, if there is an inherent danger at the accident location, this will be established by the accident history. Accordingly, the outcome of taking a standardised approach is to remove accidents that are purely related to driver behaviour or vehicle condition. As also noted above, where an individual accident is serious (fatal), a thorough risk assessment is undertaken through the fatal accident investigation process.

Prior to commencing the discussion on the accident history, I will note that the author has completed training in road safety auditing, has been a member of a number of road safety audit teams and has also been a member on a number of fatal accident investigation teams.

### *Marine Parade*

Attachment 1 is the crash diagram for Marine Parade. The following is a walk through the accident history, commencing from the Curtin Avenue intersection.

As noted above, there is an expectation of increased rear end accidents at roundabouts. These are generally low speed accidents resulting in minor property damage, and are considered preferable to right angle type accidents. In the case of the Curtin Avenue roundabout, there are rear end type accidents at each of the three entrance legs. Notably, however, there are five rear end type accidents entering the roundabout on Curtin Avenue heading south, compared to only one each on the other two legs. This difference is most likely related to the entrance speed of traffic on this leg, possibly resulting from the downhill approach or a combination of the downhill approach and the sight across the roundabout to the north bound Curtin Avenue traffic preventing access by Marine Parade traffic. The higher entrance speed is supported by the two right angle type accident with cars, two right angle type accidents with bicycles and the single run off road accident.

The second traffic pattern at the roundabout is the collisions between cars and bicycles. A total of five accidents have occurred, two of which have been side swipes (most likely left turns in front of the bicycles) and two, as noted above, have been right angle type accidents. The ideal solution to this problem would be to separate the bicycle traffic from the vehicle traffic. In the case of the Curtin Avenue and Marine Parade intersection, this has already occurred, with bypass cycle paths provided. In the case of bicycles choosing to use the road, in preference to the provided bypass, accident frequency may be reduced by slowing traffic entering the roundabout on Curtin Avenue from the north, and educating cyclists to ride in the centre of the circulating lane, to hold up traffic and prevent side swipe type accidents.

Between Curtin Avenue and Gibney Street, there are three recorded accident with bicycles. One accident was a sideswipe and in a separate incident, two bicycles rear ended a car. Below, the accident patterns of bicycles will be discussed. At this stage, however, it is worth noting that the bicycle accidents are not one-sided. This pattern is repeated along the road. In this same length, there were no recorded accidents at the Sydney Street, MacArthur Street or Warton Street intersections. There was a single right angle type accident at Gibney Street. As such, there is no accident pattern (although non-intersection related intersections should be looked at across the length of the road, so the bicycle accidents will form a pattern when looking at the road as a whole).

Between Gibney Street and Deane Street there have been seven rear end type accidents. Based on the detailed accident information, the accidents are generally related to parking. As these accidents are along the length of the road, without removing parking, there is no easy resolution to the problem. In such a situation, ideally a lower speed limit will apply, so that where this type of accident occurs, it is not serious. In this case, the accepted low speed residential speed limit of 50km/hr

applies, which seems a reasonable response. In addition to the rear end accidents, there was a collision between a bicycle and a pedestrian on the shared path and a collision with a vehicle doing a u-turn. These accidents do not form a pattern.

Between Dean Street and Forrest Street, there are again a number of rear end type accidents and a single pulling out type accident, all related to parking. The comments above apply. At the Pearse Street intersection, there was a right angle accident, and in close proximity, a u-turn accident. These two accidents do not create a pattern. Finally, at the pedestrian crossing at Forrest Street, there were two rear end accidents and a single collision with a pedestrian on the crossing. As noted below, similar patterns occur on other pedestrian crossings. Councillors may anecdotally be aware of the problem of vehicles failing to stop at pedestrian crossings. The accident history enforces the anecdotal evidence.

Between Forrest Street and Eileen Street, there have been a number of rear end and u-turn type accidents. These accidents are generally related to parking, and are low speed minor damage type accidents. The frequency of accidents is increased due to the general busyness of the area and the overall complexity of the area, resulting from the intersections, pedestrians, parking opportunities and general busyness. An appropriate response is to lower the speed limit. In this case, the speed limit is 40km/hr, which is the same that applies around schools zones. Further, the 85<sup>th</sup> percentile speed is consistent with the speed limit.

Notably, the Forrest Street intersection includes a rear end accident on Marine Parade and a run-off road accident on Marine Parade, approaching the pedestrian crossing. It would be reasonable to associate these accidents with the crossing, resulting in five accidents. In addition, there were two pedestrians hit by vehicles at the John Street pedestrian crossing and two rear end type accidents at the same crossing. Another pedestrian was hit by a vehicle at the Eileen Street intersection, away from a pedestrian crossing.

Five accidents involving bicycles occurred in this section of road. Three of these accidents occurred where a car has turned in front of a bike. One accident resulted from a car door being opened in the path of a bicycle, and another was the result of a bicycle running into the back of a car. The right angle accidents occur at two locations, so suggests a general misunderstanding of road rules, apathy by the driver of the vehicle, or an inability of the vehicle driver to see the bicycle. Possibly, considering the general complexity of this section of road, the tree accidents are suggesting a need for cyclist to slow down. This is something generally outside the sphere of influence. Notably, while separating bicycles from cars is a solution, it is not a guarantee. There already exists a dual use path in this area, which is not well used, as it requires the rider to slow down to negotiate pedestrians. Also, where bypass tracks have been provided at the Curtin Avenue intersection, these are not used. Further comments on bicycles will be made below.

Between Eileen Street and Grant Street the major accident pattern is related to parking. The same comments as above apply. In addition, there were four accidents involving bicycles. One accident was a bicycle hitting the back of a car, another accident was a bicycle being hit by an opening door, a single accident was a cyclist involved in a right angle accident, where a car has turned in front, and the last accident was a cyclist running off the road. The intersections of Eric Street and

Eileen Street have a small number of accidents. Eileen has two similar right angle accidents, which could suggest some masking by parked cars, although, very possibly, the accidents are related to the general complexity of the situation. The lower speed limit is an ideal response to a complex road. Similarly with the other pedestrian crossings, there were two rear end accidents approaching the Eric Street pedestrian crossing. The Grant Street roundabout does not have any particular issues. There were two right angle accidents, which are most likely the result of confusion related to using the roundabout to complete a u-turn.

Finally, between Grant Street and North Street, there were three accidents involving bicycles. In one accident, the cyclist has struck a car attempting to park, in the second accident, a cyclist was hit by an opening car door and in the final accident, a cyclist ran off the road. In addition, there was a rear end accident and a u-turn accident, related to parking or looking for a parking space. The final accident to occur was a vehicle pulling out of a driveway being hit by a vehicle on Marine Parade.

A summary of the accident history of Marine Parade is below

- There is a problem with vehicles identifying the pedestrian crossings on Marine Parade. As a result, there have been a number of rear end type accidents and a number of pedestrians struck. Anecdotally, Councillors are probably aware of many near misses.
- There are a high number of accidents involving cyclists. It is noted that the accidents are not one sided. In a number of accidents, a cyclist has had a rear end type accident with a car, on two occasions cyclists have run off the road, and on one occasion a cyclist has side swiped a car. On four occasions a cyclists has been hit by an opening car door. There are a high number of right angle accidents involving cyclists. A cyclist struck a pedestrian crossing the road (most likely stepping out between parked cars). Sideswiping cyclists by car only occurred once on Marine Parade.
- The Marine Parade and Curtin Avenue intersection had a high number of accidents involving cyclists. This intersection also appeared to have a high number of accidents involving the north Curtin Avenue entry to the roundabout.
- Most of the accidents along Marine Parade are parking related. These accidents are low speed accidents generally resulting in property damage.
- Other than the Curtin Avenue intersection, the intersections along Marine Parade do not have a crash history suggesting a need to intervene.

The problem of conflict between cyclists and vehicles is known on Marine Parade. Ideally, this traffic will be separated through the use of off-road cycle paths. However, the existing path is not well utilised, due to the high pedestrian use and the desire to travel at high speeds, and there is not enough room along Marine Parade to install another cycle path. In addition, it is still common for cyclists to use the road where a dedicated off street parking facility exists.

A cyclist hitting the rear of vehicles is the fault of the cyclist, in the same way that the driver of a vehicle is at fault for hitting the rear of a vehicle. This is not a problem with

the road and could not be overcome by the use of an off-road cycling facility (the same cyclist would hit another bicycle rather than a car).

The problem with cyclists being hit by car doors opening is related to the rider using the gap between the edge of the road (white line) and the parked car. The use of this space will also be the cause of the cyclist sideswiping a vehicle and the cyclist striking a pedestrian. Noted above, there was only a single sideswipe of a cyclist on Marine Parade, this is also explained by the use of this shoulder section of the road by cyclist. To overcome this situation, cyclists should be encouraged to ride in the traffic lane rather than the gap. In addition, to prevent an increase in sideswipe accidents, cyclists should be encouraged far enough into the lane to prevent vehicles attempting to squeeze between islands. Such an approach could be complimented with signs encouraging cyclists to pull to the left when possible, to allow cars to pass (this can occur in bus bays, lengths of vacant car bays, and where car parking is not allowed).

The final cyclist issue identified is right hand turns in front of cyclist. All these accidents have occurred in the complex section of road between Forrest Street and Eric Street. As a traditional road, a solution to this problem is not obvious. The cause is most likely directly a result of the complexity of the road in this location. While it might be argued that there is a misunderstanding of road rules, or apathy by drivers, the containment of these accident types to the complex busy section of road, suggests otherwise. In addition, it is possible that there is a component of cyclist speed. Councillors have possibly experienced being overtaken by cyclist in the 40km/hr zone.

Separately to this process, officers are finalising a brief to review the Town of Cottesloe Bike Plan. A key component of the Bike Plan is to look at options for the safe use of Marine Parade. The recommendations will be limited to outside the area to be included in the foreshore redevelopment.

Recommendation: Update the Town of Cottesloe Bike Plan with a key focus on cyclist safety along Marine Parade.
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There is a very obvious problem with vehicles stopping at the pedestrian crossings. Ways to overcome these problems are to highlight the existence of the pedestrian crossings or remove the pedestrian crossings. This issue should be looked at as part of the foreshore redevelopment. Councillors may want to consider an overall more pedestrian friendly environment and a lower speed environment in this section. Alternatively, it is recommended that raised plateaus be installed at each of the pedestrian crossings to highlight their existence, and to force vehicles to slow as they approach.

Recommendation: Include pedestrian safety in the foreshore redevelopment plan, or install plateaus at each of the pedestrian crossings.
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The likely deficiencies at the Curtin Avenue roundabout are noted above. The difficulty with a solution to the deficiencies may be the current use of this route by heavy trucks, which require a large manoeuvring area. As such, slowing the approach to the roundabout, from the north leg of Curtin Avenue, may not be possible. In addition, an adequate bicycle bypass has been created. In the context of

13,000 to 15,000 vehicles per day using the roundabout, the overall level of risk (when looking at the number of accidents in the context of the number of vehicles) is low. Where cyclists do not want to use the available bypass, they should be encouraged to use the middle of the circulating lane.

Recommendation: Investigate the possibility of slowing the approach to the Curtin Avenue and Marine Parade intersection from the north Curtin Avenue leg and encourage cyclists to use the middle of the circulating lane.

The predominate accident types on Marine Parade are parking related. These accidents are low speed accidents generally resulting in property damage. These accidents occur most frequently in the complex section of road between Forrest Street and Eric Street. It is recommended that Council consider adjusting the speed environment in this location to reduce vehicle speeds (this may have the effect of reducing total traffic volumes as well) in this section of road.

Recommendation: Consider opportunities in the foreshore redevelopment to create a lower speed environment between Forrest Street and Eric Street.

#### *North Street*

Accident diagrams for North Street are included at attachment 2. The accident history excludes accidents at the intersection of West Coast Highway, as this is not under the management of the Town.

The accident history does not establish any particular pattern. There have been a small number of rear end type accidents around a number of intersections and driveways, there have been a number of runoff road accidents, and a pedestrian struck by a vehicle. The existence of four runoff road accidents along this stretch of road is not easily explained. However, there is also no obvious counter-measure to the accidents. It is possibly the result of 'hoon' driving, which is outside the sphere of Council's influence. There are no accident related recommendations to make.

#### *Sydney Street*

Nil.

#### Antisocial Behaviour

Within the complaints about Marine Parade in particular, there has been reference to antisocial driving behaviour. The complaints have described speeding, noisy vehicles and drivers 'cruising' up and down Marine Parade. A particular complaint was that groups of vehicles, such as a motorcycle club or a car club, will travel the road in a long line, and in the case of some vehicles, there will be a noisy exhaust.

As noted above, a road authority can influence road speed through speed environment. A road authority cannot prevent hooning, bad driving or driving under the influence of drugs or alcohol. A road authority also cannot prevent noisy exhausts.

The Cottesloe foreshore is an attraction that attracts these groups to the area. The same thing that attracts these groups is the thing that attracts the many tourists and

visitors and is the thing that makes the Cottesloe foreshore an attractive and expensive place to live. The general busyness of Marine Parade creates the atmosphere that makes Cottesloe a vibrant beachfront. The attraction of Cottesloe to the general public is the way that the local shops, restaurants, bars and cafes survive. A drastic change to the road may have the effect of reducing the appeal of Marine Parade as a drive, but it will also likely result in a drop in visitation to the area. The ultimate consequence will be a loss of vibrancy, a reduction in general appeal of the area and a reduction in property values. Any consideration of measures intended to reduce the overall attraction of the Cottesloe foreshore need to be carefully considered.

As part of research for this report, the author reviewed some of the videos posted on the website established by the complaint initiator. The author has also received a number of videos directly. In the most recently received videos, which a number of Councillors also received, there was a complaint about a large group of motorcycles hooning along the road, including travelling on the wrong side of the traffic calming device. However, the video did not support the claim. The video was of a large group of motorcycles travelling at about 20km/hr. The author did not note any motorcycle on the wrong side of the road. It was noted that a number of riders were not wearing a helmet.

This reality is consistent with a number of videos on the website, and the discussions with the complaint initiator when the author met directly. The behaviour could not be described as dangerous (other than the lack of helmets), but is antisocial in that the vehicles are noisy, there are many of them, and they often wait at one end of the road so that they can travel in a group.

In addition to considering the effect on the vibrancy of Cottesloe of attempting to discourage the use of Marine Parade as a place for clubs to drive, Councillors may also consider whether the use of the road in this manner, along with the use of the road by tourists and visitors in general, is part of the deal when choosing to live in such a location. This is in the context that the more general complaint of antisocial behaviour by large motorcycle or car clubs, is not really about safety, Council cannot prevent hoon behaviour or driving under the influence of drugs or alcohol, and Council is not able to deal with noise from vehicle exhausts.

### Options

Meeting with the original initiator of the complaint, the options proposed were to close a section of Marine Parade, so that it was no longer a through route, or to attempt to reduce speeds through the installation of additional traffic calming devices. There was a genuine desire, by the original complainant, for the total volume of traffic on Marine Parade to be reduced.

### *Cul-de-sac*

The idea of cul-de-sacing part of Marine Parade is to discourage the use of the road as a commuter alternative. However, noted above is the lack of evidence to support the claim that the road is used to avoid Curtin Avenue and the motivation is most likely the view and atmosphere.

The 'cul-de-sac' concept is predicated on using side roads and sections of Broome Street to enable travel along the full length of the Cottesloe coast. The effect of this option will most likely reduce traffic volumes and is likely to resolve the 'antisocial' behaviour created by car and motorcycle clubs. A consequence of such an option, however, would be to relocate substantial traffic onto side roads and Broome Street. The claim by the complainants is that the traffic load should be shared, however, this position is without consideration for the decision made by the Marine Parade residents to purchase in this location with the knowledge that Marine Parade is a popular tourist drive, and is without consideration of the decision of other landowners to purchase away from the coast to avoid the traffic. Such an approach would also have an effect on the land values of properties along the alternative routes.

The effect of discouraging travel along the length of Marine Parade is likely to be an overall reduction in visitation and reduction in atmosphere and vibrancy between Forrest Street and Eric Street. While Marine Parade residents may hope the effect will be an increase in property values, at the expense of other sections of the community, it may actually be a reduction in property values as a result of a loss of vibrancy, a reduction in visitation and the consequential loss of business (the things that make Cottesloe the place it is).

#### *Additional Traffic Calming*

The results of the speed surveys is that the speed environment is consistent with the road speed limits. Councillors may want to consider whether a lower speed limit should apply, however, it is likely to be difficult to achieve the speed environment reduction desired, outside of the Forest Street to Eric Street section. It is also relevant that the 40km/hr speed limit is the same speed limit applying around schools.

North Street is a local distributor road and already has a low speed limit of 50km/hr. This speed limit is appropriate for the location and consistent with or lower than similar roads in the State. Creating a lower speed environment is very difficult and will most likely result in 'rat running' on other roads. Any works on North Street will require the support of the City of Nedlands.

Sydney Street already has a speed environment 10km/hr lower than the speed limit. No further intervention is warranted.

While there does not appear to be any justification for additional traffic calming, based on vehicle speed, there is a definite problem with vehicles failing to see the pedestrian crossings. Raised plateaus would result in the pedestrian crossings having more prominence and vehicle approach speeds being lower. An additional benefit of plateaus at these locations is that it may also discourage some of the non-tourist through traffic without creating a disincentive for visitation. Such an installation will also highlight the highly complex area of the Cottesloe foreshore and will also slow cyclists.

Alternatively, as part of the foreshore redevelopment plan, the section between Forrest Street and Eric Street could be redesigned to create a very low-speed, pedestrian-friendly environment. This could involve meandering roads, blurring of traffic lanes and pedestrian priority zones. This could dramatically improve pedestrian safety and cyclist safety, and reduce parking incidents. Such a solution would also



have the effect of creating an additional disincentive to non-tourist, non-visitor or non-local users of the road.

*Sydney Street, Victoria Street and Curtin Avenue*

There is no evidence to support the claim that Sydney Street is dangerous. There is no accident history, the 85<sup>th</sup> percentile speed is 40km/hr and the traffic volumes are low. In response to the recent fatal accident at the Sydney Street and Marine Parade intersection, Council removed a number of parking bays. In this context there does not seem to be a good argument to make a change.

It is the case that the complaint is legitimate in that vehicles do turn left out of Victoria Street and right into Sydney Street. This is a 'rat run', although the traffic volumes could not be described as fitting the intent of the term.

The request from some residents in Sydney Street has been for cul-de-sacing Sydney Street or the installation of an island to prevent right hand turns from Curtin Avenue into Sydney Street. While there does not appear to be a strong justification for the requested solutions, it is also not considered to have an adverse effect on any other road. Such a solution will result in considerable inconvenience to properties in the area, and any decision to cul-de-sac or install an island would require prior public consultation.

Noted above is that the root cause of the turn into Sydney Street is the difficulty of turning out of Victoria Street combined with the congestion at the Curtin Avenue and Marine Parade intersection. A more robust response to the problem would be to work to resolve these issues.

It is relevant to point out that Curtin Avenue is a local government road. Despite the road being a local road, the State Government includes the road on the heavy vehicle route list, allowing trucks up to 87.5 tonne on the road. In addition, the State channels traffic on the road from the termination of West Coast Highway to the north, Curtin Avenue, where it is a State controlled road, to the South, and via cross roads from Stirling Highway. Despite this road serving as a major arterial road (it is a district distributor road in the regional road hierarchy) and a major freight route, Main Roads, on behalf of the State, are expecting the Town of Cottesloe, and the Town of Mosman Park to the south, to fund the solutions required to address traffic generated from State roads and State transport tasks.

An appropriate response for the Council is to insist on Main Roads funding the Wellington Street extension. This extension will shift the link between Stirling Highway and Curtin Avenue to the south and resolve the Sydney Street issue. This solution will also see the closure of the dangerous Victoria Street crossing. Pending the funding of the Wellington Street extension, Council should be insisting the State fund an integrated signalised intersection at Victoria Street and Curtin Avenue. Although this is a local government intersection, considering the status of the road, and the deficiencies of the crossing, the expectation that the Council will fund a solution, that will require upgrading and reconfiguring the signals on Stirling Highway, is unreasonable. It is also relevant that the Victoria Street and Stirling Highway intersection is a State responsibility and the crossing itself is managed by the Public Transport Authority and Main Roads, so that essentially the only part of Victoria Street practically under the control of the Town is the Curtin Avenue intersection,

which, as noted above, should be a State Road. Finally, it would be appropriate for Council to work with the Town of Mosman Park to petition the State Government to complete the Curtin Avenue upgrade, and pending the upgrade, to accept responsibility for Curtin Avenue.

### Summary of Findings

#### *Speed*

The results of traffic surveys have been to establish that there is not a speed problem on any of the roads. This does not mean that there is no hoon behaviour or individuals driving recklessly. Of note, Sydney Street has an 85<sup>th</sup> percentile speed that is 10km/hr lower than the speed limit.

#### *Accident History*

- There are no recorded accidents on Sydney Street.
- There were a number of accidents on North Street, but there was no particular pattern created that could be addressed through road modifications. When considered in the context of the traffic volumes, the accident rate would be described as low.
- Marine Parade:
  - There is a large number of accidents involving pedestrians or road end type accidents approaching pedestrian crossings.
  - There is concerning number of cyclist related accidents. The accident types are a mix of cyclist at fault rear-end and pedestrian strike accidents, vehicle at fault right angle type accidents, and accidents related to riding in close proximity to parked vehicles.
  - There are a large number of low speed, low consequence parking accidents.
  - Other than the Curtin Avenue intersection, there are limited recorded accidents at intersections along Marine Parade, with many intersections having no recorded accidents.
  - At the Curtin Avenue intersection, there are a high number of accidents involving cyclists, and a high number of accidents related to the north Curtin Avenue approach to the roundabout.
  - In the context of the traffic volumes on the road, the number of parking accidents, cyclist accidents and pedestrian related accidents appears high. Other accident types are low, particularly in the context of the traffic volumes.

### Recommendations

There are four components to the complaints: speed, traffic volumes, road safety, and antisocial behaviour. Below are recommendations based on these components.

#### *Speed*

The traffic surveys have established that there is not a speed issue along the route, when compared to the road speed limits. When considering that the speed limit around schools is 40km/hr, a speed of 40km/hr around the complex area between Forrest Street and Eric Street, along Marine Parade, appears reasonable. Similarly, the long length of road that makes up the remainder of the route, which is less

complex, has the same speed limit that applies to all local roads in the State, and accordingly seems reasonable. It seems reasonable that no further action be taken.

#### *Traffic Volumes*

Marine Parade and North Street are distributor roads, and accordingly, it is intended that they will carry substantial traffic volumes. There was an expressed concern that these roads are carrying a high volume of commuter traffic, which was considered, by residents, to be inappropriate ('rat run'). In reality, the road classification suggests that the use of the road by commuters is appropriate.

The results of the traffic studies could not identify an obvious commuter component. If Marine Parade and North Street were being used to avoid congestion along Curtin Avenue, the traffic counts would show a significant morning and afternoon peak. However, the daily hourly counts are reasonably flat, weekend counts are higher and there are a low number of commercial vehicles. This suggests that any commuter use of the route is based on the desire to experience the views and atmosphere, rather than a desire to avoid using the main arterial routes. Accordingly, traffic calming is likely to have a limited impact on any commuter traffic, and, also, much of the traffic is tourist traffic, visitors or residents. Also, considering traffic volumes are highest on the weekend, attempts to reduce traffic using the road, through increasing difficulty, or breaking the route, will impact on the economically important tourist and visitor traffic. Trying to break the route risks the attractiveness and economic viability of Cottesloe.

Generally, there does not seem to be a justification to make a drastic change to discourage through traffic. It is also considered that such a change could result in the character of the Cottesloe foreshore being damaged, and the viability of restaurants, bars, cafes and shops being reduced. However, it would be appropriate to consider traffic speeds and pedestrian movements as part of the foreshore redevelopment. Increasing travel times though the Forrest Street to Eric Street section of Marine Parade could improve the atmosphere, and would not discourage tourists. Considering the commuter use of Marine Parade does not seem to be motivated by congestion, increased travel times is not considered likely to result in a drastic reduction in traffic volumes, however, some decreases are possible.

As the traffic volumes on Sydney Street are low, speeds are low and there is no accident history, there does not appear to be any justification for making a change to the road. However, there also does not appear to be a significant consequence if access to Sydney Street is reduced. Accordingly, if there is overwhelming support for changes on Sydney Street, then these could be considered. However, Council's focus should be on the bigger problems with Curtin Avenue generally, and the Victoria Street intersection in particular. It is recommended that Council work with the Town of Mosman Park to petition the State Government to fund the Wellington Street extension, to fund an integrated signalised intersection at Victoria Street, pending the construction of the Wellington Street extension, to construct the Curtin Avenue upgrade, and to proclaim Curtin Avenue as a Main Road or Highway pending the upgrade construction.

*Safety*

The following recommendations are made:

- Update the Town of Cottesloe Bike Plan with a key focus on cyclist safety along Marine Parade.
- Include pedestrian safety in the foreshore redevelopment plan, or install plateaus at each of the pedestrian crossings.
- Investigate the possibility of slowing the approach to the Curtin Avenue and Marine Parade intersection from the north Curtin Avenue leg and encourage cyclists to use the middle of the circulating lane.
- Consider opportunities in the foreshore redevelopment to create a lower speed environment between Forrest Street and Eric Street.

*Antisocial Behaviour*

This is not something within the sphere of Council's influence. The desired responses to these issues are to break the Marine Parade route and to push some traffic onto other streets, or to install additional traffic calming devices.

There is no doubt that there is a small element of hoon behaviour. This is not a special Cottesloe problem; this problem occurs across the entire State, and in response, the State Government introduced anti-hoon legislation. As long as Cottesloe is an attractive destination, hoon behaviour will exist. This type of behaviour is appropriately addressed by police intervention.

The use of the road by car clubs and motorcycle clubs is not hoon behaviour. There is no evidence to suggest that these vehicles are speeding, and the evidence that the author has seen suggests that these vehicles are travelling substantially slower than the speed limit. The real issue is that they are noisy.

These clubs come to Cottesloe to show off their vehicles. They are likely also coming because it is an iconic and attractive destination. The type of modifications required to remove the attractiveness of Marine Parade to these clubs, will also result in loss of attractiveness generally and loss of vibrancy. It seems that the enjoyment of Marine Parade by others comes with the territory of living along the road. To risk the vibrancy and attraction of the destination and to suggest that other streets, where the residents have chosen not to live on the foreshore to avoid the traffic, should now accept the traffic, is unreasonable.

Finally, although antisocial behaviour is not going to be addressed by traffic calming, it has already been recommended that Council look at opportunities to slow traffic and improve pedestrian safety as part of the foreshore redevelopment. This recommendation is in accordance with a requested intervention from the complainants.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Rowell, seconded Cr Pyvis

THAT Council:

1. Acknowledge the complaints about speed, safety and hoon behaviour along Sydney Street, Marine Parade and North Street, Cottesloe;
2. Advise the complainants that Council does not have the ability to deal with the behaviour of individual road users, including dangerous driving, hooning or driving under the influence of drugs or alcohol;
3. Determine that vehicle speed of traffic along Sydney Street, Marine Parade and North Street is appropriate;
4. Update the Town of Cottesloe Bike Plan with a focus on cyclist safety along Marine Parade, among other things;
5. Include pedestrian safety in the foreshore redevelopment plan, or install plateaus at each of the pedestrian crossings;
6. Investigate the possibility of slowing the approach to the Curtin Avenue and Marine Parade intersection from the north Curtin Avenue leg and encourage cyclists to use the middle of the circulating lane;
7. Consider opportunities in the foreshore redevelopment to create a lower speed environment between Forrest Street and Eric Street;
8. Work with the Town of Mosman Park to petition the State Government to complete the Wellington Street extension, and will petition the State Government to fund an integrated traffic signal installation at the Victoria Street and Curtin Avenue intersection, pending the completion of the Wellington Street extension and the ultimate closure of the Victoria Street crossing; and
9. Work with the Town of Mosman Park to petition the State Government to complete the Curtin Avenue upgrade and, pending the completion of the upgrade, to proclaim Curtin Avenue as a Main Road or Highway.

#### AMENDMENT 1

Moved Cr Pyvis, seconded \_\_\_\_\_

That point 3 "*Determine that vehicle speed of traffic along Sydney Street, Marine Parade and North Street is appropriate*" be removed.

Lapsed for want of a seconder

#### AMENDMENT 2

Moved Cr Pyvis, seconded \_\_\_\_\_

That point 5 be made into two separate points by deleting the word "or" and inserting a full stop after the word "plan".

Lapsed for want of a seconder

#### AMENDMENT 3

Moved Cr Pyvis, seconded \_\_\_\_\_

That an additional point be added reading "Consider making the whole of Marine Parade a 40 km/ph zone".

Lapsed for want of a seconder

## AMENDMENT 4

Moved Cr Pyvis, seconded \_\_\_\_\_

That an additional point be added reading "Install a traffic island on Curtin Avenue to prevent traffic tuning right into Sydney Street".

Lapsed for want of a seconder

**OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council:**

1. **Acknowledge the complaints about speed, safety and hoon behaviour along Sydney Street, Marine Parade and North Street, Cottesloe;**
2. **Advise the complainants that Council does not have the ability to deal with the behaviour of individual road users, including dangerous driving, hooning or driving under the influence of drugs or alcohol;**
3. **Determine that vehicle speed of traffic along Sydney Street, Marine Parade and North Street is appropriate;**
4. **Update the Town of Cottesloe Bike Plan with a focus on cyclist safety along Marine Parade, among other things;**
5. **Include pedestrian safety in the foreshore redevelopment plan, or install plateaus at each of the pedestrian crossings;**
6. **Investigate the possibility of slowing the approach to the Curtin Avenue and Marine Parade intersection from the north Curtin Avenue leg and encourage cyclists to use the middle of the circulating lane;**
7. **Consider opportunities in the foreshore redevelopment to create a lower speed environment between Forrest Street and Eric Street;**
8. **Work with the Town of Mosman Park to petition the State Government to complete the Wellington Street extension, and will petition the State Government to fund an integrated traffic signal installation at the Victoria Street and Curtin Avenue intersection, pending the completion of the Wellington Street extension and the ultimate closure of the Victoria Street crossing; and**
9. **Work with the Town of Mosman Park to petition the State Government to complete the Curtin Avenue upgrade and, pending the completion of the upgrade, to proclaim Curtin Avenue as a Main Road or Highway.**

## AMENDMENT 1

Moved Cr Pyvis, seconded Cr Walsh

That point 3 of the recommendation be deleted.

Lost 3/6

**AMENDMENT 2**

Moved Cr Pyvis, seconded Cr Downes

That point 4 be amended to read: "Update the Town of Cottesloe Bike Plan with a focus on cyclist and pedestrian safety throughout Cottesloe.

Carried 5/4

**AMENDMENT 3**

Moved Cr Pyvis, seconded Cr Downes

That first part of point 5 be amended to read: "Include pedestrian safety in the foreshore redevelopment plan with focus on creating a slower speed environment between Forest Street and Sydney Street".

Lost 3/6

**AMENDMENT 4**

Moved Cr Pyvis, seconded Cr Downes

That a new point 6 be added which reads: "Review pedestrian crossing on Marine parade with a view to improving the safety of pedestrian crossing by:

- a. Installing plateaus and other traffic calming devices at the existing crossings; and
- b. Assessing the need for additional pedestrian crossings on Marine Parade".

Carried 6/3

**AMENDMENT 5**

Moved Cr Pyvis, seconded Cr Walsh

To add a new additional point to read: "Lobby Main Roads WA to make the speed limit at Marine Parade from Curtin Avenue to North Street to 40 km/hour".

Lost 3/6

**AMENDMENT 6**

Moved Cr Pyvis, seconded Cr Jeanes

To add a new additional point to read: "To consider a traffic island on Curtin avenue to prevent traffic turning right into Sydney Street subject to consultation with local residents".

Carried 7/2

**AMENDMENT 7**

Moved Cr Downes, seconded Cr Walsh

That the words "or install plateaus at each of the pedestrian crossings" in point 5 be deleted.

Carried 7/2

**COUNCIL RESOLUTION****Moved Cr Rowell, seconded Cr Angers****THAT Council;**

- 1. Acknowledge the complaints about speed, safety and hoon behaviour along Sydney Street, Marine Parade and North Street, Cottesloe;**
- 2. Advise the complainants that Council does not have the ability to deal with the behaviour of individual road users, including dangerous driving, hooning, or driving under the influence of drugs or alcohol;**
- 3. Determine that vehicle speed of traffic along Sydney Street, Marine Parade and North Street is appropriate;**
- 4. Update the Town of Cottesloe Bike Plan with a focus on cyclist and pedestrian safety throughout Cottesloe;**
- 5. Include pedestrian safety in the Foreshore Redevelopment Plan;**
- 6. Review pedestrian crossings on Marine Parade with a view to improving the safety of the pedestrian crossings by;**
  - a. Installing plateaus and other traffic calming devices at the existing crossings; and**
  - b. Assessing the need for additional pedestrian crossings on Marine Parade.**
- 7. Investigate the possibility of slowing the approach to the Curtin Avenue and Marine Parade intersection from the north Curtin Avenue leg and encourage cyclists to use the middle of the circulating lane;**
- 8. Consider opportunities in the Foreshore Redevelopment Plan to create a lower speed environment between Forrest Street and Eric Street;**
- 9. Work with the Town of Mosman Park to petition the State Government to complete the Wellington Street extension, and will petition the State Government to fund an integrated traffic signal installation at the Victoria Street and Curtin Avenue intersection, pending the completion of the Wellington Street extension and the ultimate closure of the Victoria Street crossing;**
- 10. Work with the Town of Mosman Park to petition the State Government to complete the Curtin Avenue upgrade and, pending the completion of the upgrade, to proclaim Curtin Avenue as a Main Road or Highway; and**
- 11. To consider installing a traffic island on Curtin Avenue to prevent traffic turning right into Sydney Street, subject to consultation with affected residents.**

**Carried 7/2****For: Mayor Dawkins, Crs Rowell, Downes, Angers, Burke, Jeanes, and  
Birnbrauer****Against: Crs Pyvis and Walsh**



**10.4.6 REQUEST TO CONSTRUCT FORMAL PARKING BAYS ON NAPIER STREET VERGE – 118 BROOME STREET**

**File Ref:** PR51082  
**Attachments:** [Plan Proposed Verge Parking Napier Street Frontage of 118 Broome Street](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A request has been received for the formalisation of verge parking on the Napier Street frontage of 118 Broome Street. It is recommended that Council approve the request.

**BACKGROUND**

In response to continued parking problems on the verge of the Napier Street frontage to 118 Broome Street, the owners have requested permission to construct a formal parking facility. Council is requested to consider this request. A plan showing the proposed works is included in the attachments.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Council's Parking – Residential policy is ambiguous, so that it is not clear if Council is reserving the right to approve formal verge parking, nor whether Council supports the use of verges for permanent parking arrangements. It does appear that there is a general desire to limit formal verge parking arrangements.

**STATUTORY ENVIRONMENT**

The verge is under the care, control and management of local authorities through the *Local Government Act 1995*. Accordingly, the Town has the authority to approve or not approve the use of the verge for particular things, including the development of parking.

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

Nil

**STAFF COMMENT**

The desire to formalise the verge parking on the Napier Street frontage of 118 Broome Street, is in response to an existing problem. The subject land is already used for this purpose, in an informal way, resulting in degradation of the verge, and soil transfer into drains. It is relevant that, under the existing Local Law regimes, the property owners are allowed to park on this verge

The proposal, which was developed by a landscape architect on behalf of the property owners, will result in the 'tidying up' of the verge. While the plan will result in the removal of two or three Conifers, the overall streetscape should be enhanced by the plan. Included in the plan is additional turf and protection for the Peppermint Tree.

It is recommended that Council approve the proposed verge parking formalisation, as included in the attachments.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

The Mayor commented that, where possible, the Town should plant trees when creating new car parks and suggested that Town request the owners plant peppermint trees on the western side of the verge.

**OFFICER RECOMMENDATION**

Moved Mayor Dawkins, seconded Cr Angers

THAT Council approve the formalisation of verge parking on the Napier Street frontage of 118 Broome Street, in accordance with the plan included in the attachments.

**AMENDMENT**

Moved Mayor Dawkins, seconded Cr Angers

That the words "subject to the addition of two further trees" be added after the word "attachments".

Carried 5/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Birnbrauer, seconded Mayor Dawkins

**THAT Council approve the formalisation of verge parking on the Napier Street frontage of 118 Broome Street, in accordance with the plan included in the attachments subject to the addition of two further trees.**

Carried 9/0

**10.4.7 DIFFERENTIAL RATES**

**File Ref:** POL/5  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Wayne Richards  
**Finance Manager**  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider adopting a differential rating structure to allow for Local Public Notice to be given of its intention to raise a differential rate.

**BACKGROUND**

Council has historically funded the group known as ProCott, through the imposition of a differential rate on commercial properties in the Cottesloe Town Centre. ProCott, through an agreement with the Town are required to submit plans on how these funds will be used in the development and promotion of commercial activity within the Town Centre. To date, no other differential rate has been charged.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT****6.33. Differential general rates**

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
  - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*  
*or*
  - (b) *a purpose for which the land is held or used as determined by the local government;*  
*or*
  - (c) *whether or not the land is vacant land;*  
*or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
  - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
  - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*

- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

Section 6.36 of the Local Government Act 1995 provides for the requirement to advertise the intention to raise a differential rate.

### **6.36. Local Government to Give Notice of Certain Rates**

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35 (6) (c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2 (1).*

*[Section 6.2(1) requires a local government to adopt its budget by 31 August each year]*

- (3) *A notice referred to in subsection (1) —*
  - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
  - (b) *is to contain —*
    - (i) *details of each rate or minimum payment the local government intends to impose;*
    - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
  - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

### **6.35. Minimum payment**

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
  - (b) *50% of the number of properties in each category referred to in subsection (6),*  
*on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
  - (b) *the number of properties in each category referred to in subsection (6),*  
*unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
  - (b) *to land rated on unimproved value; and*
  - (c) *to each differential rating category where a differential general rate is imposed*

The Local Government (Financial Management Regulations) at Regulation 52A state;

**52A. Characteristics prescribed for differential general rates (Act s. 6.33)**

- (1) *In this regulation —*
- commencement day** *means the day on which the Local Government (Financial Management) Amendment Regulations (No. 2) 2012 regulation 5 comes into operation 1;*
- relevant district** *means a district that —*
- (a) *is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or*
  - (b) *has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.*
- (2) *For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —*
- (a) *whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);*
  - (b) *whether or not the land is situated in a particular part of the district of the local government.*

[Regulation 52A inserted in Gazette 29 Jun 2012 p. 2953.]

**FINANCIAL IMPLICATIONS**

The adoption of the indicative differential rate for advertising is a part of adopting the 2015/2016 budget, which has significant financial implications for the Town.

The rate in the dollar recommended for advertising indicates a 3.5% increase in rates. While Council is able to adopt the differential rate with modifications, it is generally accepted practice that the differential rate imposed should not be materially different from that which was advertised.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

A series of workshops will be held as a part of developing the 2015/2016 budget with staff and Councillors. These workshops will provide feedback that will allow for the development of the budget, although no decisions can be made at these workshops.

**STAFF COMMENT****General Differential Rate**

This is in effect the rate that applies to most of the rateable properties in the Town of Cottesloe. The advertised rate in the dollar represents a 3.5% increase from the 2014/2015 financial year and continues a long run of modest, but sustainable rate increases.

**Commercial Properties – Town Centre**

This category comprises all rateable land in the Cottesloe Town Centre, that is zoned Commercial in the Town of Cottesloe Town Planning Scheme. This rate in the dollar represents the general rate, plus the rate that is levied on behalf of ProCott – who use the funds in agreement with the Town – to promote and improve commercial activity within the Town Centre.

The differential rate is levied under the provisions of 6.33(1)(a).

The increase in the proposed differential rate to be advertised of 3.5% consists of two components. The first is as a result of the increase in valuations that have occurred throughout the year. This occurs when a property is subdivided or redeveloped in a way that changes its Gross Rental Valuation. This component is approximately 1.5%. In this way, if the rate in the dollar and minimum rate were not adjusted at all, the Town would receive an additional 1.5% in rates through increased valuations. The second part of the rate increase, 2%, is at the lowest end of the Reserve Bank's target band for inflation.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Birnbrauer, seconded Mayor Dawkins

**THAT Council advertise its intention to raise the following differential general rates and minimum rates for the 2015/2016 financial year;**

<b>Differential Rate Category</b>	<b>Rate in the \$</b>
<b>Differential General Rate (GRV)</b>	<b>0.054472</b>
<b>Differential Rate – Town Centre Commercial (GRV)</b>	<b>0.062990</b>

With the minimum rate for both categories being \$1,043.00.

Carried 9/0

**10.4.8 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2014  
TO 31 MARCH 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present the Statutory Financial Statements and other supporting information to Council for the period 1 July 2014 to 31 March 2015.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of Financial activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$386,012 or 4% more than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements.

Operating expenditure is \$242,091 more than year to date budget, most of this relating to higher depreciation charges due to new fair valuations on land and buildings owned by the Town. Capital expenditure, which is detailed on pages 30 to 33 of the attached Financial Statements, is \$777,238 or 43% more than year to date



budget. The main factor contributing to this is the \$256,584 costs for the development of the former Depot site.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 21 April 2015 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**10.4.9 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MARCH 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 March 2015, as included in the attached Financial Statements.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 24 of the attached Financial Statements shows a balance of \$12,616,507.37 as at 31 March 2015 which includes the proceeds from the sale of property i.e. Council's former Depot site. Approximately 36% of these funds were invested with Bankwest, 26% with National Australia Bank, 19% with the Commonwealth Bank of Australia and 19% with Westpac Banking Corporation.

The Schedule of Loans on page 25 of the attached Financial Statements shows a balance of \$5,147,372.01 as at 31 March 2015. Included in this balance is \$256,620.19 that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 March 2015. These schedules are included in the meeting of the Works and Corporate Services Committee on 21 April 2015.**

**Carried 9/0**

**10.4.10 LIST OF ACCOUNTS PAID FOR THE MONTH OF MARCH 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the list of accounts paid for the month of March 2015, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 21 April 2015.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The list of accounts paid for the month of March 2015 is included on pages 12 to 20 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$52,858.14 & \$52,828.43 to Perthwaste Green Recycling for waste collection services
  - \$395,081.67 to the Department of Fire and Emergency Services for Council's instalment of ESL levies
  - \$30,344.28 & \$30,344.28 to Surf Life Saving WA for the monthly life saving contract
  - \$30,211.50 & \$32,983.50 to Claremont Asphalt for various asphalt works
-

- \$224,801.73 & \$104,305.51 to WA Treasury Corporation for loan repayments
- \$43,359.80 to NCH Australia Pty Ltd for the purchase of stainless steel bollards
- \$1,800,000.00 & \$1,800,000.00 to Bankwest being new term deposits
- \$1,800,000.00 & \$102,500.00 to the National Australia Bank being new term deposits
- \$1,800,000.00 to Westpac Bank for a new term deposit
- \$1,800,000.00 to the Commonwealth Bank of Australia for a new term deposit
- \$450,000.00 to the National Australia Bank being a transfer to Council's Investment account
- \$90,651.67 & \$86,324.52 to Town of Cottesloe staff for fortnightly payroll

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council receive the list of accounts paid for the month of March 2015 as included in the attached Financial Statements, as submitted to the 21 April 2015 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**10.4.11 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MARCH 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 April 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 31 March 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 21 April 2015.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 26 and 27 of the attached Financial Statements shows a total balance outstanding of \$127,255.91 as at 31 March 2015. Of this amount, \$54,777.00 relates to a non current loan debtor with a community organisation, and of the remaining balance, \$34,597.33 is under sixty days old with the balance of aged debtors being \$37,881.58.

The Rates and Charges Analysis on page 28 of the attached Financial Statements shows a total balance outstanding of \$486,810.93 as at 31 March 2015 of which \$185,293.94 and \$90,658.38 relates to deferred rates and outstanding emergency

services levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statement shows rates outstanding as a current asset of \$372,434 as compared to \$453,461 this time last year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Mayor Dawkins**

**THAT Council receive the Sundry Debtors and Rates and Charges Analysis Report as at 31 March 2015 as submitted to the 21 April 2015 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

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

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 09:32 PM.

CONFIRMED MINUTES OF 28 April 2015 PAGES 1 – 78 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....